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GAVIN NEWSOM
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DATE: April 3, 2020

TO: All California Sheriffs
Adult Facility Managers
Police Chiefs with TH/TI Facilities

FROM: Linda Penner, Chair, Board of State and Community Corrections

SUBJECT: COVID-19, ADDITIONAL GUIDANCE TO ADULT FACILITIES

This memorandum is to encourage local sheriffs, police chiefs with Type I facilities, and all adult facility managers to collaborate with local public health officials and contracted healthcare providers to update healthcare policies and procedures specifically to address COVID-19. It also provides information about the process the BSCC will use in reviewing subsequent requests to continue the emergency suspension of regulations.

REGULATION SPECIFIC TO COMMUNICABLE DISEASE

For purposes of planning and complying with the Board's minimum standards in the context of COVID-19, please review section 1206.5 of Title 15 of the California Code of Regulations:

CCR 15 § 1206.5 Management of Communicable Diseases in a Custody Setting

(a) The responsible physician, in conjunction with the facility administrator and the county health officer, shall develop a written plan to address the identification, treatment, control and follow-up management of tuberculosis and other communicable diseases. The plan shall cover the intake screening procedures, identification of relevant symptoms, referral for a medical evaluation, treatment responsibilities during incarceration and coordination with public health officials for follow-up treatment in the community. The plan shall reflect the current local incidence of communicable diseases which threaten the health of inmates and staff.

(b) Consistent with the above plan, the health authority shall, in cooperation with the facility administrator and the county health officer, set forth in writing, policies and procedures in conformance with applicable state and federal law, which include, but are not limited to:

- (1) the types of communicable diseases to be reported;
- (2) the persons who shall receive the medical reports;
- (3) sharing of medical information with inmates and custody staff;
- (4) medical procedures required to identify the presence of disease(s) and lessen the risk of exposure to others;

- (5) medical confidentiality requirements;
- (6) housing considerations based upon behavior, medical needs, and safety of the affected inmates;
- (7) provisions for inmate consent that address the limits of confidentiality; and,
- (8) reporting and appropriate action upon the possible exposure of custody staff to a communicable disease.

The health administrator/responsible physician, in cooperation with the facility administrator and the local health officer, shall develop written policies and procedures to address the identification, treatment, control and follow-up management of communicable diseases. The policies and procedures shall address, but not be limited to:

- (a) intake health screening procedures;
- (b) identification of relevant symptoms;
- (c) referral for medical evaluation;
- (d) treatment responsibilities during detention;
- (e) coordination with public and private community-based resources for follow-up treatment;
- (f) applicable reporting requirements; and,
- (g) strategies for handling disease outbreaks.

The policies and procedures shall be updated as necessary to reflect communicable disease priorities identified by the local health officer and currently recommended public health interventions.

We would urge you to collaborate with your local public health office and contracted healthcare providers to develop policies and procedures for addressing COVID-19. In doing so, you may wish to consider policies and procedures that do the following:

- Provide for regular cleaning and disinfection of frequently touched surfaces in the facility consistent with public health guidelines.
- Train staff and incarcerated persons on identification and prevention of COVID-19.
- Provide staff and persons held in the facility with easy access to handwashing facilities, hand sanitizers, wipes and the ability to request the sanitization of surfaces.

- Assure that medical and other staff have protective clothing, gloves, masks and other equipment.
- Implement social distancing of 6 feet between persons in the facility in conformity with public health guidelines.
- Implement procedures for staff and visitors going into or out of the facility to prevent inadvertent transmission in the facility or out in the community.
- Procedures should include temperature check and screening questions. Often this includes asking if the person or anyone in their household has experience shortness of breath, fever, or cough in the last 24 hours (or up to 14 days, depending on facility risk factors).
- Implement a plan for safe re-entry of people being released from the facility.
- In consideration that many facilities have suspended in-person visitation, make available, and increase access to, no-cost phone calls and video calls if available (i.e. Skype, Zoom, FaceTime) to facilitate contact between youth and their family/support persons. If equipment is shared, be sure to disinfect between uses.
- Continue to counteract the negative effects of any increased time in rooms or cells by providing access to tablets, laptops, games, books, video exercise programs and other individual activities; provide significant time out of rooms or cells for recreation and outdoor time through time phasing activities; and consider wellness and mental health checks for persons traumatized or fearful of the pandemic. If equipment is shared, be sure to disinfect between uses.
- Continue to collaborate with public health and healthcare providers to develop and implement medical isolation plans and plans for transportation to an appropriate facility if they cannot be properly isolated or treated in the facility

For additional resources, please consider the following information: <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#>

DELAYS IN COURT PROCEEDINGS - CONSIDERATION OF ALTERNATIVES

On March 28, 2020, the Judicial Council of California approved temporary, emergency measures to extend certain court deadlines related to criminal and juvenile proceedings. Recognizing that court processes may be delayed, there may be an increased need for facilities to consider alternatives to custodial detention. **Please note: the BSCC will not approve the use of a Type I facility to detain people longer than 96 hours.** Departments should continue to review the circumstances of each person in custody to determine whether an alternative to custody is appropriate and available.

SUSPENSION OF REGULATIONS WILL BE REVIEWED BY THE BOARD CHAIR EVERY TWO WEEKS

Facilities are reporting the status of suspended regulations to the BSCC daily. Facilities have implemented a variety of efforts to mitigate the impact of the suspended regulations. Suspension of the Title 15 regulations will be reviewed by the BSCC Board Chair every 15 days. The Chair evaluates the circumstances of each request to determine whether a suspension of regulations is warranted. On March 27, the Chair reviewed all of the requests for suspension of regulations in juvenile and adult facilities, and where requested, approved the suspensions for another 15 days, through April 11, 2020. BSCC Field Representatives are in regular contact with Facility Managers to respond to questions about suspensions, offer technical assistance, and discuss alternative means of compliance and methods to mitigate the potential impacts of suspensions. As the COVID-19 crisis continues, there will be an expectation that facilities will continue to adapt through the use of technology and will provide suitable alternatives to programming, education, recreation, religious observances, in-person visitation, and in-person legal consultation so that further suspensions of minimum standards will either not be necessary or will be substantially mitigated.

REVIEW OF BSCC COMMUNICATIONS TO THE FIELD

Guidance was sent on March 12, 2020 to all Chief Probation Officers and Sheriffs in response to Governor's Executive Order No. 25-20, and in consultation with the California Department of Public Health. The guidance urged facilities to consider the suspension of in-person visitation (except legal visits). <http://www.bscc.ca.gov/news/covid-19-and-bscc-reporting-requirements/>

TECHNICAL ASSISTANCE FROM THE BSCC

State and local correctional and public safety leaders are building on their longstanding partnership to protect public health and safety in the context of the COVID-19 crisis. BSCC Field Representatives have been and continue to be available at any time to assist with technical assistance to the counties. The Field Representatives will continue to be in contact to ensure facility managers have this information and to respond to any additional requests you may have.

Thank you,



LINDA PENNER

Chair