

<b>ALAMEDA COUNTY SHERIFF'S OFFICE</b>  <b>DETENTION AND CORRECTIONS</b>  <b>POLICY AND PROCEDURE</b>	<b>NUMBER:</b> 13.16	<b>PAGES:</b> 1 of 4
	<b>RELATED ORDERS:</b> ACA 4-ALDF-4C-17 See Section II, A & B P&P <a href="#">11.60</a>	
	<b>ISSUED DATE:</b> July 1, 1989	
	<b>REVIEW DATE:</b> <i>March 9, 2017</i>	
	<b>REVISION DATE:</b> October 24, 2014	
<b>CHAPTER:</b> Medical and Health Care Services	<b>SUBJECT:</b> AIDS Testing of Inmates	

I. **PURPOSE:** To establish guidelines and procedures for reporting exposure to the Acquired Immune Deficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) antibody by persons exposed in Alameda County jail facilities and areas where there is contact with inmates. This order also delineates procedures for obtaining blood samples from inmates who, upon release, are notified of registration requirements of 290 PC. Title 8, Part 3 and 7500 PC dictate the requirements of this order.

II. **POLICY:** The Sheriff's Office recognizes that serious medical issues can arise when inmates or staff are exposed to the bodily fluids of inmates who have been diagnosed with the Acquired Immune Deficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) antibody. It shall be the policy of the Alameda County Sheriff's Office to report any such instance to the County Health Officer for determination of testing. The Sheriff's Office shall adhere to the below statutes:

A. CALIFORNIA PENAL CODES:

290.002, 647(f), 1001.10, 1001.11(a), 1001.11(b), 1001.11(c), 1202.1, 1202.1(a), 1202.1(b), 1202.1(c), 1202.6, 1202.6(a), 1202.6(b), 1202.6(c), 1202.6(e), 1202.6(g), 1463.23, 1524.1(b)(1), 1524.1(c)(1), 1524.1(c)(2), 1524.1(e), 1524.1(f), 1524.1(g), 1524.1(h), 1524.1(k), 4018.1, 7503, 7510(a), 7511(a), 7511(c), 7512(c), 7512.5, 7514, 7510(b)(4), 7515(b)(1), 7515(b)(2), 7515(b)(3), 7515(c)(3), 7516(a), 7516(c), 7516.5, 7516.8, 7518(a), 7518(b), 7519, 7520, 7521(a), 7521(b), 7521(c) 7522(a), 7522(b), 7530(a), 7530(b), 7530(c), 7530(d), 7530(g), 7550, 7551, 7552, 7552(c), 7553, 12022.85(a), and 12022.85(b) 12022.85(c).

B. CALIFORNIA HEALTH & SAFETY CODES:

121055, 121060, 121065 (a), 121065(b) , 121065(c), 121065(d), 121065(e), 121065(f), 121070(a), 121070(b), 121070(c), 121070(d), 121070(e)

**III. DEFINITIONS:**

A. PERMITS: As used in this document, “permits” applies to the following:

1. Inmates to request AIDS/HIV testing of other inmate(s) whenever there has been contact with the bodily fluids of other inmates(s).
2. A staff member having knowledge of any activity with the potential to transmit AIDS/HIV, to file a report with the County Health Officer.

B. ALLOWS: As used in this document, “allows” applies to the following:

1. The facility medical staff to require testing of an inmate who they believe has an AIDS/HIV condition based on medical observation.
2. A Probation/Parole Officer to notify other specified persons (*i.e.* wives or husbands) of possible exposure to AIDS/HIV through contact with an inmate who has tested positive for or been exposed to AIDS/HIV.

**IV. PROCEDURE:** The following procedures will be adhered to by Sheriff’s Office staff whenever it is discovered or suspected that an inmate has contracted or been exposed to AIDS or HIV, or has exposed staff, other inmates or persons within the facility to AIDS/HIV.

A. TITLE 8, PART 3, 7500 PC - REQUIRES:

1. Agency personnel to report to the County Health Officer, instances where contact with bodily fluids of an inmate occurs.
2. Jail medical staff to notify Probation/Parole Officers of inmates who have tested positive for AIDS/HIV whenever that inmate is released from custody.
3. The facility medical staff and supervisors to notify staff members that they are coming into close contact with a person in custody who has tested positive for an AIDS/HIV condition and to provide counseling and safety equipment for the staff.
4. Probation/Parole Officers are to inform law enforcement officers of such a condition if the subject has a record of police assaults and the law enforcement officer's help is requested in the subject’s apprehension.

B. 295 PC requires that anyone required to register under 290 PC must provide two (2) specimens of blood, and a saliva sample to the institution where the inmate is being held prior to release. Those individuals who must register under 295 PC must also provide palm and thumb prints. Refer to Policy and Procedure [11.60](#), “Retrieval of Fluid Samples and Prints of 290/295 PC Registrants.” The specimens and samples will be forwarded to the

Department of Justice for analysis and categorizing into blood groupings.

- C. The staff member discovering any of the above conditions will immediately report the condition to their supervisor who will, in turn, take the following actions:
1. Ensure that the affected inmate is isolated until medical staff is notified and has examined the inmate.
  2. Determine whether the inmate has had contact with other persons who may have been exposed to AIDS/HIV.
  3. Notify Classification concerning the need for special housing to prevent contact and the spread of the virus to other inmates.
  4. Complete and send to the Management Services Division, via the chain of command, a detailed confidential memorandum, in addition to any state-generated forms, detailing of the report of contact with AIDS/HIV. This notification must be completed immediately, not to exceed two (2) working days. All instances where an inmate is suspected of having AIDS/HIV will be reported and a request for testing will be included in every report to the County Health Officer.
    - a. If a crime report is completed for a related incident, i.e., rape, sodomy, etc., it will be forwarded with the memorandum.
    - b. A "Confidential Morbidity Report" (CMR) will be requested from the medical staff and will accompany all paperwork to the County Health Officer. (Note: CMR reports are located in the medical provider's office).
  5. Notify any staff member who may have contact with infected (or possibly infected) inmates of the condition and the infected inmates' rights to confidentiality.
- D. Any inmate request that another inmate be tested for the AIDS/HIV due to possible contact and/or infection, will be addressed immediately.
- E. The following procedures and time constraints apply to the testing and notification procedure:
1. Staff reports to the County Health Officer must be immediate but under no circumstances over two (2) days.
  2. Inmates have two (2) days from the incident to file the request (according to 7512(a) PC); however, in the interest of safety, notification will be made regardless of the two (2) day limit.
  3. The County Health Officer has five (5) days to decide whether to require a test of the subject of the request/report. The County Health Officer can request a test even

though the reporting person does not request one.

4. Decisions of the County Health Officer can be appealed to a three (3) member panel by any of the principals within three (3) days of receipt of the written decision of the County Health Officer. Inmates must be notified of their right to appeal testing decisions.
5. Panels will consist of the County Health Officer, a supervisory representative of the Law Enforcement Agency, and a non-staff physician.
6. Decisions of the panel will be rendered in writing within ten (10) days, and may be appealed to the Superior Court by any of the principals. There is no time limit for this appeal. Testing may only be required after a unanimous vote by the panel.
7. If a decision is not appealed, throughout the process, that decision is considered final.
8. Tests should be done as soon as possible following a final decision. The total possible time, including appeals, would be at a maximum of twenty (20) days.