



Grant Colfax, MD
Director of Health

Susan Philip, MD, MPH
Acting Health Officer

MEMORANDUM & LETTER ORDER

DATE: March 4, 2021, revised March 18 and 24, 2021

TO: San Francisco County Jails

FROM: Susan Philip, MD, MPH, Acting Health Officer

SUBJECT: **Health Officer Order:** Mandatory COVID-19 Monitoring Testing for All Personnel at the San Francisco County Jails

This Health Officer Order mandates that all jail facilities in or operated by the City and County of San Francisco (the “City”) require their Personnel receive monitoring testing for SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (“COVID-19”), and that all personnel of such jail facilities participate in such testing. Initially capitalized terms have the meanings listed below in this Order. This Order has been revised on March 18, 2021 and March 24, 2021.

Basis of Order

This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, the Regional Stay At Home Order issued by the California Department of Public Health on December 3, 2020, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

As of March 4, 2021, COVID-19 has tragically claimed the lives of over 53,000 people in California and many more worldwide. As of March 1, 2021, there were 34,207 confirmed cases of COVID-19 in the City (up from 37 on March 16, 2020, the day before the first shelter-in-place order in the City went into effect) as well as at least 423 deaths (up from a single death on March 17, 2020). This information, as well as information regarding hospitalizations and hospital capacity, is regularly updated on the San Francisco Department of Public Health’s website at <https://data.sfgov.org/stories/s/fjki-2fab>. Local COVID-19 cases increased substantially since early November 2020. San Francisco is currently averaging 62 new COVID-19 positive cases per day compared to the 34 per day that it averaged in late October.

In light of the recent surge of COVID-19 cases nationwide and in the Bay Area, the public health

community is very concerned about continued widespread transmission, particularly among incarcerated persons and jail personnel.

Based on evidence for the epidemic to date, it is widely accepted that prisons and jails can be epicenters of COVID-19 transmission in the United States. A recent study conducted by Stanford University researchers, in collaboration with researchers at the Yale School of Medicine (“Stanford Study”), found that COVID-19 is spreading faster in United States’ jails and prisons than it did on the Princess Diamond cruise ship or at the pandemic’s outbreak in Wuhan, China (see Puglisi LB, Malloy GSP, Harvey TD, Brandeau ML, Wang EA, Estimation of COVID-19 Basic Reproduction Ratio in a Large Urban Jail in the United States, *Annals of Epidemiology* (2020), doi: <https://doi.org/10.1016/j.annepidem.2020.09.002>). The Stanford Study concluded that outbreaks of COVID-19 in correctional facilities will continue and community rates of infection will not decrease unless jails are a central focus of public health strategies to mitigate the spread of the epidemic, stating in relevant portion that such “measures would include widescale testing in jails inclusive of correctional officers.” In addition, it has been reported that incarcerated people in California have a mortality rate 1.7 times higher than other California residents, showing that they are already at higher risk.

At this point in the global pandemic, the seriousness of the virus that causes COVID-19 is clear. The virus is easily transmitted indoors, especially in congregate living settings. It is easy for the virus to be transmitted between and among Personnel or incarcerated persons, including by those without symptoms (asymptomatic people) or those with mild symptoms. Most COVID-19 infections are caused by people who don’t have any symptoms. And there can also be a delay between contracting the virus and having symptoms, and it is possible to transmit the virus during this pre-symptomatic period. Correctional facilities, including the jails in the City and County of San Francisco, are potential hot spots for COVID-19 because social distancing is not always possible.

For all of these reasons, it is imperative that all jail Facility Personnel be tested for SARS-CoV-2 in order to help prevent and control any outbreaks. This Order accordingly requires testing of those entering Jail Facilities at the frequency described below until this Order is revised or repealed.

Order

Under the authority of California Health and Safety Code Sections 101040, 101085, and 120175, I, as the Health Officer of the City and County of San Francisco, am requiring that each jail Facility listed below that is in or operated by the City and County of San Francisco implement a program requiring its Personnel to receive regular ongoing and routine monitoring testing for the virus that causes COVID-19 and that all such Personnel participate in such testing, as follows:

1. For the duration of this Order, all Personnel who work at or enter a Facility must submit to testing, as outlined in this Order (“Testing” or a “Test”), for SARS-CoV-2, the virus that causes COVID-19, as directed by the Facility, and each Facility must offer regular testing for its Personnel (but is not required to offer Testing every day of the week). Personnel may alternatively receive a test required by this Order through a City-provided and approved testing site that provides the results to the City, which at

the time of the issuance of this Order can be accessed online at <https://home.color.com/covid/sign-up/start?partner=sfdph>. No other provider or source of Testing may be used for purposes of meeting this Order's requirements without the written agreement of the Health Officer or the Health Officer's designee. The Facility must require such Testing of Facility Personnel on an ongoing basis as outlined in this Section 1. Such Testing may be performed on a rolling basis.

All people, including all Personnel, who have not had a Test in the timeframe required by this Section 1 are prohibited from entering any Jail Facility until such time as a Test is conducted. The person requesting entry may receive the Test at the time of entry to the Facility if such resources are available.

Testing must occur on the timeframe designated by the San Francisco Department of Public Health ("SFPDH") consistent with this paragraph. There are generally two types of Testing that may be utilized, diagnostic nucleic acid amplification testing (including both polymerase chain reaction, or PCR, testing and loop-mediated amplification, or LAMP, testing—collectively, "Nucleic Acid Testing") or antigen testing, and each has different requirements. Any testing method utilized onsite at any Jail Facility is subject to approval of Jail Health Services in consultation with the Health Officer or the Health Officer's designee, and the testing methods and testing cadence may change over time. The requirements listed in this paragraph may be revised by the Health Officer or the Health Officer's designee without revision to this Order so long as the revised requirements are communicated to the San Francisco Sheriff's Office and Jail Health Services.

For each of Nucleic Acid Testing and antigen Testing, a person must have received the type of Test within the preceding number of days as designated by SFPDH and in the manner designated by SFPDH. Antigen Testing may include periodic Nucleic Acid Testing if required by SFPDH.

2. SARS-CoV-2 reinfection is quite uncommon during the 90 days following an initial infection. Thus, testing is not required for asymptomatic Personnel who had a positive COVID-19 test result or diagnosis within the preceding 90 days. After that 90-day period, the requirement for Testing applies. If such a member of the Facility's Personnel develops new symptoms suggestive of COVID-19 at any time, such member must contact a physician or other appropriate clinician to assess the need for testing, other diagnostic measures, or isolation.
3. All Testing must be done using tests that are approved or have emergency use authorization ("EUA") for diagnosis by the United States Food and Drug Administration (the "FDA").
4. Any member of Facility's Personnel who is directed by the Facility to have a Test must allow the Test to be performed in the manner directed by the Facility in coordination with SFPDH. The refusal by any member of a Facility's Personnel to be tested is a violation of this Order.
5. The results of the required Tests must be provided to the City. The City must

- document the Test results in a secure and confidential manner and may only share the results as allowed or required by law.
6. No member of the Facility's Personnel may come to work or otherwise enter the Facility's premises after receiving a positive Test result or if the person has COVID-19 symptoms except as allowed by written or other guidance issued by SFDPH regarding allowing someone to return to work after a positive Test result. A list of symptoms is available online at www.sfdcp.org/covid19symptoms. If a member of the Facility's Personnel is awaiting a Test result based on either (a) having symptoms associated with COVID-19 that are new or not explained by another condition or (b) being a close contact of someone with a confirmed SARS-CoV-2 infection (go to www.sfdcp.org/screening-handout for information about what constitutes a close contact), that person may only come to work or otherwise enter the Facility's premises as allowed by written or other guidance issued by SFDPH. Written SFDPH guidance regarding testing and related isolation and quarantine is available online at www.sfdcp.org/i&q.
 7. Until further notice, this requirement for Testing includes Personnel who have received any number of doses of a COVID-19 vaccine.
 8. This Order requires Personnel to comply with Facility infection control and other protocols based on the results of any Test, including as directed by SFDPH, as outlined in written SFDPH guidance, or as outlined by CDPH or CDC guidance. This includes, by way of example and without limitation, isolation and quarantine.

Facilities and Personnel Subject to this Order

For purposes of this Order, the term "Facility" or "Jail Facility" includes all buildings that house City and County of San Francisco jails, including 475 7th St., and the main building in San Bruno located at 1 Moreland Dr, San Bruno, California. Should the San Francisco Sheriff's Office house incarcerated persons at the County Jail 3 Annex building at San Bruno, that building will also be included in the definition of "Facility." "Facility" does not include any location at the Zuckerberg San Francisco General Hospital campus.

This Order applies to all Jail Facilities until the Order is revised or rescinded by the Health Officer.

For the purposes of this Order, the terms "Personnel," "Jail Facility Personnel," and "Facility Personnel" mean any employee of the City or City contractor, whether paid or unpaid, full-time or part-time, who performs any work onsite at a Facility. For purposes of clarity, "Personnel" includes but is not limited to City employees of the following departments: San Francisco Sheriff's Office; Jail Health Services; Department of Public Health; Real Estate; Public Defender's Office; and any other City department.

Effective Date and Duration of Order

This Order becomes effective immediately on its issuance and will continue to be in effect until

the Order is rescinded, superseded, or amended in writing by the Health Officer or the termination of the local health emergency related to COVID-19, whichever is earlier. The confidentiality-related provisions of this Order will continue to be in effect until revised in writing by the Health Officer. A Jail Facility may not exclude Personnel or others from the Facility based on the requirements of this Order until March 29, 2021.

Severability

If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and to this end, the provisions of this Order are severable.

* * *

I appreciate your help and support in protecting the residents of the City and County of San Francisco as well as the Personnel and incarcerated persons at the City's jails. For any additional questions about this Order, please contact the SFDPH Communicable Disease Control at (415) 554-2830.

IT IS SO ORDERED:



Susan Philip, MD, MPH,
Acting Health Officer of the
City and County of San Francisco

Dated: March 4, 2021, as revised
March 18, 2021 and March 24, 2021

cc: Grant Colfax, MD, Director of Health
Julie Van Nostern, Deputy City Attorney