



**San Diego County Sheriff**

**Training Bulletin**

**William D. Gore, Sheriff**

**April 3, 2020**



## **Enforcement of the General Public Health Orders**

Individuals in San Diego County are currently required to follow two public health orders: Governor Newsom's Executive Order N-33-20<sup>1</sup>, and the Amended Health Officer Order and Emergency Regulations.<sup>2</sup> 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.

### **Governor Newsom's Executive Order N-33-20**

Governor Newsom's order requires all individuals living in California to "stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors," and additional sectors designated as critical by the State Public Health Officer.

A business must fall under one of the federal critical infrastructure categories or be specifically identified on the State Public Health Officer's Essential Critical Infrastructure Workers list in order to be identified as an essential business. A copy of the "Essential Critical Infrastructure Workers," is attached to this bulletin.<sup>3</sup> Businesses identified in these critical sectors may continue working as specified. 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. Deputies should not contact persons, conduct traffic stops or ask for proof of essential worker status. There is no requirement that employees carry proof of essential worker status.

Individuals may leave their homes to access necessities such as food, prescriptions, health care, or to care for elderly or disabled friends or family. So long as an individual is maintaining a safe social distance of six feet from people who aren't part of their household, it is ok for them to go outside for exercise, a walk or fresh air. Additionally, people can walk, run, hike and bike in their local neighborhoods as long as they continue to practice social distancing of 6 feet. This means avoiding crowded trails and parking lots. "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."

### **San Diego County Local Health Order**

The San Diego County Public Health Order specifies and orders as follows:

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 and do not serve food shall be and remain closed.

<sup>1</sup> <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>

<sup>2</sup> <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/HealthOfficerOrderCOVID19.pdf>

<sup>3</sup> <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

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 site.
4. All gyms and fitness centers shall be and remain closed.
5. All businesses shall enact social distancing.
6. Government entities shall enforce social distancing requirements at all beaches and parks; if a government entity is unable to enforce social distancing at a beach or park, it shall be closed to the public.
7. Daycare and childcare facilities shall operate under the following conditions: i) childcare must be carried out in groups of 10 or fewer; ii) children shall not change from one group to another; iii) if more than one group of children is cared for at one facility, each group shall be in a separate room; iv) groups shall not mix with each other; and v) childcare providers shall remain solely with one group of children.
8. 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.
9. All businesses that remain in operation in accordance with the public health order and that allow members of the public to enter must prepare and post by no later than 12:00 a.m. on April 7, 2020 a "Social Distancing and Sanitation Protocol". The Social Distancing and Sanitation Protocol must be posted at or near the entrance of the relevant facility and shall be easily viewable by the public and employees. A copy of the Social Distancing and Sanitation Protocol must also be provided to each employee performing work at the facility. All businesses shall implement the Social Distancing and Sanitation Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing and Sanitation Protocol must ensure all required measures are implemented and must identify and require measures necessary to implement social distancing are implemented at each facility that will ensure social distancing and sanitation at that particular facility. If the measures identified and implemented are not effective in maintaining proper social distancing and sanitation, additional measures shall be identified and implemented, or the facility shall be closed.
10. Effective 12:00 a.m. Saturday, April 4, 2020, all employees who may have contact with the public in any grocery store, pharmacy/drug store, convenience store, gas station, restaurant and other business establishment that serves food, or when making a delivery to a customer, shall wear a cloth face covering. Owners of business establishments are responsible for ensuring compliance with this section.
11. Parking lots at all public parks and recreation areas shall be closed and all such facilities shall be accessible only from members of the public within walking distance of the facility. Said facilities shall be used solely for walking, hiking, equestrian or bicycle riding. The public shall not congregate or participate in active sport activities at said facilities.
12. Effective 12:00 a.m. Saturday, April 4, 2020, boating for recreational purposes, watersports, or swimming, are prohibited on or in public waterways and at beaches.

This 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. Operations at businesses included in the designated sectors referenced in above, where many people are present but are able to practice social distancing. Nor does it prohibit said businesses from having 10 or more employees in the same room when able to practice social distancing.

"Social distancing" is maintaining a six-foot separation from all persons except for household members and medical providers with the appropriate personal protection equipment.

### **Enforcement of Governor's Executive Order and County Public Health Order**

All individuals must follow the Governor's Executive order to stay home, except as needed to obtain or perform the authorized essential activities. The local health order includes additional prohibitions that must be followed on top of the state requirement. The local order may be enforced when someone is engaging in an activity that is authorized by the state order, but they are not acting in compliance with the local order.

**Violations of *either order* are enforceable under Government Code Section 8665.** Government Code Section 8665 provides that any person who violates any of the provisions of the 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.

Additionally, when encountering a group that is in violation of an order, deputies are encouraged to use their discretion related to officer safety and their ability to manage the situation. If the group is involved in an organized meeting (such as church service, social event, etc.) and the group begins to flee or disperse, deputies should attempt to detain and cite the organizer(s) to prevent future violations. The goal is to conduct enforcement which will deter future violations or dampen the public interest in holding events or gatherings in violation of the orders.

### **Enforcement of Order for Quarantine or Isolation Naming an Individual Specifically**

Finally, if a person violates an order for quarantine or isolation naming them specifically, or refuses to voluntarily comply with such an order, deputies should work to accomplish an arrest 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. Care should be taken to ensure proper PPE is utilized and the health and safety of the public and our employees is protected.