



## HEALTH OFFICER ORDER NO. 21-02

### ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA DIRECTING ALL ALAMEDA COUNTY SHERIFF'S OFFICE EMPLOYEES WORKING IN SANTA RITA JAIL TO COMPLY WITH NEW COVID-19 TESTING REQUIREMENTS

DATE OF ORDER: March 1, 2021

*Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, et seq.; Cal. Penal Code §§ 69, 148(a)(1))*

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA ("HEALTH OFFICER") ORDERS:**

1. That the Alameda County Sheriff implement a COVID-19 testing program for all ACSO employees working in Santa Rita Jail. Baseline screening testing of all ACSO employees working in Santa Rita Jail must be completed by March 29, 2021. All ACSO employees working in Santa Rita Jail must be retested for COVID-19 14 days after the initial baseline testing, and again every 14 days thereafter while this Order remains in effect. Testing may be staggered across different days to facilitate implementation, as long as each staff member is tested every 14 days. The Health Officer may order increased testing frequency if circumstances change.
2. That, beginning on April 12, 2021, the Sheriff provide a monthly report to the Public Health Department that will allow the Public Health Department to confirm that the testing requirements in Paragraph 1 have been met.
3. That the testing provider use a nucleic acid amplification test. Records of results, if kept, must be treated as confidential medical information.
4. Individuals lawfully entitled to a reasonable accommodation for a qualifying disability or medical restriction under the ADA or FEHA, or for sincerely held religious beliefs, may request an exemption from the testing requirement. Requests for an exemption are subject to denial if it would pose a direct threat to the health and safety of others or place an undue hardship on the ACSO.
5. For purposes of this Order, the terms "ACSO employees working in Santa Rita Jail" means those ACSO employees who are assigned to work in Santa Rita Jail. It does not



include Sheriff's Office employees assigned elsewhere, but who visit the jail from time to time.

6. The primary intent of this Order is for Alameda County to slow the spread of COVID-19, prevent illness and death, and mitigate the impact on delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
7. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; evidence of asymptomatic and pre-symptomatic transmission by respiratory aerosols and droplets; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the outbreak of the COVID-19 disease in the public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, direct or indirect interpersonal interactions can result in preventable transmission of the virus.
8. Correctional and detention facilities are among the most challenging environments to manage and prevent the spread of COVID-19. Each person with COVID-19 in a correctional or detention facility represents a risk to the health and safety of all inmates and staff in the facility. Broad-based testing at all correctional and detention facilities is recommended by the County Public Health Department and by the CDC. The use of mandatory COVID-19 screening testing of staff at detention facilities to diagnose asymptomatic and presymptomatic COVID-19 is one component of a comprehensive strategy and is intended to be used in conjunction with a number of other prevention and mitigation activities already in place.
9. Scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission to help (a) protect the inmates at Santa Rita Jail; (b) prevent the health care system from being overwhelmed; (c) prevent long-term chronic health conditions that may result from severe cases of COVID-19, such as cardiovascular, kidney, and respiratory damage and loss of limbs from blood clotting; and (d) prevent



deaths. This Order is necessary to slow the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled.

10. Santa Rita Jail is a congregate living facility, similar to Long Term Care Facilities, such as nursing homes and skilled nursing facilities, which have been subject to staff testing requirements since June 2020. Because of the nature of their interactions, the residents and staff who live and work in Santa Rita Jail are at higher risk of contracting and spreading the disease caused by COVID-19. The collective efforts taken to date regarding this public health emergency have slowed the virus' trajectory, but the emergency and the attendant risk to public health including at the jail remain significant. Indeed, during the course of the pandemic, there have been multiple outbreaks within Santa Rita Jail. As of February 24, 2021, there are 79,930 confirmed cases of COVID-19 in the County and 1218 deaths. Santa Rita Jail has had 544 confirmed cases among inmates and 109 among staff.
11. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the restrictions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress in countering the spread of COVID-19 in the County and in Santa Rita Jail in particular; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.
12. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
13. This Order adopts more stringent requirements addressing the particular facts and circumstances within Santa Rita Jail, which are necessary to control the public health emergency as it is evolving within the County and the Bay Area. Without this tailored set of requirements for Santa Rita Jail, scientific evidence indicates that the spread of COVID-19 in Santa Rita Jail will increase, worsening the public health crisis in the County, consuming available health care resources, and increasing the death rate. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls.
14. This Order shall become effective at 8:00 a.m. on March 1, 2021 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.



15. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.
  
16. If any provision of this Order or its application to any person or circumstance is held to be invalid, 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 effect. To this end, the provisions of this Order are severable.

**IT IS SO ORDERED:**

A handwritten signature in black ink, appearing to read "N. J. Moss", written over a light gray circular stamp.

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Nicholas J. Moss, MD, MPH  
Health Officer of the County of Alameda

March 1, 2021

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Dated March 1, 2021