



DEPARTMENTAL
GENERAL
ORDER

28 Feb 01

G-1

Index as:

Ref: CALEA
Standard 22.3.1

Communicable Disease
Disease Control
Contagious Disease

COMMUNICABLE DISEASE CONTROL

The purpose of this order is to set forth Departmental policy and procedures to be followed resulting from contact with communicable diseases, including but not limited to Hepatitis B, Tuberculosis, and HIV.

I. PROCEDURE

A. Member and Employee Responsibilities

1. On duty members and employees having contact with persons believed to have a communicable disease shall contact the City Physician's Office during normal business hours.
2. During City Physician non-business hours, members and employees shall seek treatment at Summit Hospital or at another contract medical facility.

B. Reporting

1. As soon as reasonably possible, members and employees shall complete a Contagious Disease Contact Report (TF-910).
2. When several members and/or employees have come in contact with the same diseased person, a separate report shall be prepared for each member or employee involved. All medical information in the report shall be strictly confidential. This report shall be submitted to the member's or employee's supervisor and shall include:
 - a. The name, address and date of birth of the person suspected of having a contagious disease.

- b. Date, time and location of contact.
 - c. Circumstances of the contact and the reason which caused the member or employee to suspect the person's condition.
 - d. Name of the facility in which treatment was received if any.
 - e. Names of any witnesses to the contact.
3. A copy of any related report(s) shall be attached and forwarded along with form TF-910. If a member subsequently contracts the disease, additional reports shall be prepared and processed in the same manner as for an industrial injury (see Departmental General Order D-4, SICK AND INJURY PROCEDURES).

C. Supervisor Responsibilities

1. Upon learning that a member or employee has been exposed to a communicable disease the supervisor shall:
 - a. Conduct an immediate and thorough investigation into the circumstances of the contact.
 - b. Ensure that a Contagious Disease Contact Report and any related report(s) are completed and forwarded to the Personnel Section.
 - c. Ensure that exposed personnel seek the necessary medical treatment.
2. Supervisors shall complete all required Worker's Compensation forms when personnel receive medical treatment for an exposure.

D. Personnel Section Responsibilities

1. Upon receiving a copy of a Contagious Disease Contact Report, the Medical Unit Officer shall:
 - a. Cause a copy of the report be placed in the member or employee's medical file.
 - b. Confirm that all related reports and forms have been completed and received.
 - c. Forward all Worker's Compensation forms to the City's insurance provider.
2. In the event of a significant exposure or at the request of the member or employee, counseling shall be made available through the Employee Assistance Program. This service shall also be made available to the affected member or employee's immediate family.

II. EXPOSURE TO COMMUNICABLE DISEASE OF PERSONS IN CUSTODY

- A. As provided in Section 7510(1) PC, any member or employee who has had contact with the bodily fluids of an inmate of the City Jail may apply for an HIV antibody and/or infectious disease test of the inmate by:
 1. Immediately completing Department of Health Services form, Report of Request and Decision for HIV Testing (DHS 8459).
 2. Completing a Crime Report (536-933).
 3. Completing a Statement form (536-200-1) by a witness, if any.
 4. Completing an inter-office memorandum containing any additional information.
 5. Submitting the completed state and local forms to the Jail Division Commander.
- B. The DHS 8459 and all other forms shall be submitted by the end of the work shift during which the contact occurred, and no later than two

calendar days after the date of the contact.

C. Jail Division Commander Responsibilities

1. As soon as the forms are received and reviewed, the Jail Division Commander shall request the inmate to submit promptly to voluntary testing.
2. If the inmate refuses, the Jail Division Commander shall immediately forward the forms to the County Health Officer, who is required to approve or disapprove the testing request within five days of receipt.
 - a. If the testing is approved by the County Health Officer, the inmate shall be tested immediately unless he or she wishes to appeal.
 - b. An inmate wishing to appeal shall be provided with a Notice of Right to Appeal and Report of Request for Appeal for HIV Testing (DHS 8457). Appeals must be filed within three calendar days of notification by the County Health Officer.
 - c. If an inmate makes an appeal, a panel shall be convened consisting of the County Chief Medical Officer, the Bureau of Services Deputy Chief or designee, and a physician. The panel must review the case and provide a decision within 10 calendar days. If the earlier decision to test is affirmed, the inmate may make a final appeal to the Superior Court.
3. If the inmate consents, no application needs to be filed. The inmate signs Authority to Release Medical Information (TF-2076), which authorizes Highland Hospital to obtain two blood specimens, with the results being sent to the Jail Division Commander, Oakland Police Department, 611 Broadway, Oakland, CA 94607.
4. If the inmate is no longer in custody, a test can be ordered by the courts. Testing for persons not in custody shall be coordinated with the County Department of Health Services.

5. Testing for communicable diseases shall include, at a minimum, screening for HIV, Hepatitis, and venereal diseases.

D. Confidentiality

All information reported shall remain confidential. The confidentiality of inmate personal data, as well as member or employee information, may not be reported to anyone except when disclosure may be necessary to obtain medical or psychological care.

III. INTERFERENCE WITH PEACE OFFICER

- A. Section 199.97 H&S, Assaults on Officers, authorizes the courts to order testing of any adult or minor charged in a misdemeanor or felony criminal complaint who is alleged to have:
 1. Interfered with the official duties of a peace officer.
 2. By biting, scratching, spitting or transferring blood or other bodily fluids on, upon, or through the skin membranes.
- B. The peace officer or the employing agency may petition the court for an order requesting testing.
- C. Saliva, blood, and semen are specifically mentioned as bodily fluids which can be "transferred". In addition, the general phrase "other bodily fluids" is used. This indicates that the courts may consider a test warranted after the transfer of such bodily fluids as sweat, tears, vomit, and urine.
- D. In proceedings under 199.97 H&S, the "employing agency" is the City of Oakland, sworn members, Rangers, Reserve Officers, and Correctional Officers are represented by the City Attorney.
 1. To petition the court for an order to test an accused person for Acquired Immune Deficiency Syndrome, its related conditions, and other communicable diseases, two conditions must be met:
 - a. The accused must be charged with a crime.
 - b. The complaint must allege the types of "interference" with the official duties specified in the statute.

- E. Filing a Petition under 199.97 H&S
1. To file a petition for testing with the court, the officer must complete the following steps:
 - a. Document the relevant information as to how the exchange occurred in the Crime Report (536-933) or the Arrest Report (536-252).
 - b. Include any relevant physical evidence.
 - c. Complete the Petition for Order to Test Accused's Blood (TF-2058).
 - d. Attach a blank copy of the Order to Test the Accused's Blood (TF-2059).
 2. Submit the petition along with the crime report to Report Reproducing Detail who will in turn forward the original petition and copy of the crime report to the Office of the City Attorney.

By order of

Richard L. Word
Chief of Police