

# County of Santa Clara

Office of the County Executive

70 W. Hedding Street, East Wing, 11<sup>th</sup> Floor  
San Jose, California 95110



February 12, 2021

TO: Honorable Members of the Board of Supervisors  
Jeffrey V. Smith, M.D., J.D., County Executive

FROM: Ky Le, Deputy County Executive <sup>DS</sup>  
Nick Birchard, Deputy Chief Probation Officer  
Tim Davis, Assistant Sheriff  
Eureka C. Daye, PhD., MPH, MA, CCHP, Director, Custody Health Services  
George Han, MD, MPH, Deputy Health Officer

SUBJECT: Protocols to Prevent Transmission of COVID-19 in Custody Settings – Report #4

This is the Administration’s fourth off-agenda report regarding efforts to reduce and prevent the transmission of COVID-19 in Main Jail, the Elmwood Correctional Facility (Elmwood), Juvenile Hall and the William F. James Ranch (James Ranch). The last report was submitted on November 19, 2020.

Since the first report was provided over four months ago and the Health and Hospital Committee requested information about Silicon Valley De-Bug’s concerns for adults in custody (January 19, 2021, Item No. 10g), this report summarizes key actions taken to date and includes letters from Custody Health Services (CHS), the Sheriff’s Custody Bureau (Custody Bureau), and the Public Health Department (Public Health).<sup>1</sup> The attached letters respond to concerns under the purview of respective Departments, while this report summarizes how Departments are partnering to ensure the safety, health, and well-being of adults in custody (“adults”), youth in custody (“youth”) and staff.

- Public Health consults with and advises Department leaders, clarifies requirements specified in County and State Health Orders and recommends interventions such as frequency of testing for COVID-19.
- Custody Bureau is responsible for the operations, security, and cleanliness of Main Jail and Elmwood. In addition to ensuring that adults’ basic needs are met, Custody Bureau oversees programs and support services such as visitation and educational or vocational services. As part of the pandemic response, Custody Bureau is responsible for contact tracing, ensuring that inmates adhere to safety measures (e.g., wearing masks) and monitoring and enforcing staff compliance with safety measures.

<sup>1</sup> Link to Silicon Valley De-Bug’s report: [https://docs.google.com/document/d/1f5d4guOTefbx9SZf-o-N5\\_GED2bk\\_2raXiN-xoKpNs/edit](https://docs.google.com/document/d/1f5d4guOTefbx9SZf-o-N5_GED2bk_2raXiN-xoKpNs/edit)

- Custody Health is responsible for providing and coordinating medical and behavioral health services to adults and youth. As part of the pandemic response, Custody Health is responsible for implementing testing programs for adults, youth and staff and monitoring and enforcing staff compliance with safety measures.

**1. Coordinated Response.** Since the start of the pandemic, CHS, Custody Bureau, the Probation Department (Probation) and Public Health leaders have been meeting at least twice a week to increase situational awareness and to discuss, implement and monitor measures to reduce and prevent transmission of COVID-19. Representatives from the County Executive’s Office, County Counsel’s Office, Behavioral Health Services Department (BHSD) and other departments also participate.

## **2. Background.**

- a. In the late Spring and Summer of 2020, the County reduced the average daily census in adult facilities by more than 30% and in youth facilities by about 50%. On average, about 725 adults are currently housed in Main Jail and about 1,500 adults are currently housed at Elmwood daily. On average, about 50 youth are currently housed in Juvenile Hall and about 35 youth are currently housed at James Ranch daily. The reductions were the result of a coordinated effort between justice system partners, including the District Attorney’s Office (DAO) and the Public Defender’s Office (PDO).
- b. At the start of the pandemic, the County established quarantine and COVID-19 testing protocols for all newly incarcerated adults and youth. The County also implemented surveillance testing for adults, youth, and staff, and has periodically conducted response or mass testing, when necessary. These testing programs have been modified based on needs and increased testing capabilities.
- c. Through site visits and weekly meetings, Deputy or Assistant Health Officers helped CHS, Custody Bureau and Probation improve their infectious disease prevention protocols.
- d. At the start of the pandemic, educational and vocational services for adults were suspended but were restored by mid-October 2020. All other services for adults, including visitation, continued uninterrupted. For youth, court, legal, and health services continued in-person, while educational services, social services and family visitation were conducted via Zoom or through other online platforms. In-person family visitation was restored at Juvenile Hall and James Ranch by November 2, 2020.

**3. Level of Transmission among Adults.** Transmission of COVID-19 among adults in Main Jail and Elmwood remained relatively consistent from September through most of November, with the number of active cases less than five per day.<sup>2</sup> Coinciding with increased community transmission, daily active cases began rising in late November and peaked on January 11, 2021, when there were 127 active cases. As described below, the County’s efforts to conduct mass testing in December, increase the frequency of

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<sup>2</sup> “Active cases” are defined as newly positive adults and adults who are isolating because they had previously tested positive.

polymerase chain reaction (PCR) testing for staff, emphasize masking and implement daily antigen tests for staff at Main Jail and Elmwood helped reduce the number of new cases. On February 11, 2021, there were only four active cases.

#### 4. Updates Since November 19, 2020.

##### a. Face Coverings & Other Safety Protocols.

i. **Staff.** On January 14, 2021, the Probation Department (Probation), Custody Bureau, CHS, PTS and BHSD began offering N95 masks to all staff working in custody settings. While all staff are required to wear surgical masks, they are encouraged to wear the N95 masks which are more effective than surgical masks and would further protect staff from being infected and infecting others at work. Relatedly, the departments reinforced the importance of always wearing masks while in custody settings and during transports, and the importance of not eating in the presence of others unless outside.

ii. **Adults and Youth.** As indicated in previous reports, all youth and adults are provided with double- or triple-layered cloth masks, as surgical masks have materials that may pose a security risk. Adults and youth are provided new or additional masks whenever they make a request. While surgical masks would be ideal, the County is also implementing a variety of testing programs for staff, adults, and youth as an added layer of protection.

b. **Testing of Youth.** The frequency of surveillance testing for youth changed to biweekly. In December 2020 and January 2021, 100% of youth participated in biweekly tests.

c. **Testing of Adults.** To respond to the increase in COVID-19 cases among staff and inmates, Public Health recommended mass testing of adults on December 12, 2020. This followed an increase in the frequency of testing for adults in Elmwood and in Main Jail from every five weeks to every two weeks in November 2020. Initially, participation in testing programs was high. However, since November, participation among adult inmates has declined dramatically. While the testing programs are intended to protect the health of adults, isolation and quarantine protocols implemented for the safety of all inmates can result in undesirable secondary consequences such as being moved to another housing unit, loss of programming time or forfeiture of visitation. To boost participation, CHS started offering stamped envelopes as incentives for getting tested and pairing more experienced nurses with correctional deputies to optimize patient notification and testing education. CHS will provide an update on adult testing as part of its regular report to the Health and Hospital Committee in February 2021.

##### d. Testing of Staff.

i. CHS completed the hiring of ten extra-help staff in late November. Since then, staff at all four facilities have been tested at least once every two weeks. There were four two-week

testing cycles between November 30, 2020, and January 24, 2021. The table below lists the percentage of each department's staff tested in each cycle. Departments are not able to report compliance rates for January 9 through January 23, 2021, because CHS resources were redirected to establish a daily antigen testing program. Testing rates are expected to increase because the daily antigen testing program is fully implemented and because Probation, CHS and Custody Bureau spent the last two weeks reiterating to their respective staff that testing is mandatory.

Department	Cycle 1	Cycle 2	Cycle 3	Cycle 4
Probation	81%	80%	75%	73%
Custody Bureau <sup>3</sup>	72%	66%	79%	NA <sup>4</sup>
Custody Health	64%	52%	57%	90% <sup>5</sup> (At youth facilities)

- ii. **Antigen Testing.** Staff working in Juvenile Hall and at James Ranch continue to be tested every two weeks using PCR tests, and the County has implemented daily rapid antigen tests for all staff working in Main Jail and Elmwood. Antigen tests are less sensitive than PCR tests but reliably detect individuals who are producing the most virus and who are therefore the most contagious. Additionally, by increasing the frequency of testing to daily, and receiving results within 15 minutes, the antigen testing program more effectively identifies infectious staff before they have a chance to expose inmates or other staff. The program was initiated on January 19, 2021. From January 19 through February 10, 2021, the program identified 11 positive staff who were then able to immediately leave work and isolate that same day instead of continuing to work in the facilities and possibly infecting others.
- iii. **Visitation.** In early January 2021, to further reduce the risk of transmission during a historic surge of cases in the jails, visitation at all facilities was suspended or modified. Because of effective actions taken by all CHS, Custody Bureau, and Public Health, case counts among inmates decreased dramatically by the end of January, and visitation resumed at Main Jail and Elmwood on February 1, 2021 with additional safety measures in place. At Juvenile Hall and at James Ranch, family visitation continued via Zoom. In-person visitation was on February 6, 2021.

Main Jail and Elmwood do not offer visitation via Zoom; however, in-person visitation was restored on February 1, 2021. Daily antigen testing has reduced the risk of transmission and Custody Bureau has worked with Public Health to implement additional safety measures, including symptom screening and temperature checks for all visitors. Masking for visitors and inmates is still required. As before, visitation for adults was restored to 50% of capacity

<sup>3</sup> Includes staff from Department of Corrections.

<sup>4</sup> During the fourth cycle, staff at Main Jail and Elmwood began participating in the daily antigen testing program.

<sup>5</sup> CHS is confirming whether the percentage of staff tested is actually 100%.

to ensure social distancing among visitors and to decrease the likelihood of adults from different housing units transmitting the virus to each other.

- e. **Hunger Strike.** On the evening of January 13, 2021, approximately 53 adults of Housing Unit 7B went on a hunger strike. Custody Bureau leaders met with the Inmate Advisory Council to hear their concerns. The adults ended their hunger strike on the evening of January 22, 2021. The attached letters from Custody Bureau and CHS describe their roles and actions during the hunger strike and their responses to adults' concerns.

Encls: Cover Letter to Silicon Valley De-Bug  
Letter from Sheriff's Office  
Letter from Custody Health Services  
Letter from Public Health Department

CC: Chief Board Aides  
Laurie Smith, Sheriff, County of Santa Clara  
Miguel Márquez, Chief Operating Officer  
James Williams, County Counsel  
Megan Doyle, Clerk of the Board  
Deputy County Executives  
Sara Cody, M.D., Director, Public Health Department and Public Health Officer  
Laura Garnette, Chief Probation Officer

# County of Santa Clara

Office of the County Executive

70 W. Hedding Street, East Wing, 11<sup>th</sup> Floor  
San Jose, California 95110



February 12, 2021

Raj Jayadev  
Silicon Valley De-Bug  
Sent via Email [raj@siliconvalleydebug.org](mailto:raj@siliconvalleydebug.org)

Dear Mr. Jayadev,

Thank you for voicing your concerns and sharing Silicon Valley De-Bug's report from January 13, 2021. While the County Executive's Office has been coordinating the work of departments to prevent and reduce the transmission of COVID-19 in Main Jail and Elmwood, each department has specific responsibilities. We asked Custody Health Services (CHS), the Custody Bureau in the Office of the Sheriff (Custody Bureau), and the Public Health Department (Public Health) to review your report and respond to concerns under their purview.

- Public Health consults with and advises Department leaders, clarifies requirements specified in County and State Health Orders and recommends interventions such as frequency of testing for COVID-19.
- Custody Bureau is responsible for the operations, security, and cleanliness of Main Jail and Elmwood. In addition to ensuring that adults' basic needs are met, Custody Bureau oversees programs and support services such as visitation and educational or vocational services. As part of the pandemic response, Custody Bureau is responsible for contact tracing, ensuring that inmates adhere to safety measures (e.g., wearing masks) and monitoring and enforcing staff compliance with safety measures.
- CHS is responsible for providing and coordinating medical and behavioral health services to adults and youth. As part of the pandemic response, CHS is responsible for implementing testing programs for adults, youth and staff and monitoring and enforcing staff compliance with safety measures.

Attached are the three departmental letters. If you have questions, please call me at 408-299-5132.

Sincerely,

DocuSigned by:



Kyle  
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Deputy County Executive

Encls: Letter from Sheriff's Office  
Letter from Custody Health Services  
Letter from Public Health Department

CC: Tim Davis, Assistant Sheriff, Office of the Sheriff  
Eureka C. Daye, PhD., MPH, MA, CCHP, Director of Custody Health and Behavioral Health Services  
George Han, MD MPH, Deputy Health Officer, Public Department

**County of Santa Clara**  
**Office of the Sheriff – Custody Bureau**

55 W. Younger Ave.  
San Jose, California 95110

Laurie Smith  
Sheriff



February 5, 2021

Good afternoon,

As mentioned in my July-2020 response to families' concerns about COVID in the jails, we too are concerned about the health and welfare of those in our care and are committed to providing the best custody and medical services possible.

While transmissions had been low, they rose sharply in late November and December. However, we believe we have turned a corner by testing those incarcerated every other week, daily 'rapid' testing of jail staff, and actively vaccinating staff and inmates as State guidelines and vaccine inventory allow. Part of this containment and control process involves discontinuing unnecessary movement and interactions throughout the jails. This was the sole purpose of suspending visitations, and the single reason for the hunger-strike according to 7B detainees. The hunger strike was a significant concern for all of whom have been working hard to prevent COVID in our jails, while tending to the well-being of all incarcerated.

The Main Jail leadership worked directly with those in 7B to resolve the hunger strike on January 22, 2021. Although the below items were not mentioned by 7B respondents, I would like to take a moment to address these concerns since they were in your statement:

- We will continue to ensure State and local requirements are met by custody staff and are enforced by supervising staff. PPE's are plentiful along with cleaning supplies.
- Clear communication on protocols is constantly being improved upon and updated as County Guidelines evolve/change. Custody and medical staff meet with each inmate and answer questions during each COVID Testing. We have signage posted and provide regular updates on the inmate video channel. 7B respondents were asked to specify how else we could improve communication, but had difficulty providing answers. We explained they could use inmate request forms should they have ideas.
- Mandates are in place requiring staff to wear masks and test daily. When complaints arise identifying staff not in compliance (e.g. mask wearing), we investigate and take action.
- Grievances are answered in detail and returned to the division for additional information if they lack substance. The "issue resolved" portion is merely the final disposition.

The Sheriff's Office recognizes DeBug's influence with key community stakeholders and adults in custody. Please lend your voice to reducing and preventing the transmission of COVID-19 in the jails by encouraging all detainees to participate in regular COVID testing programs, maintain social distancing, wipe down high-contact areas and accept vaccinations when they become available.

Sincerely,

DocuSigned by:

A handwritten signature in black ink, appearing to read "Tim Davis", is written over a blue DocuSign verification line.

Tim Davis

Assistant Sheriff



COUNTY OF SANTA CLARA  
**Health System**

Custody Health Services  
Administration  
150 W. Hedding Street  
San Jose, CA 95110  
Tel (408) 808-3648  
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February 12, 2021

Raj Jayadev  
Silicon Valley De-Bug  
Sent via Email [raj@siliconvalleydebug.org](mailto:raj@siliconvalleydebug.org)

Dear Mr. Jayadev,

Adult Custody Health Services (ACHS) *understands and shares concerns about COVID-19 cases in the County jails. We are taking* a variety of precautions to respond to the recent COVID-19 surge and are closely monitoring and tracking COVID-19 cases both in Mail Jail and Elmwood. *To control the spread of the virus and to protect all those who live and work in our jails, ACHS* uses aggressive and coordinated efforts to mitigate COVID-19.

*Patient Care*

All patients are provided face coverings (typically reusable cloth face coverings) upon entry to the jails and patients are strongly encouraged to wear them. Patients are also provided cleaning supplies to wash the face coverings for further use. If a face covering becomes torn or otherwise non-effective, patients can exchange it for a new face covering.

Patients are provided and highly encouraged to receive COVID-19 testing in a variety of contexts, including when they first are booked, after any exposure, if they are symptomatic, and if they have not otherwise been recently tested. Patients who test positive are informed of the positive result. Any patient may also request and receive the results of their negative test. In coordination with the Custody Bureau, isolation and quarantine spaces are dedicated for those patients who test positive or are identified as close contacts.

ACHS follows all public health and healthcare guidance for medical isolation and quarantine for the patients in accordance with Centers for Disease Control and Prevention (CDC) guidance. ACHS medical staff provide medical care for all confirmed COVID-19 patients in the jails, including multiple check-ins per day for each confirmed COVID-19 patient. Many patients with confirmed COVID-19 remain asymptomatic. However, for those patients who experience symptoms, medical staff provide excellent care. If a patient requires care beyond that available in the jails, they are transferred to the hospital to receive the care they need.

*Staff Precautions*

We enforce healthcare staff wearing masks and enforce physical distancing directives. ACHS is issuing N95 masks to all healthcare staff inside of the County Jails and in ambulatory care areas instead of the previous surgical masks. In addition to the N95 masks, direct care staff working in high-risk patient areas such as the 8A Psychiatric unit, the Infirmary, and in Booking are also required to wear face shields as additional personal protective equipment (PPE).

ACHS has begun mandatory **daily** rapid antigen staff testing as opposed to bi-monthly polymerase chain reaction (PCR) testing. The BinaxNOW rapid antigen test provides results in 15 minutes. The BinaxNOW rapid antigen test is mandatory for all staff who work in Main Jail and Elmwood; an estimated 700 staff are tested daily. If the BinaxNOW rapid antigen test result is positive, the staff person undergoes a PCR test and is sent home. Even if staff test negative, they are required to continue to adhere to usual public health measures including mask wearing, social distancing, and hand washing to avoid transmitting the virus.

ACHS has established COVID-19 Incident Huddles three times a week to include Saturdays. Participants in these meetings include ACHS leadership, ACHS subject matter experts, Nurse Managers, the Custody Bureau's Assistant Sheriff and Captains, and Deputy and Assistant Public Health Officers and other Public Health representatives. ACHS also has bi-monthly all-staff COVID-19 Townhall meetings to keep staff informed and to ensure communication about and coordination with various COVID-19 activities, policies and operational changes.

### *Patient Care During Hunger Strikes*

ACHS follows strict Hunger Strike medical oversight protocols and provides patients with educational information on the health impact of refusing food so that they can make informed decisions to participate in a hunger strike (e.g., after two weeks of refusing food, people on hunger strike will begin to lose coordination and have difficulty standing and begin feeling overwhelmingly cold and sluggish). Strict Hunger Strike protocols serve as decision supports to provide appropriate medical care to patients participating in the hunger strike and to identify patients at medical risk during fasting. Weight checks are offered once a week; checks of vital signs (orthostatic) are offered daily; cart with juice/Ensure/crackers offered every shift; Lab work is offered on day 4 and day 7 of the hunger strike and then weekly for the duration of the hunger strike. Symptomatic patients have ongoing consultation with their primary Care Providers to include IV fluids, transfer to the Infirmary, and twice daily blood glucose level measurement. Patients who are identified as being at risk for refeeding syndrome are under acute medical supervision.

Sincerely,

DocuSigned by:



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Eureka C. Daye, PhD., MPH, MA, CCHP,  
Director of Custody Health and Behavioral Health Services

# County of Santa Clara

## Public Health Department



Public Health Department  
976 Lenzen Avenue, 2<sup>nd</sup> Floor  
San José, CA 95126  
408.792.5040

February 12, 2021

Raj Jayadev  
Silicon Valley De-Bug  
Sent via Email [raj@siliconvalleydebug.org](mailto:raj@siliconvalleydebug.org)

Dear Mr. Jayadev,

Since the beginning of the pandemic, the Public Health Department has advised Custody Health Services and Custody Bureau (part of the Sheriff's Office) on matters regarding COVID-19 prevention. Recommendations have evolved over the course of the pandemic as we learned more about how COVID-19 is spread generally and more about how it was being transmitted in custody settings specifically. We have recommended the following:

- 1. Routine testing of asymptomatic staff.** Since August 2020, all staff were to be tested once every five weeks, which subsequently became once every two weeks in October 2020, and in January 2021 became daily via point of care antigen tests for staff at Main Jail and Elmwood. This testing is mandatory and building the infrastructure to support this unprecedented level of testing required a heroic effort by Custody Health Services working in partnership with Public Health and Custody Bureau. Additionally, since the beginning of the pandemic, all staff have been directed to be tested as soon as they came down with any symptoms consistent with COVID-19.
- 2. Routine testing of asymptomatic inmates.** This was initiated first for those residing in dormitory housing due to the inability to implement social distancing in these housing units, and later expanded to all inmates. The recommended interval for testing is currently once every two weeks. However, many inmates currently decline to be tested, so if you can help in any way to strongly encourage inmates to take the test every time it is offered, that would greatly improve all inmates' safety. By testing every two weeks, cases among inmates can be detected earlier so that those who are infected as well as those who are exposed and possibly incubating the virus can be separated from one another, thereby preventing large outbreaks. Additionally, since the beginning of the pandemic, all inmates have had the ability to request a COVID-19 test if they came down with symptoms consistent with COVID-19.
- 3. Isolation and Quarantine guidance for inmates.** As alluded to above, inmates who test positive for COVID-19, as well as inmates who have been exposed, must be separated from other inmates who do not have COVID-19. Inmates who test positive are immediately notified and moved; the same occurs for inmates who have been exposed to someone with COVID-19.

4. **Face coverings for inmates.** All inmates are offered face coverings, and if you can strongly encourage them to use them consistently, especially when they are around other inmates or staff, that would help increase safety for all inmates, since inmate usage of face coverings has not been consistent.
5. **Face masks for staff.** For staff, wearing of face coverings was made mandatory, and subsequently, that requirement was upgraded in October 2020 so that all staff had to wear at least a surgical mask, which are generally more effective than cloth masks. In January 2021, N95 masks were offered and strongly recommended to staff to wear for even further protection. Staff must wear masks when working or interacting with inmates and other staff.
6. **Closure of breakrooms.** Because eating requires you to take off your mask, eating with others inside is particularly high risk. Staff breakrooms have been closed or limited to one occupant per table. Where possible, staff are encouraged to eat outdoors. Inmates are also encouraged to not eat with each other.
7. **Reducing staff risk outside of work.** Public Health has recommended several times to all staff over the course of the pandemic that they take care to reduce their risk of exposure to COVID-19 in their activities outside of work, and especially to not gather indoors with others or travel unless essential.
8. **Vaccination.** We have strongly encouraged all staff to be vaccinated as soon as it was made available to them. We would like to enlist your help to strongly encourage all inmates to be vaccinated when it is their turn to help increase safety for all inmates. Vaccination of all inmates and staff is what will ultimately end COVID-19 outbreaks in custody settings.

Public Health meets with Custody Health Services and Custody Bureau three times weekly to address these recommendations, discuss how they are implemented, and make improvements.

Sincerely,

DocuSigned by:



George Han, MD MPH  
Deputy Health Officer