



San Diego County Sheriff

William D. Gore, Sheriff

November 20, 2020



Law Enforcement Guide to Enforcement of the Limited Stay at Home Order

The California Department of Public Health issued a Limited Stay at Home order¹ that takes effect on November 21, 2020, at 10:00 p.m. The order is effective in counties classified in the Purple Tier (Tier 1) of the State's Blueprint for a Safer Economy. This includes San Diego County. **The order is in effect from 10:00 p.m. on November 21, 2020, until 5:00 a.m. on December 21, 2020.** It is effective *in addition* to the other State and County public health orders that are in effect.

The Order requires that all gatherings with members of other households and all activities conducted outside the residence, lodging, or temporary accommodation with members of other households must cease between 10:00 p.m. and 5:00 a.m.

The order does not apply to activities associated with the operation, maintenance, or usage of critical infrastructure, or required by law. Additionally, the order does not apply to persons experiencing homelessness.

The order is a restriction on *gatherings* and *activities* with members of other households. The intent of this order is to reduce opportunities for disease transmission with the goal of decreasing the number of hours individuals are in the community and mixing with individuals outside of their household. Restaurants and bars can serve take-out after 10 p.m. but, the front of the house must be closed, and no onsite dining is allowed. Grocery stores, pharmacies, gas stations and other critical infrastructure establishments can be open.

This order does not provide probable cause to stop a vehicle or an individual. There is no requirement that individuals show essential work status and deputies should not ask for proof of work status. The order does not prevent any number of persons from the same household from leaving their residence, etc, as long as they do not engage in any interaction with (or otherwise gather with) any persons from any other household. If deputies are called to an establishment or gathering that violates the Limited Stay at Home Order, they should attempt to gain compliance and allow businesses and individuals time to safely leave and return home.

Violations of the limited Stay at Home 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.

¹ <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/limited-stay-at-home-order.aspx>

Be mindful that many people may not yet be aware of the Limited Stay at Home Order. First, try to obtain voluntary compliance. If unable to obtain voluntary compliance, deputies should consider the severity of the violation and whether a citation can accomplish getting the necessary cooperation. If compliance cannot be obtained either voluntarily, or through the issuance of a citation, document the failure to comply in an Ordinance Violation Report. Additionally, 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 engaging in gatherings in violation of the order.