


<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Edward Medrano, Chief</p> 	<p>INFORMATION BULLETIN</p>	
<p><i>Subject:</i></p> <p>COVID-19 and Statutory Authority Under Government Code Section 8658</p>	<p><i>No.</i></p> <p>2020-DLE-05</p> <p><i>Date:</i></p> <p>4/14/2020</p>	<p><i>Contact for information:</i></p> <p>Edward Medrano, Chief Division of Law Enforcement (916) 210-6300</p>

TO: ALL COUNTY SHERIFFS AND PROBATION OFFICERS

The COVID-19 pandemic continues to threaten the lives and livelihoods of all those in California and the United States. As you make plans with your local court and public health officials for the protection for your staff and for those in custody and confinement, this bulletin acts as a reminder of your authority under Government Code section 8658. Section 8658 provides that in responding to any existing or imminent emergency endangering the lives of inmates in any county jail, juvenile detention center, or other correctional institution:

[T]he person in charge of the institution may remove the inmates from the institution. He shall, if possible, remove them to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if that is not possible, may release them.

There is no requirement in the statute that such removal or transfer of inmates be made pursuant to a court order. Section 8658 further provides civil or criminal immunity for acts performed under the statute.

The statute was enacted as part of the Emergency Services Act in 1970. In passing the Act, the Legislature recognized the authority of the state and its political subdivisions to “mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state.”

Section 8658 is just one potential measure available to respond to the concerns raised by the COVID-19 pandemic within confinement facilities, and there are health and safety measures that can and should be employed within such facilities regardless of whether it becomes necessary to employ Section 8658 at a particular facility. It is also advisable to determine the potential impact of the application of Section 8658 on the health and safety of both confined individuals, and the general public, before exercising the authority provided for in that section.