

POLICY 48. WARRANT PROCEDURE FOR "DO NOT BOARD LIST" PUBLIC HEALTH TRAVEL RESTRICTION

- A. California Health and Safety Code 121365 grants the health officer the authority to issue a legal order to comply with isolation, diagnosis, treatment, exclusion from workplace or other location or additional orders as needed to protect the public from tuberculosis (TB) transmission. A warrant may be issued for the misdemeanor offense of violating such a legal order of the health officer.
- B. Additionally, the health officer or his/her designee may seek a travel restriction from the Centers for Disease Control (CDC) for an individual who satisfies the required conditions outlined below:
 - 1. the individual is known or reasonably believed to be infectious or reasonably believed to have been exposed to a communicable disease and may become infectious with a communicable disease that would be a public health threat should the individual be permitted to board a commercial aircraft or travel in a manner that would expose the public;
 - 2. the individual is not aware of his or her diagnosis, or has been advised regarding the diagnosis and is non-compliant with public health requests or has shown potential for non-compliance, or is unable to be located;
 - 3. the individual is at risk of traveling on a commercial flight or of traveling internationally by any means;
 - 4. the individual's placement on the DNB is necessary to effectively respond to outbreaks of communicable disease or other conditions of public health concern; for example, an individual's placement on the DNB may be considered when necessary to aid in the application of controlled movement or in the execution of a federal, state, or local quarantine, isolation, or conditional release order.
- C. Once the case is determined by the CDC to meet criteria, a Public Health Travel Restriction may be placed so that the individual in question may be prevented from entering through a port of entry or boarding an international commercial flight.
- D. The federal government derives its authority for isolation and quarantine from the Commerce Clause of the U.S. Constitution. Under section 361 of the Public Health Service Act (42 U.S. Code § 264), the U.S. Secretary of Health and Human Services is authorized to take measures to prevent the entry and spread of communicable diseases from foreign countries into the United States and between states. Federal isolation and quarantine are authorized by Executive Order of the President and are currently authorized for infectious TB among other conditions. The authority for carrying out these functions on a daily basis has been delegated to the CDC.

1. Additional background on this law from the CDC can be found here:
<https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>
2. Some recent clarifications can be found here:
<https://www.cdc.gov/quarantine/final-rule-communicable-diseases.html> and
https://wwwnc.cdc.gov/eid/article/23/13/17-0386_article

E. If an individual who is on the list attempts to enter the United States with a communicable infectious disease through a port of entry, the individual is intercepted and held by Customs and Border Protection (CBP) and the CDC Quarantine Station duty officer is notified to respond 24/7. Many times, the individual is served a Health Officer's legal order at that time and released; however, if he or she has already violated a Health Officer's legal order and a warrant has been issued, he or she may be taken into custody. Locally, this type of interception coupled with a warrant happens approximately 1 to 3 times per year at the ports of entry in San Diego County.

1. These warrants will be accepted and booked in accordance with current Sheriff's Department booking acceptance criteria.

F. Warrant arrest and confinement

1. CBP officials will notify the CDC duty officer when a subject attempts entry into the United States and is subject to a Public Health Travel Restriction issued by the CDC.
2. CBP officials will also verify with the Sheriff's Department that a warrant is active and bookable.
3. Current infectiousness or suspected infectiousness will be confirmed by the CDC Quarantine Station, and they will in turn contact the San Diego County Public Health Services Department.
4. San Diego Health and Human Services will contact the watch commander of either San Diego Central Jail or Las Colinas Detention Facility with notification of a pending confinement of a patient with infectious TB.
5. San Diego Health and Human Services will then call either the San Diego Police or the San Diego County Sheriff's Department for assistance.
6. The responding deputy should confirm the warrant through records and have the warrant sent to either SDCJ or LCWDF for processing.
7. Deputies should use the following universal precautions:
 - a. have the patient wear a mask;
 - b. roll down front windows;

- c. keep the trip as short as possible, preferably under 30 minutes;
 - d. do not use vehicle's air conditioner.
8. Once en route to the facility, ensure the facility watch commander and Medical Unit are advised of your pending arrival to avoid prolonged exposure.
 9. The intake deputy will not accept the inmate until both the watch commander and Medical have been notified.