



San Diego County Sheriff

Training Bulletin

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ENFORCEMENT OF PUBLIC HEALTH ORDERS

These are anxious and tense moments for community members and precisely the time when the public expects law enforcement to use reasonable measures to protect them. Those measures include balancing individual rights, public health, and safety during a pandemic. The Department's focus is on voluntary compliance however, we have been provided the tools to enforce public health orders that have been put in place to protect the interests of society as a whole. When looking at enforcement options, it is vital for a deputy to balance the liberty interests of the individual against the severity of the threat that he or she poses to society. While "the public health" justification can limit certain individual conduct for the greater health of the community, it does not eliminate a person's basic fundamental rights. Deputies are encouraged to keep these principles in mind when faced with enforcement options under the County Health Officer Order or the Governor's Executive Order.

What orders are in effect in San Diego County?

Individuals in San Diego County are currently covered by two orders: [Governor Newsom's Executive Order N-33-20](#), and the [Amended Health Officer Order and Emergency Regulations and Addenda](#). Individuals in San Diego County may also be subject to additional orders issued by incorporated cities within San Diego County if they are located within that city's jurisdiction.

WHAT'S INCLUDED IN THE GOVERNOR'S EXECUTIVE ORDER:

Executive Order N-33-20 requires that all residents immediately follow State public health directives including that they must stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof, they are:

[Chemical Sector](#)
[Commercial Facilities Sector](#)
[Communications Sector](#)
[Critical Manufacturing Sector](#)
[Dams Sector](#)
[Defense Industrial Base Sector](#)
[Emergency Services Sector](#)
[Energy Sector](#)
[Financial Services Sector](#)
[Food and Agriculture Sector](#)
[Government Facilities Sector](#)
[Healthcare and Public Health Sector](#)
[Information Technology Sector](#)
[Nuclear Reactors, Materials, and Waste Sector](#)
[Transportation Systems Sector](#)
[Water and Wastewater Systems Sector](#)

Individuals participating in these 16 critical infrastructure sectors may continue because of the importance of these sectors to Californians' health and well-being. Examples of these 16 critical infrastructure sectors can be found at the end of this training bulletin.

Can people leave their homes?

Yes. Individuals must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

Does the Governor's order require individuals to stay indoors?

No. The Governor's executive order only requires that people stay home or at their place of residence, it does not specifically require them to stay indoors.

The Governor in announcing his executive order specifically stated that "You can still take your kids outside, practicing common sense and social distancing. You could still walk your dog. You can still pick up that food at one of our distribution centers, at a restaurant, at a drive-through. All of those things, we will still be able to do."

How do I enforce the Governor's Executive Order?

Government Code Section 8567 provides that the Governor may make, amend, and rescind orders and regulations necessary to carry out the provisions California Emergency Services Act. The orders and regulations shall have the force and effect of law.

[Government Code Section 8665](#) provides that any person who violates any of the provisions of California Emergency Services Act or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in the Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

[Health and Safety Code section 120155](#) provides that the sheriff of each county, may enforce within the county, all orders of the State Department of Public Health issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, may enforce within the area subject to his or her jurisdiction all orders of the State Department of Public Health issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.

As the Governor indicated in his press conference, common sense and social distancing should prevail. The Department's preference is to obtain voluntary compliance. If we are unable to obtain voluntary compliance, Deputies should consider the severity of the violation and whether a citation can accomplish getting the necessary cooperation. If compliance cannot be obtained either voluntarily, or through the issuance of a citation, deputies should consult with their supervisors prior to making an arrest. Considerations regarding making an arrest include whether the suspect has been, or may need to be, quarantined or isolated as a result of the COVID-19 virus.

WHAT'S INCLUDED IN THE COUNTY'S AMENDED HEALTH OFFICER ORDER AND EMERGENCY REGULATIONS AND ADDENDA?

The order includes the following five (5) prohibitions:

Effective until 11 :59 p.m. on March 31, 2020, the following will be in effect for all jurisdictions within San Diego County:

1. All public or private events or convenings that bring together 10 or more people in a single room or single space at the same time, such as an auditorium, stadium, arena, theater, church, casino, conference room, meeting hall, cafeteria, or any other indoor or outdoor space is prohibited.
2. All bars, adult entertainment establishments, and other business establishments that serve alcohol shall close. All gyms and fitness centers shall close.
3. All restaurants and other business establishments that serve food shall close all on-site dining. All food served shall be by delivery, or through pick-up or drive thru. Social distancing shall be required for persons picking up food on premises.
4. All public or private schools, colleges, and universities shall not hold classes or other school activities where students gather on the school campus. Parents of school-aged minor children shall take steps to ensure said children are not participating in activities prohibited by the Order and that social distancing requirements are practiced.

To the extent possible, daycare and childcare facilities shall operate under the following

conditions: a) childcare must be carried out in stable groups of 10 or fewer ("stable means that the same 10 or fewer children are in the same group each day); b) children shall not change from one group to another; c) if more than one group of children is cared for at one facility, each group shall be in a separate room; d) groups shall not mix with each other. Childcare providers shall remain solely with one group of children.

5. Employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of a long-term care facility or hospital are prohibited from entry into any hospital or long-term care facility. All essential personnel who show any potential signs or symptoms of COVID-19 shall be strictly prohibited from entry into hospitals or long-term care facilities.

The order does not prohibit:

1. Operations at airports, public transportation or other spaces where 10 or more persons may be in transit but able to practice social distancing. It also does not include essential businesses where many people are present but are able to practice social distancing.
2. Emergency shelters, homeless shelters, or other similar essential gatherings that are for the protection of public health and safety and where appropriate precautions are taken that follow federal, State, and local public health guidance regarding COVID-19.

How do I enforce the County's Amended Health Officer Order and Emergency Regulations and Addenda?

Pursuant to [Health and Safety Code section 120175.5](#), the public health officer has directed the Sheriff's Department to take necessary measures to ensure compliance with the Order and to disseminate the Order to venues or locations within the County of San Diego where a large gathering may occur.

[Health and Safety Code section 101029](#) provides in pertinent part that "[t]he sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease."

[Government Code section 26602](#) provides that "[t]he sheriff may execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease." [Section 41601](#) provides similar authority to a local police department.

Sheriff's Deputies should first provide notice to persons in violation of the Health Officer Order and give them a reasonable opportunity to comply. **Be mindful that many people may not yet be aware of the often-changing rules, especially as they relate to the number of people at gatherings, and the types of businesses that are required to close.** If, after a reasonable opportunity, a person refuses to comply with the order, deputies may issue a citation for a violation of Government Code Section 8665.

[Government Code Section 8665](#) provides that any person who violates any of the provisions of California Emergency Services Act or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in the Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

If a person violates an order for quarantine or isolation, or refuses to voluntarily comply with such an order, deputies may issue a citation for [Health and Safety Code 120295](#). Health and Safety Code section 120295 makes it a misdemeanor to violate the quarantine or isolation orders established by a local health officer. If compliance cannot be obtained either voluntarily, or through the issuance of a citation, deputies should consult with their supervisors prior to making an arrest. Considerations regarding making an arrest include whether the suspect has been, or may need to be, quarantined or isolated as a result of the COVID-19 virus.

Below are the 16 Sectors where work and participation are permitted under the Governor's Executive Order. While each sector contains examples of work that is permitted, individuals who are not necessarily working, but are participating in the associated sectors, such as customers would also be permitted.

Further information can be found at <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>

HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing
- Caregivers such as physicians, dentists, psychologists, nurses, pharmacists, physical therapists, social workers, and diagnostic and therapeutic technicians and technologists
- Hospital and laboratory personnel including support staff
- Workers in other medical facilities such as Blood Banks, Clinics, Outpatient rehabilitation, Home Health care and Hospices including support personnel
- Manufacturers, logistics, distributors and delivery personnel of medical equipment and supplies, personal protective equipment (PPE), pharmaceuticals, blood and blood products, vaccines, cleaning, sanitizing, disinfecting or sterilization supplies, and paper products
- Blood and plasma donors and the employees of those organizations
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who support food, shelter, and other social services
- Pharmacy employees necessary for filling prescriptions
- Mortuary services, including funeral homes, crematoriums, and cemetery workers

LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in law enforcement, fire, EMS, emergency management, and corrections, including front line personnel and management
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector
- Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies and other retail that sells food and beverage products
- Restaurant carry-out and quick serve food operations including carry-out and food delivery employees
- Food manufacturer employees and their supplier employees
- Farm workers
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry
- Veterinary health workers and those employed in related support industries
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution

ENERGY

Electricity industry workers

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including technicians, vegetation management crews and other support employees

Petroleum workers

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport employees
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

Natural and propane gas workers

- Natural gas transmission and distribution pipelines, natural gas underground storage, and natural gas processing plants workers
- Workers engaged in drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas service maintenance and restoration, including call centers

WATER AND WASTEWATER

- Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including operational staff at water and wastewater treatment facilities, workers repairing water and wastewater conveyances and performing required sampling or monitoring, and operational staff for water distribution and testing

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure
- Mass transit workers such as trolley, bus, Coaster, Amtrak, etc.
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Automotive repair and maintenance facilities
- Manufacturers and distributors of packaging materials and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, including those of private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and related equipment and infrastructure
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers

PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, dams, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications

- Workers involved in the maintenance of communications infrastructure - including privately owned and maintained communication systems – such as call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering
- Installation, maintenance and repair technicians that establish, support or repair service
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

Information Technology

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors
- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, government and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Elections personnel
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base

HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations

FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services, including banks and credit unions and related industries
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products

DEFENSE INDUSTRIAL BASE

Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including but not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers