



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

April 10, 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.<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 six 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 persons are to remain in their homes or at their place of residence, except for employees or customers travelling to and from essential businesses or activities as designated by the State Public Health Officer in the "Essential Critical Infrastructure Workers" list and referenced in Executive Order N-33-20, or to participate in individual or family outdoor activity as allowed by the Order.

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

<sup>2</sup> [https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community\\_epidemiology/dc/2019-nCoV/health-order.html](https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/health-order.html)

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

2. All public or private events or convenings that bring together more than one person in a single room or single indoor or outdoor space at the same time, including people in multiple vehicles in one location, are prohibited. The order does not prohibit a gathering consisting only of members of a single family or household.
3. All businesses not meeting the definition of essential business are “non-essential businesses” and shall be and remain closed for the duration of the Order. All essential businesses must comply with the requirements of the Order.

For purposes of the order, the following businesses in the Food and Agriculture Sector are considered "groceries" or "other retail that sells food and beverages": grocery stores, corner stores and convenience stores, liquor stores that sell food, farmer's markets, food banks, farm and produce stands, supermarkets, big box stores that sell groceries and essentials, or similar business that sell food so long as the store has a current permit related to the sale of food and/or beverages from the San Diego County Department of Environmental Health.

- a. Businesses are required to post the San Diego County Department of Environmental Health permit in the facility. The permit may be verified as follows: 1) in person at the facility; 2) by contacting a Specialist at 858-505-6900 or [FHDUTYEH@sdcounty.ca.gov](mailto:FHDUTYEH@sdcounty.ca.gov); or 3) by searching the following website: <https://sdfoodinfo.org/>.
  - b. A health permit is not required for facilities that have 25 square feet or less of pre-packaged, non-potentially hazardous foods and beverages from an approved source. This includes all food and beverage stored in the display area and backstock.
  - c. A tobacco shop or vape store that does not also sell food or drink is not considered a corner or convenience store for purposes of being an essential business under this section.
4. Child daycare and childcare providers shall operate under the following conditions: i) 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); 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; and, vi) employees shall wear face coverings whenever food is served in the facility.
  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 are COVID-19 positive or show any potential signs or symptoms of COVID-19 are strictly prohibited from entry into hospitals or long-term care facilities. However, individuals requiring medical care for COVID-19 or related conditions may be admitted to hospitals or other medical facilities if the hospital or medical facility is appropriate for treating COVID-19 and has adequate precautions in place to protect its patients, medical personnel and staff.
  6. All essential businesses that allow members of the public to enter a facility must prepare and post a “Social Distancing and Sanitation Protocol” form, or a form required by another governmental entity requiring substantially similar information, for each of their facilities open to the public in the county. 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 essential businesses shall implement the Social Distancing and Sanitation Protocol and provide evidence of its implementation to any authority enforcing the Order upon demand. The Social Distancing and Sanitation Protocol must ensure that 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, the business shall promptly modify its Social Distancing and Sanitation

Protocols to ensure proper social distancing and sanitation. Any business failing to successfully implement social distancing and sanitation shall be closed.

7. All employees who may have contact with the public in any restaurant or other essential business that serves food, grocery store, pharmacy/drug store, convenience store, or gas station shall wear a cloth face covering. Effective 12:00 a.m. on Tuesday, April 14, 2020, all employees who may have contact with the public in banks, or public transportation, shall wear a cloth face covering. Owners of essential businesses establishments are responsible for ensuring compliance with this section.
8. All public parks and recreation areas shall comply with the Social Distancing and Sanitation Protocol requirements. 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. Swimming, surfing, paddle boarding, boating for recreational purposes, and all other water recreational activities are prohibited on or in public waterways and at beaches. All public parks and recreation areas, including public beaches, where social distancing requirements cannot be effectively implemented shall close. This does not prohibit public employees from engaging in maintenance or safety activities at these facilities.
9. All essential businesses that remain in operation in accordance with the Order shall enact social distancing and increased sanitation standards.
10. Persons who have been diagnosed with COVID-19, or who are likely to have COVID-19, are required to comply with the Order of the Health Officer titled: "Isolation of All Persons with or Likely to have COVID-19." Persons who have a close contact with a person who either has COVID-19, or is likely to have COVID-19, is required to comply with the Order of the Health Officer titled: "Quarantine of Persons Exposed to COVID-19." Both orders are available on the County website.<sup>4</sup> If a more specific isolation or quarantine order is issued to a person, that order shall be followed.

The County Public Health Order does not prohibit:

1. A gathering consisting only of members of a single family or household.
2. Operations at airports, public transportation or other spaces where persons in transit are able to practice social distancing.
3. Operations at essential businesses and where the other requirements set forth in the Order are followed.

"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

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<sup>4</sup> [https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community\\_epidemiology/dc/2019-nCoV/health-order.html](https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/health-order.html)

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 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 "Isolation of All Persons with or Likely to have COVID-19" and "Quarantine of Persons Exposed to COVID-19" Orders**

If a person has been diagnosed with, or is likely to have COVID-19, that person must follow the Isolation Order and remain at his or her residence. Individuals are required to isolate if any of the following apply: 1) a positive lab test for COVID-19; 2) signs and symptoms that are consistent with COVID-19; or 3) a physician has informed the individual that they are likely to have COVID-19. *The person may only leave to receive necessary medical care.*

If a person has had "close contact" with a person who has been diagnosed with, or is likely to have COVID-19, that person must follow the Quarantine Order and remain at his or her residence. A "close contact" is defined as a contact with a COVID-19 patient that occurs anywhere between 48 hours before the persons symptoms began, and until the person is no longer required to be isolated, where the person was within 6 feet for more than 10 minutes, or had unprotected contact with the body fluids or secretions. The quarantined person may leave to receive necessary medical care, or to participate in a necessary activity.

#### **If an individual is not abiding by the general Isolation or Quarantining Order, responding law enforcement must:**

- Determine if the person is positive and if the self-isolation period has ended. Epidemiology can be contacted on the first responder line Monday through Friday from 0800-1700 at [REDACTED]. After hours, an answering service will take a message for the on-duty health officers at [REDACTED].
- Identify how the individual has violated the PHO.
- Educate the individual and inform them that they need to isolate at their residence per the PHO and that they are subject to citation or arrest for the violation.
- Document the contact in CAD notes and include the address they provided for self-isolation.

#### **If the same individual is contacted again regarding a violation of the PHO, responding law enforcement should:**

- Issue a citation to the individual if appropriate.
- If it appears this individual will NOT abide by the PHO, contact the EOC Law Branch Coordinator via the Communications Center to attain a PHO specific to the individual at a listed address. You will be asked to articulate the above actions before the Law Branch Coordinator is contacted. Once that is verified you will be able to move to the next step.
- Serve the individual with the PHO and document in CAD.

#### **If the same individual fails to stay at the listed residence on the PHO, responding law enforcement should:**

- Issue a citation and contact the on-call Care and Shelter Branch coordinator to arrange housing at the designated Public Health Hotel. (Number will be with Communication Centers as it is not meant for public)

- Contact the EOC Law Branch Coordinator via the Communications Center to attain a PHO specific to the individual at the listed Public Health Hotel address.
- Ensure on-site law enforcement is aware of the placement.
- Serve the individual with the PHO, document it in CAD, and transport the individual to the Public Health Hotel.

**If the same individual fails to stay at the listed Public Health Hotel, responding law enforcement should:**

- Issue a citation and contact the Law Branch Coordinator via the Communications Center to attain a PHO which lists "any and all San Diego County Sheriff's Department detention facilities or guarded hospital facilities as designated by the Sheriff of San Diego County" as the location of isolation or quarantine.
- Contact the jail watch commander and notify them that you have an individual who requires secure isolation or quarantine. Advise the watch commander of the basis for which the subject is being isolated or quarantined.
- Transport the subject to secure location provided by the jail watch commander.
- The County of San Diego will release the individual upon the expiration of the PHO unless there are other criminal charges pending.

Each law enforcement agency is responsible for submitting completed citations and related reports to the District Attorney for review and issuance.

Health and Safety Code section 120295 makes it a misdemeanor to violate the quarantine or isolation orders established by a local health officer. Deputies may issue a citation for a violation of this section in order to gain compliance with a directed quarantine order.

Care should be taken to ensure proper PPE is utilized and the health and safety of the public and our employees is protected.