



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

June 1, 2020



Enforcement of the General Public Health Orders

Individuals in San Diego County are currently required to follow Governor Newsom's Executive Orders, the Orders of the State Public Health Officer, and the County of San Diego Order of the Health Officer and Emergency Regulations. 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.

California State Orders

On May 7, 2020, the State Public Health Officer issued an order¹ allowing local jurisdictions to begin movement into Stage 2. In-store and destination retail, and the infrastructure to support these businesses, office workspaces, outdoor museums, and limited services, including places of worship, are authorized to open with modifications. Additionally, hair salons, barbershops, and dine-in restaurants with modifications are open. "Californians may leave their homes to work at, patronize, or otherwise engage with those businesses, establishments, or activities and must, when they do so, continue at all times to practice physical distancing, minimize their time outside of the home, and wash their hands frequently."

On May 25, 2020, the state issued guidance on modified in-person protests. The state orders do not prohibit in-person protests if attendance is limited to the lower of 25% of the area's maximum occupancy, or a maximum of 100 attendees, and social distancing between persons from different households is maintained at all times. Participants must follow all other requirements imposed by local health officers and authorities.

San Diego County Local Health Order

The San Diego County Public Health Order², effective 12:00 a.m. on June 2, 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, 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, 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.

¹ <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/SHO%20Order%205-7-2020.pdf>

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

2. **Reopened Business:** A business that is not an essential business, and has reopened in conformance with the State of California's Resilience Roadmap. A reopened business may open immediately when authorized by the State, if it has complied with the requirements of the Order. Currently, in-store and destination retail, and the infrastructure to support these businesses, office workspaces, outdoor museums, and limited services, including places of worship, may open with modifications. Additionally, hair salons, barbershops, and dine-in restaurants may open with modifications.

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 childcare 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 coverings 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 exhibit COVID-19 symptoms) 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”³ 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. Any business that fails to successfully implement social distancing and sanitation may be required to close.

Reopened Business Safe Reopening Plan and COVID-19 Restaurant Operating Protocol: All reopened businesses, with the exception of restaurants providing dine-in services, must prepare and post a

³https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/SOCIAL_DISTANCING_AND_SANITATION_PROTOCOL_04022020_V1.pdf

"Safe Reopening Plan"⁴ form for each facility. Restaurants providing dine-in services must prepare and post a "COVID-19 Restaurant Operating Protocol"⁵ form for each restaurant. The Plan or Protocol 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 or Protocol must also be provided to each employee working at the facility. All reopened businesses shall implement the Plan or Protocol and provide evidence of its implementation to any authority enforcing the Order upon demand. The Plan or Protocol must ensure all required measures are implemented. Any business that fails to comply with its Plan or Protocol shall immediately close.

- a. When the State issues industry guidance with mandatory or suggested measures to be implemented by a particular type of business or industry, a reopened business must include all mandatory measures as part of its Safe Reopening Plan. The reopened business shall include all suggested measures necessary to maintain proper sanitation, employee screening, social distancing and facial coverings. Any mandatory measures required by the Order must also be included in the Plan.

Dine-in Restaurants: All restaurants that allow dine-in services are required to ensure their customers comply with all of the following measures and shall immediately close if they are not able to do so:

- a. Customers shall not stand in the restaurant except in the reception area while waiting for a table or to pick up take-out food. If customers cannot be socially distanced in the reception area they shall wait in their cars or outside of the restaurant in a line with six feet between each customer. The customers allowed at a table are limited to members of a single household or customers who have asked to be seated together at the time a table is requested.
- b. Customers are allowed in a restaurant *only* if they are dining in the restaurant or are picking up take-out food.
- c. No food or beverages shall be served to or consumed by a customer who is not seated at a table designated by the restaurant for dining.
- d. The bar area of a restaurant may be used for table service of food. Alcoholic drinks shall only be served as part of food service.
- e. Customers shall wear face coverings at all times other than while at a table.
- f. Tables designated for dining shall be six feet apart, or separated by barriers or partitions that extend above the heads of customers while seated. Customers are not allowed to bring additional chairs to the table that interfere with the six-foot separation.
- g. Shared entertainment items such as board games, arcade games and vending machines are prohibited and customers shall not have access to game and entertainment areas such as pool tables or darts.

Places of Worship: Religious services and cultural ceremonial activities may be conducted in conformance with the State Guidance. Modifications include limiting attendance to 25% of building capacity or a maximum of 100 attendees, whichever is lower. Each location must prepare and post a "Safe Reopening Plan."⁶

Parks and Recreation Areas: Each public park and recreation area, shall operate in compliance with the County's Parks & Beaches Social Distancing and Sanitation Protocol.⁷ The public shall not congregate or participate in active sport activities at a park with the exception of members of a single household. Park visitors may sit, lie down, or picnic if they practice social distancing. All active sports areas, such as tennis and basketball courts, shall be limited to use by individuals able to practice social distancing before, during or after the activity, or members of a single family/household. All playgrounds with play equipment, and

⁴https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Community_Sector_Support/BusinessesandEmployers/SafeReopeningPlanTemplate.pdf

⁵ https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/CommunitySectors/Restaurants_Food_and_Beverage_Providers.html

⁶https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Community_Sector_Support/BusinessesandEmployers/SafeReopeningPlanTemplate.pdf

⁷ <https://app.smartsheet.com/b/form/ceb5b2a10fb841f4872f9c11a82c1ddf>

all indoor recreational areas shall be closed. Any park at which the Protocol requirements cannot be effectively implemented may be required to close.

Campgrounds: Campgrounds may be open if a vacant campsite separates each occupied campsite, and each campsite is occupied only by members of the same household.

Boating: Recreational boating is allowed if 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) and for passive activities such as sitting and sunbathing provided all persons on the beach practice social distancing, other than members of the same household. The public shall not congregate or participate in active sport activities on beaches. 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 sit or sunbathe (passive activity), 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 complete, post, and fully implement a "Golf Course Physical Distancing and Safety Plan." The course shall conduct temperature screening of all employees and customers, and anyone with a temperature of 100 degrees or higher shall not be permitted to enter the facility. The list of full requirements is available in the Golf Course Physical Distancing and Safety Plan.⁸

Recreational Facilities: Public or private outdoor recreational facilities (except community pools), including recreational equipment (such as bicycle, boat, kayak, equestrian and surfboard) rentals, may be open for limited use. The outdoor recreational facility shall limit use of recreational equipment or areas to individuals able to practice social distancing before, during or after the activity, or members of the same household. The facility shall prepare a "Safe Reopening Plan"⁹ which shall include a requirement that all equipment be sanitized with a disinfectant effective against coronavirus immediately after every use.

Outdoor Recreation Instruction: One-on-one outdoor recreation instruction may occur if the instructor and the student comply with social distancing and face covering requirements in the Order. If equipment is used, it shall not be shared between the instructor and the student.

Hotels and Lodging Establishments: All hotels and lodging establishments shall require employees at check in to verify compliance with the state Order regarding operation of hotels and lodging establishments by mandating that guests sign and complete a Guest Certification for Hotels and Lodging Establishments.¹⁰ The state orders prohibit hotels/lodging for non-essential travel such as leisure and tourism.

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. 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.

⁸ <https://app.smartsheet.com/b/form/38b6f63ac77a4d218f27753345ce40d0>

⁹ https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/Community_Sector_Support/BusinessesandEmployers/SafeReopeningPlanTemplate.pdf

¹⁰ <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/HotelCertification.pdf>

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, first responders, and medical providers or employees conducting temperature screenings.

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 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 unauthorized 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 gatherings in violation of the orders.