



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

May 8, 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 Order of Health Officer 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 N-33-20 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."

On April 30, 2020, the "outdoor recreation" guidance on the California Coronavirus Response website was updated to include additional outdoor activities. It is okay to go outside to go for a walk, to exercise, and participate in healthy activities as long as the individual maintains a safe physical distance of six feet and gathers only with members of his or her household. The website contains a non-exhaustive list of permitted outdoor recreation activities.<sup>4</sup> Permitted activities include, but are not limited to: athletics; picnics (with stay-home household members only); hiking (trails/paths allowing distancing); jogging and running; watching the sunrise or sunset; and yoga.

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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>

<sup>4</sup> <https://covid19.ca.gov/stay-home-except-for-essential-needs/#outdoor>

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

The San Diego County Public Health Order, effective 12:00 a.m. on May 8, 2020, and continuing until further notice, specifies and orders as follows:

**Stay at Home:** All persons are to remain in their homes or at their place of residence, except for employees or customers travelling to and from a reopened business or an essential business, or essential activity 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.

**Gatherings:** 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.

**Businesses:** All businesses not meeting the definition of essential business or reopened business are “non-essential businesses” and shall be and remain closed for the duration of the Order. All essential businesses and reopened businesses must comply with the requirements of the Order.

1. **Essential Business:** A business or activity designated by the State Public Health Officer in the "Essential Critical Infrastructure Workers" list and referenced in Executive Order N-33-20.
  - a. 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.
  - b. 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/>.
  - c. 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.
  - d. 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.
2. **Reopened Business:** A business that is not an essential business, and has reopened in conformance with the State of California's Resilience Roadmap. Currently, curbside retail may open with curbside pickup and delivery, only. Additionally, the supply chains supporting the businesses, (manufacturing, logistics, warehouses) may open.

**Child Daycare:** Child daycare and childcare providers shall operate under the following conditions: i) childcare should be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day); ii) children should not change from one group to another; iii) if more than one group of children is cared for at one facility, each group should be in a separate area; iv) groups should not mix with each other; and v) childcare providers should remain solely with one group of children, to the extent possible. Employees of such businesses, and the children being cared for, are not required to wear face coverings while present at the child care facility. Child daycare and childcare providers shall establish health check and temperature screening requirements to ensure children and employees with a temperature of 100 degrees or above do not enter the facility.

**Hospital Entry:** 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.

**Mandatory Face Covering:** All persons two years old or older shall have possession of a face covering when they leave their home or place of residence and shall wear the face covering whenever they are in a business or within six feet of another person who is not a member of their family or household. *Persons with a medical or mental health condition, or developmental disability that prevents wearing a face covering shall be exempt from this requirement.*

**Business Mandatory Face Covering and Temperature Screening:** Each essential business and reopened business shall require all employees to wear face covering in compliance with the Mandatory Face Covering section. Additionally, the businesses shall conduct temperature screening of all employees and prohibit employees with a temperature of 100 degrees or more from entering the workplace. Symptom screening (prohibiting employees from entering if they have a cough, shortness of breath or trouble breathing or at least two of the following: fever, chills, repeated shaking with chills, muscle pain, headache, sore throat or new loss of taste or smell) may be used only when a thermometer is not available.

**Essential Business Social Distancing and Sanitation Protocol:** 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 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 Protocol must also be provided to each employee working at the facility. All essential businesses shall implement the Protocol and provide evidence of its implementation to any authority enforcing the Order upon demand. The 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 Protocols to ensure proper social distancing and sanitation. Any business that fails to successfully implement social distancing and sanitation may be required to close.

**Reopened Business Safe Reopening Plan:** All reopened businesses must prepare and post a "Safe Reopening Plan" form for each facility. The Plan must be posted at or near the entrance of the facility, and shall be easily viewable by the public and employees. A copy of the Plan must also be provided to each employee working at the facility. All reopened businesses shall implement the Plan and provide evidence of its implementation to any authority enforcing the Order upon demand. The Plan must ensure all required measures are implemented. If the measures identified and implemented are not effective in maintaining proper social distancing and sanitation, the business shall promptly modify its Plan to ensure proper social distancing and sanitation. Any business that fails to comply with its Plan may be required to close.

**Parks:** Each public park and recreation area, shall operate in compliance with the County's Parks & Beaches Social Distancing and Sanitation Protocol. The public shall not congregate or participate in active sport activities at a park *with the exception of members of a single household.* All active sports areas, such as tennis and basketball courts, shall be limited to use by members of a single household. All playgrounds with play equipment, and all indoor recreational areas shall be closed. Any park at which the Protocol requirements cannot be effectively implemented shall close.

**Boating:** Recreational boating shall be allowed provided all occupants of a boat are from the same household.

**Beaches:** All parking lots at public beaches shall be closed. Beaches shall be used solely for walking, running, hiking, equestrian or bicycle riding (where allowed). The public shall not congregate or participate in active sport activities at said facilities. Swimming, body surfing, boogie boarding, surfing, kite surfing, paddle boarding, kayaking, snorkeling and scuba diving from the shore may be allowed in the ocean and bays connected thereto. Beaches where social distancing requirements cannot be effectively implemented shall close. All other restrictions applicable to beaches pursuant to other sections of the Order shall remain in effect.

1. Each city is responsible for deciding whether to open access to its beaches. If a jurisdiction chooses to allow beach access, at most, the beach may be used to walk, run, hike, bike, horse ride, or traverse across the beach to enter the water for permitted water activity. The city may choose to impose additional restrictions.

**Golf:** Private and public golf courses must adhere to the Golf Course Physical Distancing and Safety Plan requirements in order to be operational. The completed Plan must be submitted to the Public Health Officer at least two days prior to opening the golf course. The requirements include, but are not limited to: staff must check the temperature of each employee and customer upon entry to the facility, and anyone with a temperature of 100 degrees or higher shall not be permitted to enter the facility; and no golf carts, with the exception of senior citizens over 55 years of age, and people with disabilities that prevent them from walking the course. Cart usage is limited to a single golfer, unless golfers are from the same household. Food and beverage areas may only remain open for grab-and-go service or delivery. Orders must be prepared for pick up and must be taken for on-course or in-cart dining only. No seating shall be available in food and beverage areas. The list of full requirements is available in the Golf Course Physical Distancing and Safety Plan.<sup>5</sup>

**Isolation or Quarantine:** 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>6</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 or reopened 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 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

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<sup>5</sup> <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/golf-course-protocol.pdf>

<sup>6</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)

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 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.