

330 West Broadway
San Diego, CA 92101
(619) 531-4040

SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
SUMMER STEPHAN
DISTRICT ATTORNEY

DAVID P. GREENBERG
ASSISTANT DISTRICT ATTORNEY

February 3, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom:

When I wrote to you with urgency on September 21, 2020, I provided you with pertinent data about the unintended devastating consequences to our kids related to school closures due to COVID-19. I shared with you compelling information of the other pandemic causing harm to our K-12 students including increased threats of child exploitation, and dire mental health outcomes that can only logically be related to school closures. The information I provided is relevant statewide since San Diego County is the second largest county in our State and the sixth largest in the nation. My expertise comes from having the honor of serving as District Attorney for San Diego County with connections to our 43 school districts, but even more so from three decades of expertise in protecting children and families from harm. Unfortunately, there have been no measurable changes to the condition of school closures and the damage to our kids continues. What is different now is the clearer data from the CDC and other medical research that informs us that schools that are open with proper COVID-19 safety measures had 37% lower contribution to community virus spread than the wider community. Therefore, I write again with updated data of the other health pandemic to our students and offer my expertise in immediately beginning to recover our children's health and well-being.

1. Child Exploitation drastically increased during school closures and closure of related healthy activity such as sports.

Our Internet Crimes Against Children Task Force is responsible for receipt and investigation of "cyber tips" from concerned parents or internet service providers reporting potential child exploitation crimes occurring in San Diego County. Most tips come from the National Center for Missing and Exploited Children (NCMEC) who contacts my local team when it believes there's a local case. These "tips" involve child exploitation with the development of and production of child pornography and also criminals trying to lure children into meeting face to face.

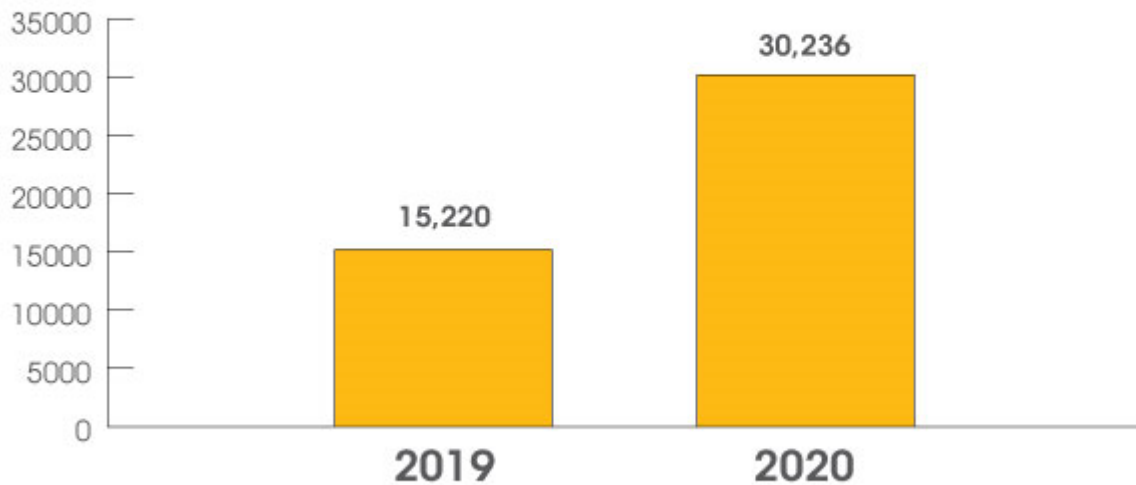
In 2019, our San Diego Internet Crimes against Children task force received 3,058 cyber tips. In 2020, this number almost *doubled* to 5885. The most compelling spike in data was the difference between the number of cyber tips before schools were shut down compared to the timeframe involving school closures. The number of cyber tips *more than quadrupled* in April 2020, the first full month of all school closures when compared against that time period last year. The number of tips also quadrupled in May 2020, the second month of all school closures in San Diego. Again, in December of 2020, the number more than tripled.

# OF CYBERTIPS RECEIVED		
<u>2019</u>		<u>2020</u>
290	FEBRUARY	372
358	MARCH	464
287	APRIL	854
148	MAY	644
179	JUNE	421
281	JULY	379
208	AUGUST	354
243	SEPTEMBER	258
383	OCTOBER	512
212	NOVEMBER	572
197	DECEMBER	601

Nationally, NCMEC has experience a 98.66% increase in online enticement reports between January-September 2020 versus the same time period in 2019.

Common sense dictates as to the reasons why these child exploitation numbers have soared. Children required to be at home and not in school or after-school activities, such as sports or other structured events, have unprecedented access to the internet and much more time to be online. Many parents are also working remotely and don't have the time to supervise. This is a perfect storm and haven for predators who want access to our kids. Our local and national experts tell us that experienced predators use the school closures to their advantage *and actually talk online about what an amazing opportunity this is for them.*

Online Enticement Reports Jan 1 – Sept 30



NCMEC has experienced a 98.66% increase in online enticement reports between January - September 2020 versus the same time period in 2019.

2. **Kids caught in the crossfire of Domestic Violence Abuse don't have a trusted adult to turn to for help.**

Domestic violence not only involves the actual intimate partnership of the couple involved. Many of these couples have children, who contrary to popular belief, do not “sleep” through domestic violence offenses. My office victim advocates in 2019 assisted 4,456 domestic violence victims. In 2020, that figure rose to 6,210. Kids see this violence. And without the school setting with counselors, teachers and trusted adults, these kids are left to suffer without getting important early intervention trauma therapy that they need. A recent study in the *Journal of American Medical Association Pediatrics* pointed to the overlooked role played by schools in the delivery of health care and especially in the area of mental health. An analysis revealed that three-million adolescents received some sort of mental health services from a school setting during a one-year period, and 57% of all adolescents who used any mental health services in a year period received them from a school-based service, and 35% received their mental health services exclusively from a school-based mental health service. When kids are not in school, they don't have access to the safe touchpoints of services and support they need as a result of childhood trauma.

3. School Closures result in mandated reporters not being able to see and report Child Abuse.

We've been monitoring the data since schools have shut, and the story is a scary one. One of the most dangerous statistics we saw in San Diego was the *drastic decrease* in calls to the Child Abuse hotline once schools were shut down. The chart below shows a *41% decrease in calls to the hotline during the month of April 2020 when all schools were shut*. The numbers remained significantly decreased for the remaining months schools were closed.

HOTLINE TOTAL # INCOMING CALLS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
2019	5,399	5,289	5,844	5,731	6,104	4,492	4,566	5,636	6,495	7,188	5,712	5,331
2020	5,990	6,461	5,494	3,375	3,831	3,668	3,917	4,304	4,958	4,916	4,095	3,989

Some could argue – this is great news – child abuse decreased during this time. But we knew better – we knew the abuse suddenly didn't just stop. Many of the reports to a child abuse hotline come from our state's legally mandated reporters such as teachers, counselors, and those who are duty bound to care for our kids. Unfortunately, my office statistics bear this out – in 2019 we received 799 child abuse cases to review for prosecution. This decreased 18% in 2020. We fear that these children are now suffering in silence – and not getting the help they need to become safe.

4. Our Local Children's Hospital Data shows the dangers to kids when schools are closed.

Our Rady Children's Hospital has a Child Abuse Pediatric program where expertly trained child abuse pediatricians handle cases of suspected child abuse. They are available for consultation to other physicians across the county and to law enforcement when a question arises whether a particular injury was accidental vs. an intentional act of child abuse. Our child abuse pediatric consult teams have had an 82% increase in consult cases since COVID-19 when the large majority of our schools were or remained closed.

Further, our Rady Children's Hospital child therapists are reporting that their current parents are experiencing increased anxiety and depressive symptoms during this time when schools largely remain closed. In August, our Rady Children's Hospital had unprecedented Depression Screening Suicidal Ideation referrals to social workers needing immediate response. There were 28 children in the Medical Practice Foundation (MPF) clinics that were expressing suicidal thoughts and needing emergent assessment/planning/care. Typically there are approximately 5-10 of these cases each month.

At the end of the analysis, schools provide a safe haven for our kids and our kids need to get back in them.

5. We are seeing more gang related shootings in San Diego.

San Diego County is one of the safest urban counties in America, but we are now experiencing an increase in gang related crimes with several youth involved. While more study will be done on this phenomenon, discussions with stakeholders and coaches that have provided healthy sports engagement for youth are seeing the negative impact of school closures and school-based sports closures on the lives of young people. With the loss of pro social activity available, joining negative groups like gangs is a natural byproduct.

6. The mounting negative impact on educational equity is of great concern.

The impact of school closures has clearly had a disproportionate negative impact on students from lower economic neighborhoods that include higher numbers of students of color. For these students, access is reduced to dependable internet connections, tutors, educational pods and parents who can be at home with them versus working in industries requiring their personal presence.

7. Recent data shows schools are not to blame for COVID spread.

Finally, and most importantly, we have a new body of evidence suggesting that with the right measures, school environments contribute little to the virus spread. A new January 2021 study published by the Centers for Disease Control (CDC) found that incidence of COVID-19 in the 17 elementary-through-high schools was **37% lower** than in the wider community, with no infections acquired at schools among staff members. In the Wisconsin study, just 7 of 191 cases (3.7%) identified among 5,530 students and staff members during the period of August 31 to November 29, 2020 were associated with in-school transmission, all in students. During 13 weeks of in-person learning, 7 of 4,876 students and 0 of 654 staff are known to have gotten COVID-19 at school. No spread is known to have occurred to or from staff in school¹. A European report from December 2020 also included findings from 17 country-level surveys indicating that schools were not associated with an accelerating community transmission². A December 15, 2020 CDC “Morbidity and Mortality Weekly Report” reported that among children and adolescents in Mississippi, close contact with people with COVID-19 and gathering with persons outside the household and lack of consistent mask use in schools were associated

¹ Falk A., Benda A, Falk P, Steffen S, Wallace Z, Hoeg TB. COVID-19 Cases and Transmission in 17 K-12 Schools – Wood County, Wisconsin, August 31–November 29, 2020. MMWR Morb. Mortal Wkly Rep 2021; 70: 136-140. DOI. <http://dx.doi.org/10.15585/mmwr.mm7004e3>

² European Centre for Disease Prevention and Control. COVID-10 in Children and the Rule of School Settings and Transmission-First Update. December 23, 2020. Accessed 1/25/21. <https://www.ecdc.europa.eu/en/publications-data/children-and-school-settings-COVID-19-transmission>

with infection, whereas attending school or childcare was not associated with positive COVID-19 test results³.

Another study by The Journal of the American Medical Association (JAMA) summarized previous research in a recent article, “To Spread or Not to Spread SARS-CoV-2—Is That the Question?” Some key takeaways from the study include “The severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) pandemic has upended society in many ways. The tragic and rising number of deaths we continue to see throughout the world, the overloaded hospitals, the devastated economies¹—all of these appropriately garner daily front-page headlines. However, the impact of this pandemic on children may ultimately prove to have the most lasting effect.”

This conclusion should lead decision makers to prioritize the reopening of schools as it could not be clearer:

“The preponderance of evidence now shows that children 10 years and younger, as in the study by Tönshoff et al,⁶ are both less likely to acquire SARS-CoV-2 infection^{13,14} and less likely to transmit it to others.¹⁵ Proper mitigation measures can reduce that risk even further.¹⁶ Therefore, the question we should be asking now is not do or do not children spread SARS-CoV-2; rather, we ought to be asking what we should do with the knowledge we have accumulated since the pandemic began regarding acquisition and transmission of SARS-CoV-2 in children. With this large seroprevalence study⁶ demonstrating yet again what we have suspected for several months, **the answer to that question could not be clearer: we must prioritize the reopening of childcare facilities and elementary schools to full time, in-person learning without exception.**”

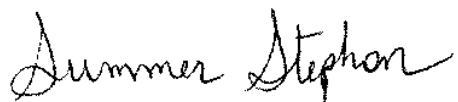
A group of California physicians also wrote on January 29, 2021 calling for return to sports for children. Here is a key part of the analysis by these physicians: “As physicians, we are seeing startling increases in rates of mental health issues since March 2020. In fact, the CDC reports a 24% increase in Emergency Room visits due to mental health issues in 5-11-year olds and a 31% increase in ER visits for mental health issues in 12-17-year olds from March 2020-October 2020 compared to 2019 data. We are also seeing alarming increases in rates of childhood obesity due to lack of physical activity and sports. In addition, sports participation helps to combat anxiety, depression, social isolation, suicidal ideation and weight gain. Moreover, sports participation helps improve school attendance, academic achievement, and future success in college and beyond. Prohibiting a healthy activity such as sports participation has caused harm to our state’s children. Not only have mental health problems increased, but there are also troubling increases in athletes who now have

³ Hobbs CV, Martin LM, Kim SS, et. al. Factors Associated with Positive SARS-CoV-2 Test Results in Outpatient Health Facilities and Emergency Departments Among Children and Adolescents Ages under 18 years- Mississippi, September-November 2020. MMWR Morb. Mortal Wkly Rep 2020;69: 1925-1929. DOI: <http://dx.doi.org/10.15585/mmwr.mm6950e3>

failing grades, are becoming screen addicted, are dropping out of school, joining gangs or becoming teenage parents.”

At the end of the analysis, I believe government should focus on harm reduction. While COVID-19 has very serious harm implications, so does school closures. The new health studies clearly show that public schools can be safely opened. Across the state, in other states, and around the world private schools have been safely opened. Schools are an essential entity that must be prioritized.

Respectfully,



Summer Stephan
San Diego County District Attorney

Cc: Mark Ghaly, M.D., M.P.H., Secretary, CHHSA
Tomas Aragon, Director and State Health Officer, CDPH
Helen Robbins-Meyer, Chief Administrative Officer, San Diego County
Wilma Wooten, M.D., M.P.H., Public Health Officer, San Diego County
Nathan Fletcher, Chair, San Diego County Board of Supervisors
Nora Vargas, Vice-Chair, San Diego County Board of Supervisors
Jim Desmond, Supervisor, San Diego County Board of Supervisors
Joel Anderson Supervisor, San Diego County Board of Supervisors
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Patrick Hefflin, Superintendent, Julian Union High School District

David Feliciano, Superintendent, La Mesa-Spring Valley School District
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