



**OTTO LEE**  
COUNTY SUPERVISOR • DISTRICT 3



May 12, 2025

Dear City of San José Leaders:

As County leaders, we share the City's commitment to addressing the homelessness crisis facing the City and communities across Santa Clara County. We believe urgent and collective action is needed to expand housing solutions and drive real change. However, as leaders responsible for key aspects of oversight and management of our county's criminal justice system, we are writing to share an important perspective on the City's potential adoption of new criminal penalties on our homeless residents.

In March of this year, the Mayor announced a policy to arrest people experiencing homelessness who decline offers of shelter three times within an 18-month period. Last Thursday, the Mayor announced a subsequent proposal to create a dedicated unit within the San José Police Department to handle enforcement of the shelter-refusal policy.

In public statements, the Mayor has stated that a trespassing arrest made under this policy would be considered a nonviolent misdemeanor. We want to ensure you are aware that individuals arrested for nonviolent misdemeanor charges are subject to mandatory cite and release under the Penal Code, with very limited exceptions. If law enforcement officers opt to bring these individuals to the County jail for booking rather than citing and releasing them in the field, state law prohibits the County from holding them in custody. Moreover, arresting and releasing individuals for low-level offenses does not advance public safety. In fact, it diverts our already limited public safety resources away from enforcement efforts that keep our communities safe.

We ask that you consider the impacts that these additional unnecessary and ineffective arrests and bookings will have on our community's criminal justice system. At a time of tremendous budgetary challenges, City policies should not divert limited public safety resources to address what is ultimately a problem caused by the lack of affordable housing in our cities.

The County, District Attorney, and Sheriff's Office remain active and committed partners in addressing homelessness in the City of San José and protecting our residents' safety. This year alone, the County has invested more than \$300 million in San José to support homelessness prevention, temporary shelter, and permanent housing solutions. Prevention services are a critical part of the County's overall strategy, which has helped keep more than 30,000 people housed since 2020. In addition, the County delivers critical behavioral health services through its clinics, mobile response teams, and 9-8-8 hotline every day.

Each of us always remains open to working with the City on productive, timely solutions that help protect public safety and deliver services, shelter, and housing solutions for those in need.

Sincerely,

Otto Lee, President  
Board of Supervisors

DocuSigned by:  
**Jeff Rosen**  
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Jeffrey F. Rosen  
District Attorney

Robert Jonsen  
Sheriff

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