

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

F Superior Court of California F  
County of Butte  
MAR 23 2020  
Kimberly Fiener, Clerk  
By AB100 Deputy

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3 **ORDER OF THE PRESIDING JUDGE**  
4 **ADDENDUM TO MARCH 18, 2020 ORDER**  
5 **AFFECTING COURT OPERATIONS AND CALENDARS**

6 **I.**

7 **FACTUAL BACKGROUND**

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9 As of March 19<sup>th</sup>, 2020, The United States of America, The State of California and the County  
10 of Butte have declared a state of emergency due to the outbreak and spread of the novel coronavirus  
11 (COVID-19) pandemic. COVID-19 remains a clear and present health and safety threat to the public at  
12 large, as well as the population of inmates and staff within the Butte County Jail.

13 Public health officials have recommended persons aged 65 years and older, and those with  
14 existing medical conditions which would cause them to be at high risk for complications of COVID-  
15 19, remain at home and isolate themselves from other persons.

16 The Butte County Jail houses over 500 inmates, most of whom, due to the nature of county  
17 jails, are housed in close proximity to each other and staff. The Butte County Jail is equipped with a  
18 minimal number of medical treatment cells – only three of which are equipped with a negative airflow  
19 system. Any outbreak of COVID-19 within the jail population has a substantial probability of spreading  
20 quickly, rapidly overwhelming the resources of correctional staff, jail medical staff and causing an  
21 enormous impact upon local hospitals and medical facilities.

22 Furthermore, as a result of the COVID-19 pandemic, many Superior Courts in California have  
23 substantially reduced operations. The Butte County Superior Court has substantially limited court  
24 operations, as outlined in its orders dated March 18<sup>th</sup>, 2020 and March 22<sup>nd</sup> 2020.

25 On March 19<sup>th</sup>, 2020, Governor Newsom issued executive order N-33-20, which ordered all  
26 California state residents, other than those working in specified critical infrastructure sectors, to stay  
27 home or at their place of residence in order to mitigate the spread of the COVID-19 pandemic.  
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2 **II.**  
3 **REQUEST FOR ORDER STAYING PREVIOUS ORDERS TO BOOK AND HOLD**  
4 **MISDEMEANOR WARRANT ARRESTEES**

5 California Penal Code §827.1 provides, in part, that persons arrested for misdemeanor offences  
6 may be released upon the issuance of a citation, in lieu of physical arrest, unless one of a number of  
7 exceptions exist. One such exception is found in Penal Code §827.1(k), which reads, “The warrant of  
8 arrest indicates that the person is not eligible to be released on a citation.” In Butte County such  
9 endorsements are typically the result of one or more failures of the defendant to appear in court.

10 Under current practice and procedure, persons physically arrested on misdemeanor arrest  
11 warrants endorsed for “Mandatory appearance” or “May not be released on a citation to appear” within  
12 Butte County are booked at the Butte County Jail and typically issued a citation from the jail, or  
13 depending on the number of failures to appear and/or other factors, held until such an appearance may  
14 be made in court. Those arrested outside of Butte County are often held at the jail of the county where  
15 they are arrested pending notification to Butte County Sheriff requesting the Sheriff transport the inmate  
16 to the Butte County Jail.

17 The extraordinary circumstances resulting from the global COVID-19 pandemic has caused a  
18 substantial impact on law enforcement resources, the criminal justice system, the ability of courts to  
19 process criminal cases, along with present the urgent need to reduce jail populations to curb the spread  
20 of COVID-19 within the facilities. Permitting law enforcement to issue citations to misdemeanor  
21 warrant subjects when their warrants are otherwise endorsed, will reduce the burden on the court  
22 system, law enforcement and jail facility.

23 Law enforcement would remain bound by the requirements of Penal Code §821.7 (a) – (j),  
24 along with those outlined in Penal Code §843.6, which require the physical arrest of a misdemeanor  
25 warrant subject in specific scenarios, most of which address public safety issues, the subject’s  
26 propensity for violence and the ability to confirm the identity of the subject. However, due to the Butte  
27 County Jail consent decree and the related issues of overcrowding, many of the aforementioned  
28 misdemeanor arrestees are nevertheless cited to appear from the jail. It should be noted that nothing in  
this proposed order would remove the discretion of the arresting officer to arrest and transport an

1 arrestee to the Butte County jail if they fall into one of the categories outlined within Penal Code §821.7  
2 and/or Penal Code §843.6.

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4 **III.**  
**APPLICATION**

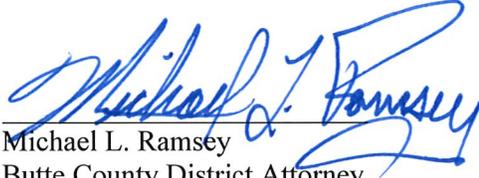
5 It is hereby requested any orders having previously been issued by this court to physically arrest  
6 misdemeanor warrant arrestees, such as those appearing in warrants which are endorsed “Mandatory  
7 appearance” or “May not be released on a citation to appear”, be temporarily stayed during the  
8 pendency of the declared State of Emergency issued by Governor Gavin Newsom on March 4, 2020 or  
9 upon further order of the court.

10 Butte County District Attorney Michael L. Ramsey has been advised on this proposed stay and  
11 concurs that it should be issued.

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14 DATE: 3/23/2020

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16 Kory L. Honea  
Butte County Sheriff-Coroner

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18 DATE: 3/23/2020

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20 Michael L. Ramsey  
Butte County District Attorney

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**ORDER**

IT IS HEREBY ORDERED that the court’s prior orders present on individual misdemeanor arrest warrants, directing law enforcement to physically arrest the subject, or endorsing the warrant as ineligible for citation or requiring a mandatory appearance, as outlined in Penal Code §821.7(k), be stayed during the pendency of the declared State of Emergency issued by Governor Gavin Newsom on March 4, 2020, or upon further order of the court.

This order staying the no-citation and mandatory appearance endorsements does not affect the validity of any other portion of the arrest warrant(s), nor does it waive any additional physical arrest requirements or prohibitions, such as those appearing Penal Code §821.7 et seq., and Penal Code §853.6 et seq.

DATE: March 23, 2020

Clare Keithley  
JUDGE OF THE SUPERIOR COURT