

EXHIBIT A

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

GREGORY J. AHERN, Alameda County Sheriff

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

SUSAN HARMAN, NANCY MANCIAS, and JANE DOE

SUM-100

FOR COURT USE ONLY
(SÓLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

JUN 02 2014

CLERK OF THE SUPERIOR COURT

By Ciceli Johnson

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. (AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información o continuación.)

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desoír el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Alameda County Superior Court

1225 Fallon Street
Oakland, CA 94612

CASE NUMBER:
(Número del caso)
MC 14727494

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Christine Haskett/Christine England, Covington & Burling, 1 Front St, San Francisco, CA 94111 415.591.6000

DATE:
(Fecha)

JUN 02 2014

Leah T. Wilson

Clerk, by
(Secretario)

Ciceli Johnson

Deputy:
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el Formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☒ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☒ by personal delivery on (date): 6/02/14

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christine Saunders Haskett (SBN 188053) / Christine Gealy England (SBN 261501) COVINGTON & BURLING LLP One Front Street San Francisco, CA 94111 TELEPHONE NO.: (415) 591-6000 FAX NO.: (415) 591-6091 ATTORNEY FOR (Name): Plaintiffs Susan Harman, Nancy Mancinas and Janie Doe		CM-010 FOR COURT USE ONLY: ENDORSED FILED ALAMEDA COUNTY JUN 02 2014 CLERK OF THE SUPERIOR COURT By: <u>Cicelli Johnson</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: René C. Davidson Courthouse		CASE NAME: Susan Harman et al. v. Gregory J. Ahern, Alameda County Sheriff	
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)		Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: RG 14727494 JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort ☐ Auto (22) ☐ Uninsured motorist (46) Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort ☐ Asbestos (04) ☐ Product liability (24) ☐ Medical malpractice (45) ☐ Other PIPD/WD (23) Non-PIP/WD (Other) Tort ☐ Business tort/unfair business practice (07) ☐ Civil rights (08) ☐ Defamation (13) ☐ Fraud (16) ☐ Intellectual property (19) ☐ Professional negligence (25) ☐ Other non-PIP/WD tort (35) Employment ☐ Wrongful termination (36) ☐ Other employment (16)	Contract ☐ Breach of contract/warranty (06) ☐ Rule 3.740 collections (09) ☐ Other collections (09) ☐ Insurance coverage (18) ☐ Other contract (37) Real Property ☐ Eminent domain/inverse condemnation (14) ☐ Wrongful eviction (33) ☐ Other real property (28) Unlawful Detainer ☐ Commercial (31) ☐ Residential (32) ☐ Drugs (38) Judicial Review ☐ Asset forfeiture (05) ☐ Petition re: arbitration award (11) ☒ Writ of mandate (02) ☐ Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) ☐ Antitrust/Trade regulation (03) ☐ Construction defect (10) ☐ Mass tort (40) ☐ Securities litigation (20) ☐ Environmental/Toxic tort (30) ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment ☐ Enforcement of judgment (20) Miscellaneous Civil Complaint ☐ RICO (27) ☐ Other complaint (not specified above) (42) Miscellaneous Civil Petition ☐ Partnership and corporate governance (21) ☐ Other petition (not specified above) (43)
--	---	--

2. This case: ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. ☐ Large number of separately represented parties
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. ☐ Substantial amount of documentary evidence | d. ☐ Large number of witnesses
e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. ☐ Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify):
5. This case: ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: June 2, 2014
 Christine S. Haskett

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)
Enforcement of Judgment
Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

ENDORSED
FILED
ALAMEDA COUNTY

JUN 02 2014

CLERK OF THE SUPERIOR COURT
By Ciceli Johnson
Deputy

Christine Saunders Haskett (SBN 188053)
Christine Gealy England (SBN 261501)
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091
Email: chaskett@cov.com; cengland@cov.com

Michael Temple Risher (SBN 191627)
Elizabeth O. Gill (SBN 218311)
American Civil Liberties Union
Foundation of Northern California, Inc.
39 Drumm Street, San Francisco, CA 94111
Telephone: (415) 621-2493
Facsimile: (415) 255-8437
Email: mrisher@aclunc.org; egill@aclunc.org

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

SUSAN HARMAN, NANCY MANCIAS, and
JANE DOE,

Plaintiffs,

v.

GREGORY J. AHERN, Alameda County Sheriff,

Defendant.

Civil Case No. **RG 14727494**

VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF UNDER CAL. CONST. ART. I
§§ 1, 13, U.S. CONST. AMD. 4, AND
15 C.C.R. § 1214

1 **I. INTRODUCTION**

2 1. This action challenges the Alameda County Sheriff's policy of requiring women arrested
3 and booked into Alameda County jails to submit to a pregnancy test. In at least one jail, this mandatory
4 testing occurs entirely outside the context of any other health screening. And it does not appear to be
5 related to providing appropriate health care to women in the jails: it applies to women who will stay at
6 the jail for only a few hours, and it applies to women who cannot be pregnant. Women are not permitted
7 to refuse the testing.

8 2. As a means to providing appropriate health care to female inmates, jails should offer
9 women the option of taking a pregnancy test as a voluntary component of the more general health care
10 screening the jails conduct for all inmates. By isolating the pregnancy test and making it mandatory,
11 however, the sheriff's policy publicly intrudes into one of the most intimate and private areas of a
12 person's life – reproductive decisionmaking. As a result, female arrestees in Alameda County suffer
13 humiliation and even greater distress, when, for example, they have to take the pregnancy test despite
14 knowing that are not able to become pregnant due to age or infertility; they did not know they were
15 pregnant and have to receive that information from someone other than a trusted healthcare provider; or
16 they were trying to get pregnant and have to receive the news of negative test results from someone
17 other than a trusted healthcare provider.

18 3. The Alameda County Sheriff's policy of requiring female arrestees to submit to a
19 mandatory pregnancy test is a clear violation of the California Constitution, the U.S. Constitution, and
20 state statutory law. The test violates arrestees' right to privacy under Article I § 1 of the California
21 Constitution; it constitutes an unlawful search and seizure under the state and federal constitutions; and
22 it violates Title 15 § 1214 of the California Code of Regulations, which requires jails to allow mentally
23 competent inmates to refuse non-emergency medical care and mandates that all examinations,
24 treatments and procedures conducted in jail accord with the same informed-consent standards that apply
25 outside of jail.

26 4. Plaintiffs seek mandamus, declaratory, and injunctive relief to ensure that female
27 arrestees may refuse to submit to this pregnancy testing.
28

1 **II. JURISDICTION AND VENUE**

2 5. This Court has jurisdiction under article VI, section 10, of the California Constitution and
3 California Code of Civil Procedure § 410.10.

4 6. Venue in this Court is proper because this is an action against the Alameda County
5 Sheriff in his official capacity for acts he performed as part of his public duties that caused, and will
6 continue to cause, legal injuries and deprivation of rights to persons, including Plaintiffs, in Alameda
7 County. *See id.* §§ 393(b), 395(a); Civ. Code § 52.1(c).

8 **III. PARTIES**

9 **Plaintiffs**

10 7. In July 2010, at the age of 69, Plaintiff Susan Harman was required to submit to a
11 pregnancy test at Alameda County's Glenn E. Dyer Detention Facility after she was arrested at a
12 political demonstration. Ms. Harman is assessed and pays annual property taxes on real property that
13 she owns in Alameda County. Ms. Harman believes that pregnancy testing of each and every female
14 arrestee is an abuse of government power and a waste of her tax dollars. She brings this suit as a citizen
15 and as an Alameda County taxpayer.

16 8. In August 2012, Plaintiff Nancy Mancias was required to submit to a pregnancy test at
17 Alameda County's Glenn E. Dyer Detention Facility after she was arrested at a political demonstration.
18 Ms. Mancias continues to participate in political demonstrations and is sometimes arrested at them. She
19 brings this suit as a citizen and so that she will not be forced to undergo this intrusive testing during
20 future arrests in Alameda County.

21 9. In April 2014, Plaintiff Jane Doe was required to submit to a pregnancy test at Alameda
22 County's Santa Rita Jail after she was arrested for allegedly delaying or obstructing a peace officer
23 following a traffic stop. Ms. Doe is assessed and pays annual property taxes on real property that she
24 owns in Alameda County. She brings this suit as a taxpayer and as a citizen of Alameda County.

25 **Defendant**

26 10. Defendant Gregory J. Ahern is the Alameda County Sheriff. Defendant Ahern has
27 ultimate authority over the Alameda County jails, including the Glenn E. Dyer Detention Facility and
28

1 the Santa Rita Jail, and is responsible for protecting the constitutional and statutory rights of prisoners
2 under his custody. He is named in his official capacity only.

3 IV. STATEMENT OF FACTS

4 11. Plaintiff Susan Harman was arrested in Oakland in July 2010, during a protest relating to
5 the shooting of Oscar Grant. Immediately after she was arrested, Ms. Harman was taken to the
6 emergency room for examination and treatment for injuries she had sustained when police officers
7 struck her on the head. The hospital did not conduct a pregnancy test. After she was released from the
8 hospital, Ms. Harman was taken to the Glenn E. Dyer Detention Facility in downtown Oakland. Soon
9 after she arrived, jail personnel required her to take a pregnancy test. The officer took her, along with
10 two other women, to a bathroom and demanded that she urinate in a cup. Ms. Harman told the officer
11 that she was 69 years old and could not possibly be pregnant, but the officer required her to take the test
12 anyway.

13 12. Ms. Harman was not provided with any additional medical screening at the jail.
14 Although Ms. Harman is diabetic, no jail personnel responded to her concern that she needed insulin.
15 After being held in a crowded holding cell all night, Ms. Harman was released from custody the next
16 morning. Ms. Harman was never told the results of her pregnancy test. She was never charged with any
17 crime.

18 13. Ms. Harman felt generally humiliated and demeaned by the forced pregnancy test. Given
19 her age, the pregnancy test clearly had nothing to do with providing her with appropriate health care.
20 Moreover, the fact that the jail required her to take the pregnancy test yet ignored her actual medical
21 needs around insulin, made her feel as if the only purpose of the pregnancy test was to embarrass her
22 and to invade her privacy.

23 14. Plaintiff Nancy Mancias was arrested during a political demonstration in Oakland in
24 August 2012 and taken the Glenn E. Dyer Detention Facility. Soon after she arrived at the jail, an
25 officer ordered Ms. Mancias to take a pregnancy test. Ms. Mancias responded: "Isn't that a violation of
26 my civil liberties?" The officer told her that if she refused to take the pregnancy test she would be sent
27 to Santa Rita Jail, some 30 miles from where she had been arrested. In response to this coercion, Ms.
28 Mancias took the test. She stepped behind a low partition that reached only to her waist level and

1 urinated into the sample cup, while the officer turned her back. She then handed her sample to the
2 officer.

3 15. Ms. Mancias did not see any doctors or nurses and did not receive any additional medical
4 screening. After some eight hours in custody, Ms. Mancias was released. Ms. Mancias was never told
5 the results of her pregnancy test. She was never charged with any crime.

6 16. Ms. Mancias felt humiliated and deeply distressed by the forced pregnancy testing, which
7 she experienced as a gross violation of her privacy. Ms. Mancias had tried to become pregnant in the
8 past, but had been unable to do so. Because of this, she knew that she was not pregnant and found the
9 compulsory pregnancy testing particularly inappropriate and invasive into an area that she considers
10 private. Ms. Mancias has been arrested during political demonstrations in other jurisdictions but has
11 never been required to take a pregnancy test.

12 17. Plaintiff Jane Doe was arrested in April 2014 for allegedly obstructing, resisting, or
13 delaying a peace officer during a traffic stop. After her arrest she was taken to Santa Rita Jail and
14 photographed and fingerprinted. After some two hours, Ms. Doe was given a medical screening, during
15 which she believes she was asked whether she was pregnant. Ms. Doe is married with two young
16 children and knew that she was not pregnant and believes that she informed staff that she was not
17 pregnant. Nevertheless, staff directed her to submit to a pregnancy test. Nobody indicated in any way
18 to Ms. Doe that she could refuse. Ms. Doe later posted bail and was released after approximately 16
19 hours in custody.

20 18. Ms. Doe provided a urine sample for the pregnancy test only because she believed that
21 she was required to do so. She had never been arrested before and did not want to do anything that
22 would prolong her stay in jail or cause her additional legal problems. She believes that the testing
23 infringed on her privacy and that it should have been her personal decision whether to take the test.
24 More generally, she believes that other women in this position should have the right to refuse to submit
25 to a pregnancy test.

26 19. Ms. Doe brings this suit under a pseudonym to avoid additional invasions of her privacy.
27
28

20. Sheriff Ahern has confirmed that, as of December 20, 2010, “every female brought into [the] Glenn E. Dyer Facility is required to submit to a pregnancy test through urinalysis.” See Exhibit A (December 20, 2010 Letter from Sheriff Ahern to Michael T. Risher) (emphasis added).

21. The current General Health Services Policy & Procedure at the Santa Rita Jail and Glenn E. Dyer Detention Facility requires that “All female inmates under 60 years of age are tested to determine pregnancy at intake using a urine test or other means of testing.” See Exhibit B.

22. Plaintiffs are aware of no other county in California that requires women to submit to pregnancy testing when they are arrested. Instead, at least some other counties make pregnancy testing available to women who consent to it but also respect a woman’s choice to refuse to submit to testing. For example, the San Francisco Sheriff’s Department checks women for pregnancy as part of a comprehensive medical screening procedure and makes pregnancy testing available for them. But it also specifically allows women to refuse to take the test by completing a written refusal form. See City and County of San Francisco, Department of Public Health, Jail Health Services Policy and Procedure No. 302 § I(E), a true copy of which is attached to this complaint as Exhibit C.

23. More generally, healthcare professionals recognize that incarcerated people have the right to refuse medical examinations and treatment. For example, the American Public Health Association’s Standards for Health Services in Correctional Institutions states that “every prisoner has the right to refuse a medical examination; this right must be respected.” Similarly, the National Commission on Correctional Healthcare’s 2008 Standards for Health Services in Jails states that a “[a]ll examinations, treatments, and procedures are governed by *informed consent* practices applicable in the jurisdiction” (emphasis original).

24. Because the Alameda County jails are refusing to respect this important right to refuse a pregnancy test, they are committing the following violations:

FIRST CAUSE OF ACTION
(Violation of California Constitution, Article I § 1)
(All Plaintiffs against Defendant Ahern)

25. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.

1 26. Article I § 1 of the California Constitution expressly protects privacy: "All people are by
2 nature free and independent and have inalienable rights. Among these are enjoying and defending life
3 and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness,
4 and privacy."

5 27. Mandatory pregnancy testing implicates a female arrestee's legally protected privacy
6 interest in two distinct ways. First, any type of mandatory urinalysis infringes on the constitutionally
7 protected right. Second, requiring a woman to reveal whether or not she is pregnant infringes on her
8 right to privacy.

9 28. When the government intrudes into the privacy protected by California's Constitution, it
10 must show that the need for this intrusion outweighs the individual's privacy interests and that less-
11 intrusive measures would be ineffective. No governmental interest justifies this broad intrusion caused
12 by Defendant's mandatory pregnancy testing program.

13 29. Defendant's policy and practice violate Article I § 1 of the California Constitution by
14 invading female arrestees' right to privacy.

15 **SECOND CAUSE OF ACTION**

16 **(Violation of the Fourth Amendment to the United States Constitution; 42 U.S.C. § 1983)**
17 **(All Plaintiffs against Defendant Ahern)**

18 30. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully
19 set forth herein.

20 31. The Fourth Amendment of the United States Constitution prohibits the government from
21 conducting unreasonable searches and seizures.

22 32. Compulsory pregnancy testing by means of urinalysis is both a search and a seizure.

23 33. Because they not justified by any legitimate government interest, Defendant's policy and
24 practice of requiring arrested women to submit to mandatory pregnancy testing is unreasonable and
25 violates the Fourth Amendment.

26 **THIRD CAUSE OF ACTION**

27 **(Violation of California Constitution, Article I § 13)**
28 **(All Plaintiffs against Defendant Ahern)**

34. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully
set forth herein.

1 35. Article I § 13 of the California Constitution prohibits the government from conducting
2 unreasonable searches and seizures.

3 36. Compulsory pregnancy testing by means of urinalysis is both a search and a seizure.

4 37. Because it is not justified by any legitimate government interest, Defendant's policy and
5 practice of requiring arrested women to submit to mandatory pregnancy testing is unreasonable and
6 violates Article I § 13.

7 **FOURTH CAUSE OF ACTION**

8 (Violation of California Code of Regulations, Title 15 § 1214)
9 (All Plaintiffs against Defendant Ahern)

10 38. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully
11 set forth herein.

12 39. The California Code of Regulations requires that inmates provide informed consent
13 before being subject to non-emergency medical care:

14 Except for emergency treatment ... all examinations, treatments and
15 procedures affected by informed consent standards in the community are
16 likewise observed for inmate care. ... Any inmate who has not been
17 adjudicated to be incompetent may refuse non-emergency medical and
18 mental health care. Absent informed consent in non-emergency situations,
19 a court order is required before involuntary medical treatment can be
20 administered to an inmate. 15 Cal. Code. Regs. § 1214

21 40. Pregnancy testing is medical care and a medical examination, treatment, and procedure
22 that requires informed consent in the community. Any arrestee who has not been adjudicated as
23 incompetent should therefore be permitted to refuse a pregnancy test, absent a valid court order
24 requiring her to submit to the test.

25 41. Because Defendant's policy and practice require women to submit to pregnancy testing
26 without their informed consent, they violate Title 15 § 1214 of the California Code of Regulations.

27 **FIFTH CAUSE OF ACTION**

28 (Taxpayer Action under Code of Civ. Proc. § 526(a) to Prevent Illegal Expenditure of Funds)
 (Plaintiffs Harman and Doe against Defendant Ahern)

 42. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully
set forth herein.

43. Defendant is illegally expending public funds by requiring female arrestees to submit to pregnancy tests in violation of the United States and California constitutions, as well as the California Code of Regulations.

SIXTH CAUSE OF ACTION
(Violation of Bane Act, Civ. Code § 52.1)
(All Plaintiffs against Defendant Ahern)

44. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.

45. The Bane Act allows a person whose rights have been interfered with by means of threats, intimidation, or coercion to sue for injunctive and other equitable relief. Civ. Code § 52.1(b).

46. By forcing Plaintiffs to submit to a pregnancy test, Defendant has interfered with their rights, as set forth in the United States and California constitutions as well as the California Code of Regulations by means of threats, intimidation, and coercion.

PRAYER FOR RELIEF

Wherefore, Plaintiffs respectfully request that the Court:

A. Issue a peremptory writ of mandate directing Defendant to: (1) stop requiring female arrestees in Alameda County to take a pregnancy test unless they have given informed consent to this testing; (2) provide every female arrestee with a meaningful opportunity to refuse pregnancy testing; and (3) take all other necessary steps to insure and protect the privacy rights of female arrestees with respect to pregnancy testing, including directing that all intake procedures be revised to reflect this Court's ruling.

B. Issue a declaration that Defendant's actions in requiring mandatory pregnancy testing of female arrestees violate: (1) Article I § 1 of the California Constitution; (2) the Fourth Amendment of the United States Constitution; (3) Article I § 13 of the California Constitution, and (4) Title 15 § 1214 of the California Code of Regulations.

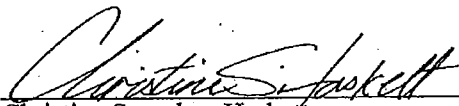
C. Grant injunctive relief directing that Defendant stop requiring female arrestees to submit to a mandatory pregnancy test.

D. Order Defendant to pay Plaintiffs' attorneys' fees and costs under 42 U.S.C. § 1988(b), Civil Code § 52.1(h), Code Civ. Proc § 1021.5, and any other applicable statutes.

1 E. Grant Plaintiffs such further relief as the Court deems just and proper.

2
3 June 2, 2014

COVINGTON & BURLING LLP

4
5 By: 

Christine Saunders Haskett
Attorneys for Plaintiffs

6
7
8 June 2, 2014

ACLU Foundation of Northern California, Inc.

9
10 By: _____

Michael Temple Risher
Attorneys for Plaintiffs

I, Nancy Mancias, am a plaintiff in this matter of *Harman, et al. v. Ahern*. I have read this Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in this matter. I am informed, and do believe, that the matters herein are true. On that ground, I allege that the matters stated herein are true. In addition, the facts within paragraphs 8 and 14-16 are within my own personal knowledge and I know them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 5/30/2014


Nancy Mancias

EXHIBIT A

Alameda County Sheriff's Office

LAKESIDE PLAZA, 1401 LAKESIDE DRIVE, 12th FLOOR, OAKLAND, CA 94612-4305



Gregory J. Ahern, Sheriff

Coroner - Public Administrator - Marshal
Director of Emergency Services

(510) 272-6866

December 20, 2010

RECEIVED

DEC 22 2010

Mr. Michael T. Risher
American Civil Liberties Union
39 Drumm Street
San Francisco, CA 94111

Dear Mr. Risher:

REDACTED

Concerning your second inquiry, every female brought into our Glenn E. Dyer Detention Facility is required to submit to a pregnancy test through urinalysis. Our accredited medical personnel conduct the pregnancy test so that we can provide the essential medical necessities needed by pregnant women in our care and custody. This information also allows staff to expedite the booking process for these individuals or transfer them to Santa Rita Jail where we house female inmates and have an OBGYN clinic.

If you have any additional questions, please contact Lt. Garrett Holmes at (925) 551-6553.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Ahern".

Gregory J. Ahern
Sheriff-Coroner

GJA/goh

EXHIBIT B

General Health Services Policy & Procedure	CORIZON™ Date of Issue: 10/29/2012
Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

POLICY:

Receiving screening is performed on inmates upon arrival at the intake facility to ensure that emergent and urgent medical and mental health care needs are met.

PROCEDURE STATEMENTS:**NCCHC/ACA**

1. Persons who are unconscious, semiconscious, bleeding, mentally unstable, or otherwise urgently in need of medical attention are:
 - a. Referred promptly for care and medical clearance into the facility.
 - b. If they are referred to a community hospital and then returned, their admission to the facility is predicated on written medical clearance from the hospital.
2. Urgent health needs are identified and addressed, and potentially infectious inmates are isolated.
3. A receiving screening takes place for inmates as soon as possible by qualified health care professionals or health trained correctional officers.
4. When health trained correctional personnel perform the receiving screening, they are to call health staff for disposition of the inmate if problems are identified.
5. Reception personnel, using a form approved by the responsible health authority, conduct a basic receiving screening inquiry on:
 - a. Current and past illnesses, health conditions, or special health requirements.
 - b. Past serious infectious disease.
 - c. Recent communicable illness symptoms (e.g., chronic cough, coughing up blood, lethargy, weakness, weight loss, loss of appetite, fever, night sweats).
 - d. Past or current mental illness, including hospitalization.
 - e. History of or current suicidal ideation.
 - f. Dental problems.
 - g. Allergies.
 - h. Alcohol, legal and illegal drug use (including type, amount and time of last use).

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement – 4-ALDF-2A-21

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
ACA: 2012 Standards Supplement -- 4-ALDF-2A-21

Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Date of Issue: 10/29/2012 Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

PROCEDURE STATEMENTS: (continued)

- i. Drug or alcohol withdrawal symptoms.
 - j. Current or recent pregnancy.
 - k. Other health problems as designated by the responsible health authority.
6. Reception personnel record, on the receiving screening form, their screening observations of the inmate's:
 - a. Appearance (e.g., sweating, tremors, anxious, disheveled).
 - b. Behavior (e.g., disorderly, appropriate, insensible).
 - c. State of consciousness (e.g., alert, responsive, lethargic).
 - d. Ease of movement (e.g., body deformities, gait).
 - e. Breathing (e.g., persistent cough, shortness of breath, hyperventilation).
 - f. Skin (including lesions, jaundice, rashes, infestations, bruises, scars, tattoos and needle marks or other indications of drug abuse) Receiving screening forms are signed with title, dated and timed upon completion.
7. The disposition of the inmate (e.g. prompt referral to the appropriate health care service, placed in general population) is indicated on the receiving screening form.
8. Receiving screening forms are dated and timed promptly on completion and include the signatures and title of the person completing the form.
9. Prescribed medications are reviewed and name of prescriber and pharmacy obtained if known, and acted upon by a practitioner. Verification by an outside entity should not delay notification and action by a practitioner.

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement – 4-ALDF-2A-21

Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Date of Issue: 10/29/2012
	Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

ACA

10. The disposition of the inmate is indicated on the receiving screening form:

- a. Refusal of admission until inmate is medically cleared.
- b. Cleared for general population.
- c. Cleared for general population with a referral to appropriate health care services.
- d. Referral to appropriate health care services for emergency treatment.
- e. Written medical clearance is obtained after off-site emergency medical treatment.

NCCHC OTP

11. Admission to the OTP is based on clinical criteria and participation in voluntary.

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement – 4-ALDF-2A-21

Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Date of Issue: 10/29/2012 Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

PROCEDURE DETAILS:

1. A receiving screening is performed on inmates upon arrival at the intake facility by health-trained or qualified health care personnel (an RN or LVN) as soon as possible. The receiving screening form, either paper or electronic, is approved by the health authority.
2. An initial intake screening may be performed by health-trained custody staff or health care staff. For the initial intake screening performed by health-trained custody staff, any screens with positive findings are to be reviewed by licensed health care staff (RN or LVN) for disposition of the inmate if any problems are identified. Referral to a hospital for medical clearance may be required.
3. Mental health screening is performed on inmates upon arrival at the intake facility by mental-health-trained or qualified mental health care personnel. The initial mental health screening is part of the receiving screening process.
4. During the receiving screening process inmates may be referred to the Opioid Treatment Program (OTP) based on clinical criteria and participation is voluntary. The referral is noted on the receiving screening form.
5. During the receiving screening process inmates may be referred to Criminal Justice Mental Health (CJMH) for mental health services. The referral is noted on the receiving screening form. The referral is given to CJMH staff for processing and timely intervention. Health care staff may call the on-call CJMH clinician as needed. Inmates having suicidal ideation or appearing to be in crisis are to be referred to CJMH staff ASAP. (See J-G-04.00 Mental Health Services and J-G-05.00 Suicide Prevention for details.)
6. At any time a Corizon staff suspects that an inmate may be developmentally disabled, the staff member is to refer the inmate to Criminal Justice Mental Health (CJMH) in order to ensure communication to the Regional Center of the East Bay pursuant to Title 15 Section 1057, Developmentally Disabled Inmates. (The health authority or designee shall contact the Regional Center on any inmate suspected or confirmed to be developmentally disabled for the purposes of diagnosis and/or treatment within 24 hours of such determination, excluding holidays and weekends.) CJMH staff shall contact the Regional Center.

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement – 4-ALDF-2A-21

Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Date of Issue: 10/29/2012 Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

7. During the receiving screening process inmates identified as in need of or currently using orthopedic or prosthetic appliances may be referred to the Medical Director or designee for review of the individual case and the presence of such devices with regard to medical need and custody security measures in compliance with Penal Code §2656.
8. All females who have given birth within the past year and charged with murder or attempted murder of their infant(s) (187 P.C.) will be identified and given an additional mental health screening, per California Title XV, Section 1207.5. For inmates meeting this criteria mental health screening will be performed at intake, and if screening assessment indicates postpartum psychosis, a referral for further evaluation will be made.
9. Each inmate is verbally told and shown in writing how to access medical services and the ACSO grievance system during medical and/or mental health screening.
10. Inmates who are identified as being unconscious, semiconscious, bleeding profusely, mentally unstable, or otherwise urgently in need of medical attention that cannot be managed at the facility are referred appropriately for care, i.e., to an acute care community hospital for stabilization and return with medical clearance.
11. Inmates referred to a community hospital who return to the correctional facility are only accepted if there is written medical clearance or there has been documented communication with the hospital of appropriate medical clearance ("fit for incarceration") and clinician orders if appropriate. Receiving health care staff is to review the documents from the community hospital and take appropriate steps to ensure continuity of care. Inmate may be referred to the OPHU for observation and follow-up care as needed.
12. Intake personnel complete the intake receiving screening process using a form, either paper or electronic; approved by the health authority. The receiving screening form addresses:
 - a. Current and past illnesses, health conditions, or special health requirements (e.g., dietary needs)
 - b. Past serious infectious disease
 - c. Recent communicable illness symptoms (e.g., chronic cough, coughing up blood, lethargy, weakness, weight loss, loss of appetite, fever, night sweats); a separate TB Screening Form may be used.
 - d. Past or current mental illness, including hospitalizations
 - e. History of or current suicidal ideation

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement – 4-ALDF-2A-21

Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Date of Issue: 10/29/2012 Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

- f. Acute dental complaints
 - g. Allergies
 - h. Legal and illegal drug use (e.g., type, time of last use and quantities)
 - i. Drug and alcohol withdrawal symptoms
 - j. Current or recent pregnancy
 - k. Other health problems as designated by the medical director.
13. Intake personnel record their visual observations of the inmates on the receiving screening form including:
- a. Appearance (e.g., sweating, tremors, anxious, disheveled)
 - b. Behavior (e.g., disorderly, appropriate, insensible, combative)
 - c. State of consciousness (e.g., alert, responsive, lethargic)
 - d. Ease of movement (e.g., body deformities, gait, immobility)
 - e. Breathing (e.g., persistent cough, hyperventilation)
 - f. Skin (e.g., lesions, wounds, jaundice, rashes, infestations, bruises, scars, tattoos, and needle marks or other indications of drug abuse)
 - g. Evidence of abuse or trauma.
14. The mental health screening includes, but is not limited to:
- a. Present suicide ideation
 - b. History of suicidal behavior
 - c. Present use of psychotropic medication
 - d. Mental health complaint
 - e. Current treatment for mental health problems
 - f. History of inpatient and/or outpatient psychiatric treatment
 - g. History of treatment for substance abuse.
15. Immediate health needs are identified and addressed, and potentially infectious inmates are isolated. Each case is evaluated on an individual basis and the isolation is determined as required, i.e., house in place, isolate by pod, isolate in OPHU, or by using other measures as needed.
16. The disposition of the inmate (e.g., referral to an appropriate health care service, placed in general inmate population) is indicated on the screening form.
17. The intake receiving screening form is dated and timed upon completion and include the print/stamp name, the signature and title of the person completing the screening.

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement – 4-ALDF-2A-21

Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Date of Issue: 10/29/2012 Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

18. All female inmates under 60 years of age are tested to determine pregnancy at intake using a urine test or other means of testing. If positive for pregnancy, inmate is to be referred to Women's Health for assessment, monitoring, and treatment.
19. Inmates entering the facility on verified prescription medication continue to receive the medication in a timely fashion as prescribed, or acceptable alternate medications are provided as clinically indicated. Intake health care staff (RN or LVN) is responsible for verifying medications, if possible, or they may obtain new orders from on-site or on-call clinicians.
20. Each receiving screening is prioritized by acuity, i.e., urgent, expedited, or PRN sick call. As needed, inmates may be referred to emergency 911. Inmates may be referred to the Outpatient Housing Unit for observation. Patients identified as urgent or expedited are referred to housing unit sick to be seen within 24 hours and 72 hours respectively. Otherwise inmate's without a current medical need have access to request sick call as needed.
21. Health care staff is provided information regarding the needs of inmates in their housing unit or work area, including routine care and follow-up treatment (chronic care clinic, wound care, special dietary needs). Referrals are documented in the health record and appointments may be scheduled in the electronic health record.
22. Health care staff makes appropriate referrals for inmate patients to custody staff regarding specific recommendations for classification and/or communication of inmate needs using the detail special request form, such as: lower tier, lower bunk, extra blanket, cane, etc. Staff may also notify the ACSO intake booking staff as needed.
23. Clinicians are notified of the need to review medications by telephone call from health care staff, referral to housing unit sick call, or referral to chronic care clinic.
24. Health care staff notifies the Medical Director and/or designee in the event of a unique drug situation, i.e., clinical trials or anti-rejection medications.
25. Dental care needs are identified and appropriate referrals are made based on acuity. Routine follow-up care and annual assessments may be scheduled in the electronic health record. Health care staff may contact the dentist and/or dental assistant to expedite a referral if the patient needs urgent care or an expedited appointment. Patients may also be referred to the acute community hospital as needs require.

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement - 4-ALDF-2A-21

Site Name: Santa Rita Jail / Glenn Dyer Detention Facility	Date of Issue: 10/29/2012 Revision Dates: 2/2/13
Title: Receiving Screening	No: J-E-02.00

26. Disclosure of sexual assault at intake, either by victim or perpetrator:

- a. Health care staff is to refer patient to CJMH for mental health services.
- b. Health care is to notify custody staff of the event.
- c. CJMH is to offer the inmate patient a follow-up meeting with mental health staff within 14 days of the intake screening.

REFERENCES

NCCHC: Standards for Health Services in Jails, 2008, J-E-02
 NCCHC: Standards for Opioid Treatment Programs in Correctional Facilities, 2004, O-E-01
 NCCHC: Standards for Mental Health Services in Correctional Facilities, 2008, MH-E-02
 ACA: Standards for Adult Local Detention Facilities, 4th Edition, 4-ADLF-4C-22, -4C-27, -4C-29
 ACA: 2012 Standards Supplement – 4-ALDF-2A-21

EXHIBIT C

**City and County of San
Francisco**

**Department of Public Health
Jail Health Services
Administrative Office**



Policy and Procedure No.: 302

Effective Date: 10/88

Last Revision Date: 12/12

Next Scheduled Revision Date: 12/13

RECEIVING TRIAGE AND INTAKE SCREENING

POLICY

Arrestees entering the County Jail for booking and/or housing are seen and evaluated by Jail Health Services (JHS) staff before being housed in any area of the jails. Arrestees who have medical problems beyond the scope of the facility's medical staff to manage safely are referred to San Francisco General Hospital Medical Center (SFGHMC) for evaluation prior to the Sheriff's Department (SFSD) accepting custody.

PROCEDURES

I. TRIAGE

A. Arrestees with the following problems/conditions will not be accepted into the jail until medically cleared at SFGH:

1. Signs, symptoms, or history suspicious for active TB
2. Lacerations requiring suturing
3. Unresponsiveness
4. Injuries which require X-ray evaluation
5. Serious head injuries
6. Pregnancy with:
 - a. Signs and symptoms of opiate withdrawal or history of opiate addiction (regular and recent use)
 - b. History of alcohol addiction and:
 - i. Pulse above 100 and
 - ii. Hallucinations, tremors, sweating, anxiety, or irritability.
 - c. History of crack/cocaine addiction and pulse above 120 and/or blood pressure above 140/90.
 - d. History of daily benzodiazepine use of 60mg or more of diazepam or equivalent (see Standardized Procedure for Registered Nurses, Benzodiazepine Withdrawal) and:
 - i. Pulse is above 100, and
 - ii. Hallucinations, tremors, sweating, anxiety, or irritability.
 - e. Cramping or vaginal bleeding.

Policy: Receiving Triage and Intake Screening

Policy and Procedure No: 302

Page 2 of 5

- f. Pulse above 100
 - g. Blood pressure above 140/90 x 2 and no known history of hypertension. (Contact Ob/Gyn on-call Resident to discuss prior to refusing. Pager (415) 443-415)
 7. Unstable cardiac chest pain
 8. Severe cellulites, abscesses requiring I&D, infected human bites
 9. Inability to walk or stand unassisted
 10. Peritoneal dialysis
 11. Respiratory distress of unknown and/or unmanageable etiology
 12. Reporting to have ingested narcotics or cocaine
 13. Reporting to have been raped within the last 72 hours
 14. Requiring life sustaining medical equipment not available in the jail.
 - a. For patients requiring a CPAP machine: the triage nurse should call C-pod to see if the JHS CPAP machine is in use. If it is not in use, the patient can be housed in C-pod. If the JHS CPAP machine is in use, and the patient has a BMI > 30 and O2 Sat <95%, send the patient to SFGH. If the patient does not meet the criteria to be sent to SFGH, call the on-call MD during waking hours for orders.
 15. Imminent danger to self or others
 16. Any other serious medical condition requiring emergent care
- B. A note is made in the electronic medical record to document non-acceptance into the jails.
- C. For accepted arrestees, medical/psychiatric problems and assessments are documented using the Triage screen. Interventions that should not wait until Intake Screening are begun immediately. If indicated, detoxification procedures are initiated.
- D. Arrestees with the following problems/conditions will be referred to Jail Psychiatric Services (JPS):
1. Severe psychiatric impairment (i.e., history of psychotropic medication, prior JPS treatment, bizarre behavior, or other mental health concerns) will be referred to JPS for evaluation.
 2. Any of the following charges:
 - a. Murder (187 PC)
 - b. Attempted murder (664/187)
 - c. Lewd and Lascivious Behavior with a minor (288 PC)
 - d. Rape (261 PC)
 3. Any woman entering the jail that has given birth within the past year and is charged with murder or attempted murder of her infant child will be immediately referred to JPS. If JPS is not on site, the patient is assessed for suicide and housed in a safety cell until JPS is available.
- E. Female Arrestees
1. Pregnant women will have their blood pressure checked.

Policy: Receiving Triage and Intake Screening

Policy and Procedure No: 302

Page 3 of 5

2. Women will be asked the date of their last menstrual period (the date of the first day of their last normal period).
3. Women with the following conditions who report an LMP more than 30 days prior or unknown LMP will be tested for pregnancy before being accepted into the jail:
 - a. IV opiate (heroin), crack/cocaine, benzodiazepine, or heavy alcohol use
 - b. Cramps or vaginal bleeding
 - c. Pulse above 100
4. Any woman reporting an LMP more than 30 days prior, and who does not meet the above criteria for testing at Triage, will be referred to nursing clinic for pregnancy testing within 24 hours, with the following exceptions:
 - a. Women 50 years of age or older unless they are still having menstrual periods.
 - b. Women who give a reliable history of tubal ligation or hysterectomy.
 - c. Women who have documentation in their jail medical record of a negative pregnancy test within the previous two weeks unless they report that they believe they could be pregnant.

Women may refuse pregnancy testing, but a refusal form must be completed.

5. Women will be asked if they have had unprotected sex in the 5 days prior to being arrested. If they answer yes, they will be offered emergency contraception or referred to the Ob/Gyn NP within 24 hours to discuss emergency contraception.
- F. Prescription medications brought in by an arrestee are documented in the medical record; the drug name, dosage, directions for use, prescribing physician, dispensing pharmacy (including telephone number) and date filled are recorded (see Policy and Procedure No. 401c, Prisoner's Personal Medications). The medications are then given to Sheriff's Department personnel for storage with the person's property.
 - G. Arrestees who have been sprayed with mace or pepper spray must have their eyes washed within one half hour of contact.
 - H. Medical clearance is noted by staff initialing and dating the appropriate space on the housing card.
 - I. Wheelchair-bound arrestees acceptable for jail housing are referred for Intake Screening prior to housing in Pod C at County Jail #8. Questions regarding the appropriateness for housing in Pod C for other mobility impaired patients can be referred to the Medical Director or Assistant Medical Director.

Policy: Receiving Triage and Intake Screening

Policy and Procedure No: 302

Page 4 of 5

- J. Arrestees who require housing in a safety cell are screened, using the Intake Screening questionnaire, to the extent that the person and circumstances allow. This is done prior to placement in the safety cell, or as soon as possible after placement.
- K. Arrestees refusing to cooperate with triage procedures or answer questions are assessed as well as possible based on their general appearance and degree of cooperation.
- L. Housing Codes
 - 1. The following codes will be placed on a patient's housing card
 - 1 – Refused;
 - 2 – Accepted with medical problem or need for further evaluation of electronic record;
 - 3 – Too combative or intoxicated to answer triage questions;
 - 4 – Accepted, no problems;
 - 5 – Paper triage is done and JHS waits for ID process to identify correct patient

II. INTAKE SCREENING

- A. The Intake Screening questionnaire is completed and documented in the electronic medical record for all prisoners prior to being housed in the jail.
- B. Intake Screening dispositions include:
 - 1. Clearance for housing in general population
 - 2. Clearance for specific designated housing
 - 3. Referral to an appropriate JHS program on an urgent or routine basis
- C. Arrestees refusing to cooperate with screening procedures or answer screening questions are assessed as well as possible based on their general appearance and degree of cooperation. In coordination with custody staff, they are held in the intake facility and encouraged to participate in medical screening. An arrestee who refuses screening three times may then be transferred for housing but is referred to the site nursing for screening. All refusals are documented in the electronic medical record.
- D. When an arrestee's English language abilities prevent adequate screening, an interpreter is used, when available. When an interpreter is unavailable, screening is completed as well as possible and the person is appropriately housed. Screening is then completed as soon as possible, but in no case later than the next nursing clinic.
- E. Developmentally disabled patients are identified at screening based on observation and/or history. The assessment of possible developmental

Policy: Receiving Triage and Intake Screening

Policy and Procedure No: 302

Page 5 of 5

disability is documented in the medical record. All known or suspected developmentally disabled adults will be referred to JPS for follow-up.

REFERENCES:

CMA Standard 302;

California Code of Regulations, Title 15, Article 10, Section 1207 and 1207.5, 1208;
Article 5, Section 1051;

JHS Policy: "Prisoner's Personal Medication," #401c;

"Reproductive Services," #314;

"Language Translation Services," #331;

JHS Registered Nurse Standardized Procedures: "Alcohol Detoxification"
"Benzodiazepine Withdrawal"
"Heroin Withdrawal"

REVIEW SCHEDULE:

Annually