



Grant Colfax, MD
Director of Health

Susan Philip, MD, MPH
Health Officer

MEMORANDUM & LETTER ORDER

DATE: August 20, 2021

TO: San Francisco Juvenile Probation and Juvenile Justice Center Juvenile Hall, including its Personnel and Visitors

FROM: Susan Philip, MD, MPH, Health Officer

SUBJECT: **Health Officer Order:** Mandatory COVID-19 Monitoring Testing for All Personnel and Visitors at the San Francisco Juvenile Justice Center Juvenile Hall (Juvenile Probation Department building only)

This Health Officer Order mandates that San Francisco Juvenile Probation Department, as operator of the Juvenile Justice Center Juvenile Hall (the Juvenile Probation Department building only, referred to in this order as the “Juvenile Hall”, and not the courthouse building), operated for the City and County of San Francisco (the “City”), require all Personnel at Juvenile Hall and any Visitors—as outlined in this Order—receive monitoring Testing for SARS-CoV-2, the virus that causes Coronavirus Disease 2019 (“COVID-19”), and that all such Personnel and Visitors participate in such Testing. The Health Officer or the Health Officer’s designee (collectively referred to in this Order as the “Health Officer”) will notify Juvenile Probation or Juvenile Probation’s designee, as well as the San Francisco Unified School District (“SFUSD”) and the Superior Court for the City and County of San Francisco (the “Superior Court”), in writing of the cadence of such Testing, whether Testing includes all people (Personnel and Visitors) or just people who are not Fully Vaccinated, and other requirements related to Testing. Changes to the Testing cadence, who is required to be Tested, and other Testing requirements will be communicated to Juvenile Probation, SFUSD, and the Superior Court in the same manner. This Order also requires all Personnel at Juvenile Hall comply with Health Officer directives related to isolation and quarantine. Initially capitalized terms have the meanings listed below in this Order. This Order goes into effect immediately on issuance, and its Testing requirements are operative at 12:01 a.m. on Friday, August 27, 2021. (Note that the July 26, 2021 State Public Health Officer Order referenced below has a compliance deadline of August 23, 2021, to the extent that its requirements are applicable at Juvenile Hall.) This Order also makes clear that Juvenile Hall is a High-Risk Setting for purposes of Health Officer Order No. C19-07, including as that order is updated in the future.

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 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, San Francisco Health Officer Order No. C19-07, the July 26, 2021 State Public Health Officer Order (available online at www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx), the August 19, 2021 State Public Health Officer Order (available online at www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Correctional-Facilities-and-Detention-Centers-Health-Care-Worker-Vaccination-Order.aspx), and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented in the future. But this Order also functions independent of those emergency proclamations and other actions, and if any State, federal, or local emergency declaration, or any State or federal order or other guidance, is repealed, this Order remains in full effect in accordance with its terms (subject to the language regarding the Order's duration below).

As of August 20, 2021, COVID-19 has tragically claimed the lives of over 64,000 people in California and many more worldwide. As of August 15, 2021, there were over 44,000 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 575 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 City's website at sf.gov/resource/2021/covid-19-data-and-reports. The City, as well as the rest of California and the United States, is experiencing a fourth wave of infection due to the Delta variant. And future surges may occur due to other variants.

Based on evidence for the epidemic to date, it is widely accepted that prisons, jails, and other congregate living situations such as Juvenile Hall can be epicenters of COVID-19 transmission in the United States. A study conducted by Stanford University researchers, in collaboration with researchers at the Yale School of Medicine (the "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." Also, 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. The same logic applies to facilities that detain young people such as Juvenile Hall, and the July 26, 2021 State Public Health Officer Order referenced above expressly includes detention facilities like Juvenile Hall as High-Risk Settings that are subject to certain requirements regarding vaccination ascertainment, masking, and testing.

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 unvaccinated Personnel, Visitors, or detained persons, including by those without symptoms (asymptomatic people) or those with mild symptoms. There are documented cases of the Delta variant breaking through vaccination, both causing infections among people who are Fully Vaccinated and potentially allowing those people to infect others. The same may be true for future variants. 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. Congregate living facilities, including Juvenile Hall, are at high risk for transmission and outbreaks because social distancing is not always possible and because not all minors are eligible to receive a vaccine against COVID-19.

For all of these reasons, it is imperative that all Juvenile Hall Personnel and Visitors, as designated by the Health Officer, be Tested for SARS-CoV-2 to help prevent and control any outbreaks. Accordingly, this Order requires Juvenile Probation (as operator of Juvenile Hall) and any entity or department that provides services at Juvenile Hall ensure that Personnel and Visitors are Tested in the manner and at the frequency described below and that such Personnel and Visitors who enter Juvenile Hall allow Testing to occur, 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, require that Juvenile Probation (as operator of Juvenile Hall) and any entity or department that provides services at Juvenile Hall implement a program requiring that Personnel and Visitors as designated by the Health Officer receive regular ongoing and routine monitoring Testing for the virus that causes COVID-19 and that all such Personnel and Visitors participate in such Testing, as follows:

1. This Order requires Juvenile Probation (as operator of Juvenile Hall) to implement a program requiring all Juvenile Hall Personnel and Visitors to submit to testing for SARS-CoV-2 (a “Test” or “Testing”, including being “Tested”) as outlined in this Order, requires any entity or department that provides services at Juvenile Hall to ensure that its own Personnel and Visitors are Tested as directed by this Order and by the operator of Juvenile Hall, and requires all such Personnel and Visitors to participate in such Testing.

The Health Officer will notify Juvenile Probation or Juvenile Probation’s designee, as well as SFUSD and the Superior Court, in writing of a) which Personnel and Visitors must be Tested (such as all people or only people who are not Fully Vaccinated as outlined in this Order), b) the cadence of that Testing (such as once a week or twice a week), and c) any other requirements or details regarding Testing. All Testing must occur as outlined in that notice. The Health Officer may update such notice as pandemic conditions warrant. The notice will include the date by which any changes to the scope and cadence of Testing must occur. Note that the July 26, 2021 State Public Health Officer Order referenced above has a testing requirement for workers who are not Fully Vaccinated for High-Risk Settings such as detention facilities like

Juvenile Hall, and it requires compliance with its requirements by August 23, 2021.

For the duration of this Order, all Personnel and Visitors who work at or enter Juvenile Hall and meet criteria listed in the notice provided under this Section 1 must submit to Testing as directed by the operator of Juvenile Hall, and Juvenile Probation must offer or ensure regular Testing for those Personnel (but is not required to offer Testing every day of the week).

For Personnel and Visitors who are onsite at Juvenile Hall at least once a week, Testing must occur as listed in this paragraph. Such Testing may occur in any of the following manners: 1) onsite or at a location designated by the Health Officer in coordination with Juvenile Probation; 2) through a City-provided and approved Testing site that provides the results to the City (or department or entity), 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>; or 3) otherwise with the written agreement of the Health Officer. Juvenile Probation must require such Testing of Juvenile Hall Personnel on an ongoing basis as outlined in this Section 1, and for non-City employees, Juvenile Probation may reach an agreement with other entities (such as the Superior Court or San Francisco Unified School District), in coordination with the Health Officer, regarding how such Personnel are to regularly attest to Testing. The Health Officer is authorized by this Order to require confirmation or disclosure of information by anyone or any entity related to Testing required by this Order. Such Testing may be performed on a rolling basis. Regular Visitors may receive testing as agreed to between Juvenile Probation and the Health Officer as outlined in the following paragraph (meaning Testing done in the 48 hours prior to arrival) to the extent that Testing is not done onsite when Visitors arrive.

For Personnel and Visitors who are onsite at Juvenile Hall less than once a week, Testing must occur as listed in this paragraph. Testing must be done such that the Test is conducted and the results are available in the 48 hours before arrival at Juvenile Hall, with the person showing proof of a negative Test result at the time of entry to Juvenile Hall. Such proof can include showing the Test result, such as printout or a portal or application on a mobile device showing the date of testing, which lab or company performed the test, the name of the tested person, and the result of the test to Personnel at the Juvenile Hall entrance. That Testing can be done in advance of arrival by utilizing the Testing options listed in the prior paragraph so long as results are obtained prior to arrival at Juvenile Hall or may be done by another vendor or healthcare provider. The operator of Juvenile Hall does not need to keep a copy of such Testing results but must confirm the result and track that it confirmed a negative Test result for that person at the time of entry. If such Personnel or Visitor is unable to have Testing done and obtain Testing results in the 48 hours prior to arrival at Juvenile Hall, then they must conduct Testing as outlined in the prior paragraph, but this last-minute Testing should be an option of last resort.

All people who do not comply with this Order's Testing requirements, including Personnel and Visitors who are required to be Tested and who have not had a Test in the timeframe listed in the notice provided by the Health Officer, are prohibited from

entering Juvenile Hall until such time as a Test is conducted. All people requesting entry who are required to be Tested by this Order must provide evidence of Testing or, if such resources are available, may receive the Test at the time of entry to Juvenile Hall. In addition, anyone who receives a positive Test as provided in Section 6 is prohibited from entering Juvenile Hall except as allowed by Section 6. All Personnel at Juvenile Hall are also required to provide other information as required by Section 7 of this Order.

Testing must occur on the timeframe designated in the written notice by the Health Officer consistent with this paragraph. There are generally two common 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 may have different requirements. Other Testing types may be used with written approval of the Health Officer. Any Testing method utilized onsite at Juvenile Hall or at a location designated for Testing is subject to approval of Juvenile Probation in consultation with the Health Officer, and the Testing methods and Testing cadence may change over time. For each type of Nucleic Acid Testing and antigen Testing, Personnel must have received the type of Test in the manner as designated by the Health Officer. Antigen Testing may include periodic confirmation by Nucleic Acid Testing if required by the Health Officer. The requirements listed in this paragraph regarding Testing may be revised by the Health Officer without revision to this Order so long as the revised requirements are communicated in writing to Juvenile Probation or Juvenile Probation’s designee as well as SFUSD and the Superior Court.

2. SARS-CoV-2 reinfection has been quite uncommon during the 90 days following an initial infection. Unless the Health Officer provides written notice to the contrary in the manner outlined in Section 1, Testing is not required for asymptomatic people who had a positive COVID-19 Test result or diagnosis within the preceding 90 days and have since recovered from COVID-19. After that 90-day period, the requirement for Testing again applies. In order to forego Testing during that 90-day period, the person seeking to avoid Testing must provide confirmation of the prior infection through showing proof of a positive Test result or other letter from a licensed healthcare professional attesting to the SARS-CoV-2 infection.

If such a member of Juvenile Hall’s Personnel or a Visitor develops new symptoms suggestive of COVID-19 at any time, such person must refer to the latest COVID-19 isolation health directive (available online at www.sfdph.org/directives) and follow the requirements detailed there, including as that directive is updated in the future. The Health Officer may provide written notice as outlined in Section 1 in order to revise the Testing requirements during the 90 days following an initial infection based on changes to our understanding of SARS-CoV-2 infections, and such revision does not require a written amendment of this Order.

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”), consistent with Health Officer direction under Section 1.

4. Any member of Juvenile Hall's Personnel, as well as any Visitor, who is directed by the operator of Juvenile Hall to have a Test must allow the Test to be performed in the manner directed by Juvenile Hall in coordination with the Health Officer. The refusal by any member of Juvenile Hall's Personnel or Visitors to be Tested is a violation of this Order.
5. The entity performing the Testing for the City (or the entity coordinating Testing under this Order) must report the results of the required Tests to the City (or to the entity coordinating the Testing as authorized by the Health Officer under this Order), and Personnel and Visitors are required to facilitate reporting of the results to the City (or to that entity). Any entity or department other than Juvenile Probation that provides services at Juvenile Hall must provide Juvenile Probation with sufficient information to confirm that such entity or department's Personnel have been Tested as required by this Order, but that does not require disclosure of any specific information other than positive Test results and information confirming that Personnel have been Tested as required by this Order. The City or other entity required by this Order to conduct Testing 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 Juvenile Hall's Personnel may come to work at Juvenile Hall or otherwise enter Juvenile Hall after receiving a positive Test result or if the person has COVID-19 symptoms except as allowed by written or other guidance issued by the Health Officer or SFDPH regarding allowing someone to return to work after a positive Test result. Similarly, Visitors are prohibited from entering the Facility after receiving a positive Test result or if they have COVID-19 symptoms except as allowed by written or other guidance issued by the Health Officer or SFDPH. A list of symptoms is available online at www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html. If a member of Juvenile Hall'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.sfdph.org/healthorders and locate Health Officer Order No. C19-07, including as that order is amended in the future, for information about what constitutes a close contact), that person may only come to work or otherwise enter Juvenile Hall as allowed by written or other guidance issued by the Health Officer or SFDPH. Similarly, anyone who is Fully Vaccinated and has symptoms that are new or not explained by another condition may not enter Juvenile Hall except in accordance with applicable written or other guidance issued by the Health Officer or SFDPH, including the latest COVID-19 isolation health directive (available online at www.sfdph.org/directives), should contact a healthcare provider as described in that directive, and should be tested before returning to Juvenile Hall. Written SFDPH guidance regarding Testing and related isolation and quarantine is available online at www.sfdcp.org/i&q. Personnel, when in the City or working at Juvenile Hall, are otherwise required to comply with the Health Officer's directives regarding quarantine and isolation, which are available online at www.sfdph.org/directives.
7. For a person to be considered Fully Vaccinated under this Order, that person must meet both criteria listed in this Section 7.

First, a person is not Fully Vaccinated until 14 days after completing the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization. For example, as of the date of issuance of this Order, an individual would be Fully Vaccinated at least 14 days after receiving a second dose of the Pfizer or Moderna COVID-19 vaccine or 14 days after receiving the single dose Johnson & Johnson's Janssen COVID-19 vaccine.

Second, the person must provide their employer (or Juvenile Probation) with evidence of vaccination. For City employees, the information must be reported as outlined by the COVID-19 Vaccination Policy issued by the City and County of San Francisco Department of Human Resources on June 23, 2021, including any future revisions to that policy. For Personnel who are not City employees, the same vaccination status information must be provided to Juvenile Probation (or must be provided to the person's employer/organization, which in turn must certify to Juvenile Probation compliance with all requirements for obtaining evidence of vaccination for that person), which includes the following: the type of vaccine obtained (for example, Moderna, Pfizer, or Johnson & Johnson's Janssen); date of first dose of vaccine; date of second dose of vaccine for a 2-dose vaccine; a declaration under penalty of perjury that the person has been fully vaccinated; and documentation verifying proof of vaccination status (a copy of the CDC Covid-19 Vaccination Record Card, documentation of vaccine from the person's healthcare provider, documentation issued by the State of California available by going to myvaccinerecord.cdph.ca.gov, or documentation issued by another State, local, or foreign governmental jurisdiction). For City employees, the information required by this section may be maintained by the City (such as by the Department of Human Resources) rather than by Juvenile Probation. For Personnel who are not City employees, this Order does not require that Juvenile Probation keep details regarding vaccination or a copy of documentation verifying proof of vaccination status so long as Juvenile Probation confirms that the person has provided the required information to Juvenile Probation or to the person's employer/organization. Note that the August 19, 2021 State Public Health Officer Order referenced above has a vaccination requirement for certain workers in correctional facilities and detention centers like Juvenile Hall, and it requires compliance with its requirements by October 14, 2021.

8. This Order requires Personnel to comply with Juvenile Hall infection control and other protocols based on the results of any Test, including as directed by the Health Officer or SFDPH, as outlined in written SFDPH directives or other guidance, or as outlined by CDPH or CDC guidance. This includes, by way of example and without limitation, isolation and quarantine.
9. For clarity, Juvenile Hall is a "High-Risk Setting" pursuant to Section 1(m) of Health Officer Order No. C19-07, including as that order is amended in the future, and is subject to that order's rules regarding High-Risk Settings.

Facilities and Personnel Subject to this Order

For purposes of this Order, the term Juvenile Hall means all parts of the building located at 375 Woodside Ave. in San Francisco that is operated by the City's Juvenile Probation Department, meaning the building where certain minors are detained and reside, but excluding the separate courthouse operated at that same location by the Superior Court.

This Order applies to Juvenile Hall and all Personnel who work there and all Visitors to Juvenile Hall until the Order is revised or rescinded in writing by the Health Officer.

For the purposes of this Order, the term "Personnel" means any employee of the City, any City contractor, any employee of the Superior Court, any volunteer, any employee of SFUSD, and any other person who goes onsite at Juvenile Hall to perform work or service, whether paid or unpaid, full-time or part-time. For clarity, "Personnel" includes, but is not limited to, City employees of the following departments: San Francisco Police Department; Jail Health Services; Behavioral Health Services; Department of Public Health; Juvenile Probation; Real Estate; Public Defender's Office; Child Protective Services; and any other City departments. Any City employee or other person who enters and remains inside Juvenile Hall, even if only for a short period, such as to provide intake information to Juvenile Probation for purposes of the arrival of a new resident, is included in the definition of Personnel.

For the purposes of this Order, the terms "Visitor" and "Visitors" mean anyone who seeks to visit Juvenile Hall as who is neither Personnel nor a minor who is residing at Juvenile Hall. For clarity, "Visitors" includes but is not limited to any family member of a person residing at Juvenile Hall and any other person who is allowed to visit anyone at Juvenile Hall.

Effective Date and Duration of Order

This Order goes into effect immediately on issuance, and its Testing requirements are operative at 12:01 a.m. on Friday, August 27, 2021. (Note that the July 26, 2021 State Public Health Officer Order referenced above has a compliance deadline of August 23, 2021, to the extent that its requirements are applicable at Juvenile Hall.) This Order will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer or the termination by the Health Officer 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.

Severability

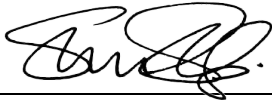
If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and to this end, the provisions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

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I appreciate your help and support in protecting the residents of the City and County of San

Francisco as well as the Personnel, Visitors, and people who reside at Juvenile Hall. 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,
Health Officer of the
City and County of San Francisco

Dated: August 20, 2021

cc: Grant Colfax, MD, Director of Health
Julie Van Nostern, Chief Attorney, Health & Human Services, City Attorney's Office