

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF BUTTE

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3 **FIRST AMENDED MEMORANDUM OF BUTTE COUNTY SHERIFF-CORONER**  
4 **SHERIFF KORY L. HONEA TO THE BUTTE COUNTY SUPERIOR COURT**  
5 **REGARDING POLICIES AND PROCEDURES OF THE BUTTE COUNTY JAIL**  
6 **INTENDED TO MITIGATE THE SPREAD OF COVID-19 AS OF APRIL 6<sup>th</sup> 2020.**  
7

8 The COVID-19 pandemic poses a significant threat to the health and wellbeing of all  
9 citizens of Butte County, including those housed within the Butte County Jail. Due to the design and  
10 inherent security issues common to all correctional facilities, inmates are often in close proximity to  
11 other inmates and staff. It is recognized that an outbreak of COVID-19 within the jail population  
12 could have serious consequences for inmates and staff. The Butte County Sheriff's Office (BCSO)  
13 takes this threat seriously and has implemented the following policies and procedures in an effort to  
14 prevent and/or mitigate the spread of COVID-19 within the confines of the jail facility. These  
15 policies and procedures seek to protect the inmate population from exposure to COVID 19, while  
16 simultaneously serving the interests of justice by striking an appropriate balance between the health  
17 and wellbeing of inmates and overall public safety concerns.

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19 **I.**

20 **MODIFICATION OF BUTTE COUNTY JAIL CONSENT DECREE**

21 The Butte County Jail continues to be operated under a Consent Decree (Butte County  
22 Superior Court case 84429.) On March 20<sup>th</sup>, 2020, the Butte County Superior Court authorized a  
23 stipulated agreement executed between the Butte County Sheriff's Office and defendant's  
24 counsel, Sally Anderson. The operative provisions of the agreement are as follows:  
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1 a. BCSO corrections supervisors may authorize incoming non-violent felony and  
2 misdemeanor arrestees to be released on a signed promise to appear, provided those  
3 arrestees are exhibiting signs and symptoms of COVID-19; or are 65 years-of-age or  
4 older; or, due to pre-existing health conditions, are at an increased risk of developing  
5 complications if infected with COVID-19. This provision has been utilized and will  
6 continue to be utilized when appropriate.

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8 b. BCSO corrections supervisors may authorize the release of sentenced or pre-sentenced  
9 inmates who are exhibiting signs and symptoms of COVID-19; those 65 years-of-age or  
10 older; or, those who due to pre-existing health conditions, are at an increased risk of  
11 developing complications if infected with COVID-19.

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13 c. BCSO corrections staff may utilize existing release programs, such as the Sheriffs Work  
14 Alternative Program (SWAP), Alternative Custody Supervision (ACS), Sheriff's Parole,  
15 and/or the use of GPS ankle bracelets, as appropriate, to monitor and account for  
16 released inmates.

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18 d. In all cases, prior to conducting discretionary releases, correctional staff will balance  
19 any public safety risk posed by releasing particular inmates with the interests of  
20 reducing the risk of a COVID-19 outbreak in the jail.  
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II.

**BCSO HAS TAKEN STEPS TO REDUCE THE BUTTE COUNTY JAIL POPULATION**

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4 Reducing the jail population contributes to mitigating the risk of COVID-19 infection  
5 amongst inmates and staff. However, public safety concerns need to be carefully balanced with  
6 concerns for the health and wellbeing of inmates. In service of that objective, protective  
7 measures, discussed below, have been implemented to mitigate the threat of COVID 19 within  
8 the jail as it is not reasonable or legally defensible to cause the early release of inmates who pose  
9 an increased risk to public safety under the current circumstances. The overall population of the  
10 jail is assessed daily, by BCSO correctional staff who have a great deal of experience assessing  
11 risk and balancing these important interests.

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13 Since the COVID-19 outbreak, the Butte County Jail has reduced the average daily  
14 population from approximately 560 inmates, to approximately 500 inmates. This represents an  
15 11% reduction in the average daily population of the Butte County Jail. Furthermore, given the  
16 jail's maximum capacity of approximately 600, the jail is currently operating approximately  
17 18% below maximum capacity. This trend is expected to continue during the pendency of the  
18 COVID 19 crisis, due to the implementation of the following procedures:

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20 a. Corrections staff, subject to direction contained within the Consent Decree, will evaluate  
21 the appropriateness of releases based on numerous factors, to include: The serious of the  
22 crime(s) committed, including the use or threatened use of violence or weapons, past  
23 criminal history, past failures to appear, percentage of sentence served and the  
24 likelihood that criminal activity will continue if released.  
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1 b. Corrections staff will take into consideration potential release situations involving  
2 inmates with documented mental health problems, and / or those with a lack of housing  
3 stability, as those issues may affect recidivism along with the safety of the public and  
4 jail population. In some cases, inmates displaying the aforementioned challenges may be  
5 kept in custody. If released, some inmates would likely represent a risk to themselves  
6 and the community by a reduced access to medical care, lack of a residence or other  
7 stable place to shelter within and the inability to provide basic necessities for  
8 themselves, such as food, shelter and clothing. Furthermore, habitual offenders who are  
9 repeatedly booked and released pose a greater risk of infecting the facility due to  
10 numerous outside contacts between booking cycles.

11 **III.**

12 **BCSO HAS OBTAINED A COURT ORDER AUTHORIZING FIELD OFFICERS TO ISSUE**  
13 **CITATIONS ON MISDEMEANOR ARREST WARRANTS ENDORSED FOR**  
14 **MANDATORY ARREST**  
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16 On March 24<sup>th</sup>, 2020, BCSO obtained an order from the Butte County Superior Court  
17 authorizing all peace officers within the state to issue citations to appear, rather than requiring a  
18 physical arrest, on specifically endorsed misdemeanor arrest warrants previously issued by the  
19 Butte County Superior Court.  
20

21 a. "Mandatory appearance" and "no-cite" orders accompanying some misdemeanor arrest  
22 warrants are generally due to multiple failures to appear, rather than any issues affecting  
23 public safety. Many of those previously arrested on said "no-cite" warrants are  
24 subsequently cited to appear from the jail due to the provisions of the Consent Decree.  
25

1 b. Permitting officers to issue the citations in the field will reduce the number of inmates  
2 who are booked at the Butte County Jail, which, in turn reduces the risk of a COVID-19  
3 outbreak within the jail population. Furthermore, implementing such changes will  
4 reduce the burden on the court system, which is currently operating in an extremely  
5 limited capacity.

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7 c. Public safety risks have been considered. All officers would remain bound by the  
8 requirements of Penal Code § 827.1, which requires the physical arrest for misdemeanor  
9 warrants issued for crimes of violence, along with concerns related to continued criminal  
10 conduct or the subject's identity.

11 **IV.**

12 **BCSO HAS IMPLEMENTED ENHANCED SCREENING PROCEDURES FOR INCOMING**  
13 **INMATES**

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15 Arrestees brought to the Butte County Jail by all agencies will be evaluated by jail medical  
16 staff in the sally-port area prior to the arrestee entering the facility. Jail medical staff will check  
17 the arrestee's temperature, along with asking them a series of questions designed to assess their  
18 risk level for carrying COVID-19, along with the identification of pre-existing health conditions  
19 which would place the arrestee at a higher risk of COVID-19 complications.

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21 Arrestees deemed unfit for entry into the facility are addressed in the manner provided for  
22 within the stipulated amendment to the Consent Decree, which may include the inmate being  
23 released on citation to appear for a non-violent felony or misdemeanor, or transportation to a  
24 medical facility.  
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1 As of April 6<sup>th</sup>, 2020, in response to updated Centers for Disease Control and Prevention  
2 (CDC) guidelines, the Butte County Sheriff's Office will require all arrestees who are brought to  
3 the Butte County Jail, wear a surgical-type mask prior to and during their stay in the booking  
4 area. Uncooperative inmates or inmates who otherwise refuse to wear a mask, will be segregated  
5 from the general booking area as reasonably practical.

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7 **V.**

8 **BCSO HAS ESTABLISHED POLICIES AND PROCEDURES FOR EVALUATING**  
9 **INMATES AND CORRECTIONS STAFF FOR COVID-19**

- 10 a. Inmates exhibiting signs and symptoms of COVID-19 may be isolated from other  
11 inmates and tested for infection. Testing is done in coordination with Butte County  
12 Public Health officials. To date, three (3) inmates have been tested - all of which  
13 returned negative for the presence of COVID-19.
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15 b. Jail medical staff take the temperature of correctional staff when they report for duty,  
16 along with discussing any possible exposures to COVID-19.
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18 c. In an effort to identify latent cases of COVID-19 infection within the inmate population,  
19 all inmates will have their temperature taken by medical staff on a weekly basis.  
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VI.

**BCSO HAS IMPLEMENTED ENHANCED CLEANING AND SANITATION ROUTINES  
WITHIN THE BUTTE COUNTY JAIL**

Additional cleaning supplies and personal protective equipment have been provided to inmate cleaning crews. Appropriate personal protective equipment and cleaning supplies have also been provided to BCSO staff, along with guidelines regarding proper cleaning and sanitation.

- a. Nine (9) hand sanitizing stations have been placed in various common areas of the Butte County Jail facility for inmate and staff use.

VII.

**BCSO AND THE BUTTE COUNTY SUPERIOR COURT HAVE COLLABORATED TO  
REDUCE INMATE CONTACT AND TRANSPORTATION**

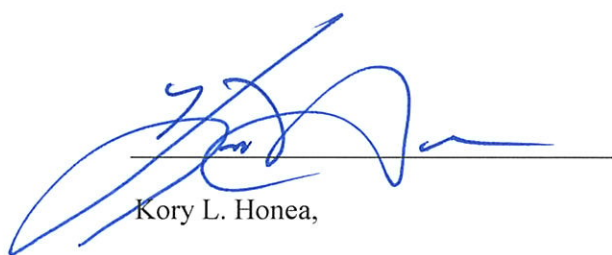
The following procedures have been implemented regarding jail and court operations. The purpose of the listed procedures is to reduce inmate contact with outside persons who may be infected COVID-19.

- a. Use of video appearances between inmates and the court.
- b. Suspension of non-attorney in-person visitation at the Butte County Jail. Jail inmates continue to receive postal mail, e-mail, and are permitted to make traditional telephone calls. Inmates are being provided thirty minutes of free calling per week so they can maintain contact with family and friends during the pendency of the COVID 19 situation.

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- c. Attorney visitation has been restricted to glass-partitioned rooms only.
  
- d. ACS day reporting center activities have been suspended. While the day reporting center is closed, ACS inmates residing outside of the jail facility will continue to be subject to monitoring and supervision by correctional staff.
  
- e. BCSO command staff and medical personnel will continue to evaluate the effectiveness of the policies and procedures and will make adjustments in accordance with the evolving nature of the COVID-19 situation.

4/6/2020  
Date

  
Kory L. Honea,  
Butte County Sheriff-Coroner