

Santa Clara County Law Enforcement Agencies
Comparison of 647(f) Processes

Type of Form Used	Prosecution Process Utilized by Agency	Arrest Method
Palo Alto Felony Affidavit Only	Prosecution is sought after the 5th arrest. At this time, the case is referred to the District Attorney's Office for prosecution who will then prosecute all five cases. As part of the prosecution, a restraining order may be sought to keep the habitual individual away from the problem area.	Booked at County Jail
Mountain View Automatic Field Reporting (automated process)	Prosecution is sought after the 5th arrest. At this time, the case is referred to the District Attorney's Office for prosecution who will then prosecute all five cases. As part of the prosecution, a restraining order may be sought to keep the habitual individual away from the problem area.	Booked at County Jail
Los Altos County Drunk in Public Report Form or Crime Report	Prosecution is sought after the 5th arrest. At this time, the case is referred to the District Attorney's Office for prosecution who will then prosecute all five cases. As part of the prosecution, a restraining order may be sought to keep the habitual individual away from the problem area.	Booked at County Jail
Santa Clara County Drunk in Public Report Form or Crime Report	Not every case if referred to the District Attorney's Office for prosecution. Left to the discretion of the arresting officer	Booked at City Jail, unless too combative or too intoxicated
Sunnyvale County Drunk in Public Report Form or Crime Report	Prosecution is sought after the 5th arrest. At this time, the case is referred to the District Attorney's Office for prosecution who will then prosecute all five cases. As part of the prosecution, a restraining order may be sought to keep the habitual individual away from the problem area.	Booked at County Jail
Milpitas Crime Report only	Automatically Referred for Prosecution	Booked at County Jail

Note: Cities of Cupertino and Saratoga contract public safety services to the Sheriff's Office and therefore follow their 647(f) process.

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Campbell	County Drunk in Public Report Form or Crime Report	Automatically Referred for Prosecution	Booked at County Jail
Los Gatos	County Drunk in Public Report Form or Crime Report	Automatically Referred for Prosecution	Booked at County Jail
Morgan Hill	Crime Report only	Prosecution is sought after the 5th arrest. At this time, the case is referred to the District Attorney's Office for prosecution who will then prosecute all five cases. As part of the prosecution, a restraining order may be sought to keep the habitual individual away from the problem area.	Booked at <u>City Jail</u> and held for 6 hours, then released with a criminal citation
Gilroy	County Drunk in Public Report Form or Crime Report	Prosecution is sought after the 5th arrest. At this time, the case is referred to the District Attorney's Office for prosecution who will then prosecute all five cases. As part of the prosecution, a restraining order may be sought to keep the habitual individual away from the problem area.	Booked at City Jail and held until sober. Suspect given criminal citation or released under 647 (g)
Sheriff's Office	County Drunk in Public Report Form or Crime Report	Automatically Referred for Prosecution	Booked at County Jail
San Jose	County Drunk in Public Report Form or Crime Report	Automatically Referred for Prosecution	Booked at County Jail

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