

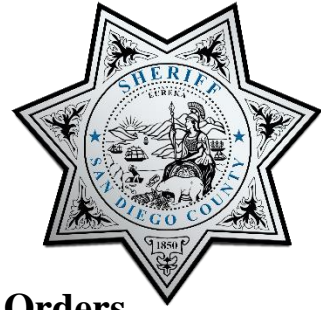


San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

November 18, 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

All individuals living in the State of California are currently ordered to stay home or at their place of residence, except for permitted work or other activity authorized by the state guidance. Under the Blueprint for a Safer Economy¹, each county may open industries in accordance with its assigned tier. On November 14, 2020, San Diego County moved backwards into Tier 1, the purple "Widespread" tier. The state website² contains a comprehensive list of the guidelines that apply to each industry.

Of note, the following industries must cease *indoor* operations and change to *outdoor* or take-out operations only:

- Restaurants
- Places of worship and cultural ceremonies
- Movie theaters
- Museums, zoos, and aquariums
- Gyms and fitness centers, dance studios, and yoga studios

The following industries may continue *outdoor* and takeout operations, only:

- Cardrooms, satellite wagering sites, and racetracks (without spectators)
- Family entertainment centers (kart racing, mini-golf, and batting cages)
- Wineries

Finally, the following industries remain closed:

- Bars, breweries, and distilleries that do not serve food
- Concert venues, convention centers, festivals, and theme parks
- Live theater
- Nightclubs
- Saunas and steam rooms

Face coverings: Pursuant to the California Department of Public Health Face Covering Guidance,³ individuals, except for exempted individuals, are *required* to wear masks in the following situations:

¹ https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/8-28-20_Order-Plan-Reducing-COVID19-Adjusting-Permitted-Sectors-Signed.pdf

² <https://covid19.ca.gov/safer-economy/>

³ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

People in California must wear face coverings when they are outside of the home, unless one of the exemptions below applies.

Individuals are exempt from wearing face coverings in the following specific settings:

- Persons in a car alone or solely with members of their own household.
- Persons who are working in an office or in a room alone.
- Persons who are actively eating or drinking provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are outdoors and maintaining at least 6 feet of social distancing from others not in their household. Such persons must have a face covering with them at all times and must put it on if they are within 6 feet of others who are not in their household.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Workers who are required to wear respiratory protection.
- Persons who are specifically exempted from wearing face coverings by other CDPH guidance.

The following individuals are exempt from wearing face coverings at all times:

- Persons younger than two years old. These very young children must not wear a face covering because of the risk of suffocation.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. Such conditions are rare.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.

Note: Persons exempted from wearing a face covering due to a medical condition who are employed in a job involving regular contact with others must wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their condition permits it.

Gatherings: On October 9, 2020, the California Department of Public Health issued updated Guidance for Private Gatherings.⁴ Gatherings are defined as social situations that bring together people from different households at the same time in a single space or place. Gatherings that include more than 3 households are prohibited. All gatherings must be held outside. The space must be large enough so that everyone at a gathering can maintain at least a 6-foot physical distance from others (not including their own household) at all times. Attendees may go inside to use restrooms as long as the restrooms are frequently sanitized. When gathering, face coverings must be worn in accordance with the California Department of Public Health Face Covering Guidance, unless an exemption is applicable.

San Diego County Local Health Order

The San Diego County Public Health Order⁵, effective 12:01 a.m. on November 14, 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 traveling to and from a reopened or essential business/activity, or to participate in individual or family outdoor activity as allowed by the Order.

⁴ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/CDPH-Guidance-for-the-Prevention-of-COVID-19-Transmission-for-Gatherings-10-09.aspx>

⁵ <https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/HealthOfficerOrderCOVID19.pdf>

Gatherings: All gatherings that do not comply with the requirements of the California Department of Public Health Guidance for Private Gatherings, are prohibited. The state guidance authorizes gatherings of 3 households or less that are held outdoors with social distancing. The following are not considered a gathering under the Order and are *not* prohibited:

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 or reopened businesses and where the other requirements set forth in the Order are followed.
4. A religious service or cultural ceremony including a wedding ceremony held in accordance with the state guidance.⁶ However a wedding reception is a gathering and is not allowed.
5. Outdoor protests in which participants maintain social distancing and wear face coverings at all times.

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 (or a business/activity that employs/utilizes workers) designated by the State Public Health Officer in the "Essential Critical Infrastructure Workers" list and referenced in Executive Order N-33-20.
2. **Reopened Business:** A business that is not an essential business and has reopened in conformance with the state guidance. A reopened business may open when the Public Health Officer has posted an acknowledgement of the reopened status on the County of San Diego Coronavirus website and the business has complied with the requirements of the Order.

Child care: Child daycare and child care providers shall operate in compliance with the state guidance⁷, and shall prepare and post a "Safe Reopening Plan".

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: Face coverings shall be worn in accordance with the California Department of Public Health Face Covering Guidance as set forth above.

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”⁸ form, or a form required by another governmental entity requiring substantially similar information, for each facility open to the public in the county. The 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 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 prepare and successfully implement the Protocol shall immediately close.

⁶ <https://files.covid19.ca.gov/pdf/guidance-places-of-worship.pdf>

⁷ <https://files.covid19.ca.gov/pdf/guidance-childcare--en.pdf>

⁸ https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/covid19/SOCIAL_DISTANCING_AND_SANITATION_PROTOCOL_04022020_V1.pdf

Industry Guidance: When the State issues industry guidance, or any subsequent amendments, with mandatory or suggested restrictions or measures to be implemented by a particular sector of essential or reopened business, every business in that sector must comply with the guidance and shall all measures as part of its Plan or Protocol. Any mandatory measures required by the Order must also be included in the Plan or Protocol.

Reopened Business Safe Reopening Plan and COVID-19 Restaurant Operating Protocol: All reopened businesses, with the exception of restaurants, bars, wineries, distilleries and breweries which do not limit services to take-out or delivery, must prepare and post a "Safe Reopening Plan"⁹ form for each facility. Restaurants, bars, wineries, distilleries, and breweries which do not limit services to take-out or delivery, must prepare and post a "COVID-19 Restaurant Operating Protocol"¹⁰ 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 prepare and comply with its Plan or Protocol shall immediately close.

Activities and Business Tiers: Every business in the following sectors listed in the Activities and Business Tiers¹¹ shall require all customers who receive services indoors or use indoor facilities to sign in with their name and telephone number:

- Hair Salons & Barbershops
- Personal Care Services

Restaurants, Bars, Wineries, Distilleries and Breweries: All restaurants, bars, wineries, distilleries and breweries shall be closed from 10:00 p.m. until 5:00 a.m. every day. Guests already in the facility at 10:00 p.m. may remain until 11:00 p.m. and only staff needed to close, open or clean the facility shall be in the facility between 11:00 p.m. and 5:00 a.m.

Parks and Recreation Areas and Facilities: Each public park and recreation area or facility, shall operate in compliance with the state guidance.¹² The operator of the park shall prepare a "Safe Reopening Plan". Any park or recreation area/facility at which the Plan requirements cannot be effectively implemented may be required to close.

Outdoor recreation instruction and day camps: Outdoor recreation instruction and day camps that comply with the state guidance¹³ may be conducted in park and recreation areas and facilities.

Recreational Boating: Recreational boating may occur in compliance with applicable state guidance.¹⁴

Outdoor Playgrounds: Outdoor playgrounds may operate in compliance with state guidance.¹⁵

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:

⁹https://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/deh/fhd/food/pdf/covid19sdrestaurantoperatingprotocol_en.pdf

¹¹ https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-August_2020.pdf

¹² <https://covid19.ca.gov/pdf/guidance-campgrounds.pdf>

¹³ <https://covid19.ca.gov/pdf/guidance-daycamps.pdf>

¹⁴ <https://files.covid19.ca.gov/pdf/guidance-campgrounds.pdf>

¹⁵ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Outdoor%20Playgrounds%20and%20other%20Outdoor%20Recreational%20Facilities.aspx>

"Quarantine of Persons Exposed to COVID-19." Both orders are available on the County website.¹⁶ If a more specific isolation or quarantine order is issued to a person, that order shall be followed.

Social Distancing: "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. The goal is to conduct enforcement which will deter future violations or dampen the public interest in holding gatherings in violation of the orders.

¹⁶ https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/health-order.html