

DEC 15 2021

**BRENDA L. McCORMICK**  
Executive Officer and Clerk

By: [Signature], Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA



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IN THE MATTER OF THE APPLICATION )  
BY VENTURA COUNTY SHERIFF BILL AYUB )  
FOR AUTHORIZATION TO DEFER REMANDS )  
AND REQUEST OTHER JUDICIAL )  
CONSIDERATION RELATING TO PUBLIC )  
HEALTH CONCERNS SURROUNDING THE )  
COVID-19 CORONAVIRUS )

ORDER

This matter having been presented to the court by the Sheriff of Ventura County ("Sheriff"), the court makes the following findings and orders.

The Court, having been presented with a declaration from Commander Mark Franke of the Ventura County Sheriff's Office, which outlines the public health threats and concerns associated with the coronavirus (Covid-19), the Court hereby finds that the threat of a Covid-19 infection presents a substantial danger to inmates and other personnel in the Ventura County Jails, including the East Valley Jail, Todd Road Jail, and Pre-Trial Detention Facility (collectively "Jail").

1 The Court further finds that the Sheriff has undertaken steps,  
2 pursuant to his authority as the operator of the Jail, to limit  
3 the potential impact of Covid-19 as described in the attached  
4 declaration of Commander Mark Franke which is incorporated by  
5 reference herein.

6

7 Based on the foregoing, and good cause appearing therefor, the  
8 Court hereby orders as follows:

9

10 The Sheriff shall reschedule jail remands for the purpose of  
11 reducing the likelihood of infection of Covid-19 in the Jail as  
12 follows: Persons who present themselves to the Sheriff as  
13 ordered to begin a jail sentence between the dates of December  
14 15, 2021, six weeks after the date the governor lifts the state  
15 of emergency in California, shall be ordered to return to  
16 present themselves on a later date, to be determined by the  
17 Sheriff but in no event later than six weeks past their assigned  
18 remand date. Persons whose remand date has been rescheduled in  
19 this manner may later seek adjustments to the newly assigned  
20 remand date from this Court, should the need arise, by putting  
21 their cases on calendar in courtroom 12. All completed  
22 rescheduling forms shall bear the case number of the matter for  
23 which the defendant has been remanded, and the Sheriff shall  
24 file each such completed form with the court as soon as  
25 practicable after its completion.


26

27 Nothing in this order shall preclude the Sheriff from requesting  
28 an extension of this order should the threat to public health

1 remain at a critical level. However, such a request shall  
2 require a new declaration from the Sheriff and a new order from  
3 this Court.

4  
5 In addition, the Court finds good cause to provide judicial  
6 consideration in the bail and own recognizance matters  
7 considered by a sitting or on-call Magistrate during this 30-day  
8 period. This Court shall communicate to the appropriate  
9 Magistrates, Commissioners and Judges Pro Tem, the seriousness  
10 of the situation and request their discretion in granting the  
11 release of those arrestees that do not pose an unreasonable  
12 threat to public safety.

13  
14 Dated: December 15, 2021

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18 \_\_\_\_\_  
19 Bruce Young, Presiding Judge  
20 Superior Court, County of Ventura

1 IN THE MATTER OF THE APPLICATION ) Declaration of  
2 BY VENTURA COUNTY SHERIFF Bill Ayub ) Commander Mark Franke  
3 FOR AUTHORIZATION TO DEFER REMANDS )  
4 AND REQUEST OTHER JUDICIAL )  
5 CONSIDERATION RELATING TO PUBLIC )  
6 HEALTH CONCERNS SURROUNDING THE )  
7 CORNOAVIRUS COVID - 19 )

8  
9 I, Mark Franke, am a Commander for the Ventura County Sheriff's  
10 Office and the Facility Administrator of the Pre-Trial Detention  
11 Facility and have been designated to sign this declaration for  
12 Assistant Sheriff Rob Davidson of the Detention Services  
13 Division of the Ventura County Sheriff's Office.

14  
15 I am qualified to make this declaration to the Court by virtue  
16 of my training and experience, as well as my contact and  
17 interaction with experts in the areas of medicine and  
18 communicable diseases.

19  
20 I have 27 years of law enforcement experience and have served in  
21 the custody environment at every rank during my career. I have  
22 received extensive training in the area of Detention Services  
23 Administration, as well as advanced training in evaluating and  
24 addressing large scale incidents and threats to public safety.

25  
26 The Ventura County Sheriff's Office Detention Services  
27 Divisional staff and I have monitored the recent developments  
28 concerning the coronavirus epidemic (Covid-19) with concern. I

1 have maintained daily contact with Wellpath, the Sheriff's Jail  
2 Medical Provider, in order to evaluate the risks posed to the  
3 inmate population and jail staff, who are, by the nature of the  
4 work, in close and constant proximity to inmates.

5

6 On March 4, 2020, California Governor Newsom declared a state of  
7 emergency in California. Between March 4, 2020 and today  
8 (December 15, 2021), I have been informed of the increasing  
9 level of risk posed by Covid-19 to our facilities. I have been  
10 personally briefed by Dr. Heather Huffman, the Medical Director  
11 for Wellpath, concerning the global and local spread and dangers  
12 of Covid-19. Dr. Huffman is a licensed physician and possesses  
13 a graduate degree in Medicine. Dr. Huffman maintains contact  
14 with Ventura County Public Health and coordinates with them on  
15 public health issues and responses which affect the jail. This  
16 coordination is regular and not the result of the current  
17 crisis.

18

19 Based on these briefings, I declare as the appointed  
20 representative of the Detention Services Division that Covid-19  
21 poses a real and substantial threat to the staff and inmates  
22 within our facilities. I base this declaration on the following  
23 information.

24

25 The spread of Covid-19 is rapid and geometric in nature.  
26 Ventura County currently has 47 presumptive positive cases of  
27 Covid-19 and according to Dr. Huffman and Public Health; this  
28 number is likely to multiply exponentially in the coming days

1 and weeks. Covid-19 is easily transmitted between human hosts.  
2 Of particular importance, it has been widely reported that  
3 asymptomatic people could be unknowingly spreading the virus to  
4 large numbers of people; thus increased screening of arrestees  
5 will be of limited value and effectiveness. Additionally, due to  
6 the physical structure of the county jail facilities and the  
7 size of the inmate population, it is extremely difficult to meet  
8 all of the social distancing recommendations made by the Center  
9 for Disease Control and Public Health Agencies.

10

11 I have personal knowledge that the nature of the inmate  
12 population within Ventura County makes them particularly at risk  
13 for Covid-19. While the inmates conveyed to the Sheriff's  
14 custody are representative of the population as a whole, it is  
15 greatly skewed toward the lower end of the socio-economic scale.  
16 Individuals from this portion of society tend not to take  
17 advantage of publicly available health care for acute  
18 conditions, let alone preventative care. The reasons for this  
19 are many and varied and include substance abuse and mental  
20 illness. The net result of this situation is that the inmates in  
21 the Sheriff's care tend to suffer from conditions which  
22 compromise their immune systems.

23

24 Because many inmates are immune compromised, Dr. Huffman has  
25 informed me that the spread of Covid-19 within the custody  
26 environment would be fast paced and potentially more lethal than  
27 what is being experienced in the general public.

28

1 Additionally, the staff members in our facilities are also at  
2 increased risk of infection based on their contact with inmates.  
3 The spread of Covid-19 among our staff would result in large  
4 scale use of sick time as infected persons would be ordered to  
5 stay away from the workplace. This would result in a serious  
6 and dangerous condition inside our jails as reduced staffing  
7 levels would result in a struggle to cope with overcrowded and  
8 potentially panicky inmates.

9  
10 Several administrative steps have already been taken to address  
11 the threat posed by Covid-19. By virtue of the authority  
12 granted under Title 15, Section 1012 of the California Code of  
13 Regulations, the Ventura County Sheriff's Office has suspended  
14 all public visits at the Todd Road Jail and will likely expand  
15 that to the Pre-Trial Detention Facility based on the mass  
16 inmate population testing that is occurring today, to be  
17 reviewed every two weeks. The Ventura County Sheriff's Office  
18 has also ordered that all other visits, including attorney  
19 visits, be non-contact during this 14 day period whenever  
20 possible. These orders will be reassessed for continuation  
21 every two weeks. All Sheriff's staff are wearing personal  
22 protective equipment within the jail facilities to aid in  
23 preventing the transmission of the virus from staff to inmates.

24  
25 Medical protocols have been put into place to identify anyone  
26 exhibiting symptoms of Covid-19. Upon detection, the inmate or  
27 staff member will be identified, isolated and treated. In the  
28 case of staff, they shall be ordered to leave the facility and

1 seek medical care from their personal physician or public health  
2 as appropriate.

3  
4 All of these responses have been implemented after careful and  
5 thoughtful consultation with Dr. Huffman and other jail medical  
6 staff. It is the opinion of Dr. Huffman that limiting and  
7 rescheduling the number of inmates entering the jail, will help  
8 to reduce the danger of infection to inmates and staff.

9  
10 I am requesting the Court make an order authorizing the  
11 Sheriff's Office to reschedule jail remands that have been  
12 assigned remand dates between December 15, 2021, and the date  
13 Governor Newsom lifts the state of emergency.

14  
15 On April 15, 2020, the Court approved the deferral of remands  
16 arriving for their sentences between April 15, 2020 and six  
17 weeks after the state of emergency was lifted. I have created a  
18 form, herein incorporated and attached as exhibit A that will  
19 provide anyone reporting the Ventura County Jail will be served  
20 a copy of this form. This form will be completed with the name,  
21 date of birth and case number of each remand and shall assign  
22 them a new remand date six weeks in the future. The form will  
23 direct any remand needing a modification of the newly assigned  
24 remand date to calendar themselves in an appropriate court for  
25 consideration. A member of my staff will sign the form, as will  
26 the remand to provide proof of service. A copy of the form  
27 shall be retained by the jail and provided to a designated court  
28 staff member.



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I am also requesting the Court take judicial notice of the administrative actions taken by our custody facilities; as these actions will temporarily impact the ability of defense attorneys to have contact visits with their clients as well as other professionals who may be conducting mental health evaluations and other business as ordered by the Court. These actions will only limit the nature of the contact and will not interfere with clearly recognized and acknowledged access to the inmate/client.

Additionally, I respectfully request the Court consider the impact of the spread of COVID-19 in the jail population when making decisions regarding bail and own recognizance matters during this state of emergency. It is my hope and request that those arrestees who do not pose a serious threat to the public, or are not required held in custody by statute, can be released and assigned a court date. This request is made respectfully and acknowledging the Court's commitment to public safety in this county.

I further declare that the information presented in this declaration is personally known to me and that I have learned this information in the course and scope of my duties as a sworn peace officer in the State of California. I further declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Dated: December 15, 2021, County of Ventura

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Respectfully submitted,

FRANKE

Mark Franke, Commander  
Ventura County Sheriff's Office

Read this 15<sup>th</sup> day of December, 2021, at 9:13 C A.M. / P.M.

Bruce Young

Bruce Young, Presiding Judge  
Ventura County Superior Court

# COURT REMAND ORDER

THIS IS AN IMPORTANT LEGAL DOCUMENT

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_

CASE NUMBER(S): \_\_\_\_\_

By order of the Superior Court of the County of Ventura, your remand date is being changed. You are now ordered to return to the Ventura County Jail to begin your jail sentence on the date and time indicated below. If you believe you have good cause to request a change in the date marked below, you must return to court and request a modification of your new remand date. Failure to appear on the date/time marked below will result in a warrant being issued for your arrest.

**YOU MUST REMAND YOURSELF TO THE VENTURA COUNTY SHERIFF TO BEGIN YOUR JAIL SENTENCE ON \_\_\_\_\_, \_\_\_\_\_ AT \_\_\_\_\_ AM/PM**

I \_\_\_\_\_, certify that this form was served on the above  
(Senior Deputy Name / ID#)

named defendant on \_\_\_\_\_ at \_\_\_\_\_ A.M./P.M.

-----  
I am the defendant named above. I acknowledge receipt of this form.

\_\_\_\_\_  
Signature of Defendant

Distribution:    White – Legal Unit    Pink – Defendant    Yellow - CIR