

San Diego Police Department

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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ENFORCEMENT OF PUBLIC HEALTH ORDERS

TRAINING BULLETIN 20-07 SUPERSEDES TRAINING BULLETING 20-05

I. PURPOSE

The purpose of this Training Bulletin is to help explain [California Executive Order N-33-20](#), which became effective on March 19, 2020, the [County of San Diego Order of the Health Officer and Emergency Regulations](#), which became effective on April 9, 2020, along with the [City of San Diego Executive Orders Number\(s\). 2020-1](#) and [2020-2](#), issued on March 16, 2020, and March 30, 2020, and provide direction to police officers regarding enforcement guidelines as related to the public health orders. The Mayor’s Executive Orders mirror many of the provisions in the County Health Officer Order.

With Coronavirus Disease 2019 (COVID-19) continuing to spread, the residents of San Diego expect law enforcement officials to use reasonable measures to protect them. Those measures include balancing individual rights with public health and safety during a pandemic. The Department’s focus is on voluntary compliance. To supplement that, we have been provided the tools to enforce public health orders when necessary to protect public health and safety. When looking at enforcement options, it is vital for officers to balance the liberty interests of the individual, against the severity of the threat that he or she poses to society. While “the public health” justification can limit certain individual conduct for the greater health of the community, it does not eliminate a person’s constitutional rights. Officers are encouraged to keep these principles in mind when evaluating enforcement options.

II. EXECUTIVE ORDER N-33-20

- A. Executive Order N-33-20 requires that all residents immediately follow State public health directives including the requirement to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors.

1. The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof, they are:

- a. [Chemical Sector](#)
- b. [Commercial Facilities Sector](#)
- c. [Communications Sector](#)
- d. [Critical Manufacturing Sector](#)
- e. [Dams Sector](#)
- f. [Defense Industrial Base Sector](#)
- g. [Emergency Services Sector](#)
- h. [Energy Sector](#)
- i. [Financial Services Sector](#)
- j. [Food and Agriculture Sector](#)
- k. [Government Facilities Sector](#)
- l. [Healthcare and Public Health Sector](#)
- m. [Information Technology Sector](#)
- n. [Nuclear Reactors, Materials, and Waste Sector](#)
- o. [Transportation Systems Sector](#)
- p. [Water and Wastewater Systems Sector](#)

2. Below are examples of the sectors where work and participation are permitted under the Governor's Executive Order. Individuals participating in these critical infrastructure sectors may continue because of the importance of these sectors to Californians' health and well-being. 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. Further information can be found at: <https://www.cisa.gov/sites/default/files/publications/CISA-Guidance-on-Essential-Critical-Infrastructure-Workers-1-20-508c.pdf>

a. Chemical

Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.

b. Communications and Information Technology

(1) Communications

- (a) Workers involved in the maintenance of communications infrastructure - including privately owned and maintained communication systems – such as call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment.
 - (b) Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting.
 - (c) Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering.
 - (d) Installation, maintenance and repair technicians that establish, support or repair service.
 - (e) Central office personnel to maintain and operate central office, data centers, and other network office facilities.
 - (f) Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting.
 - (g) Dispatchers involved with service repair and restoration.
- (2) Information Technology
- (a) Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command.
 - (b) Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer

solutions engineers, software and hardware engineers, and database administrators.

- (c) Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors.
- (d) Workers responding to cyber incidents involving critical infrastructure, including medical facilities, government and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel.
- (e) Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing.
- (f) Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries.
- (g) Support required for continuity of services, including janitorial/cleaning personnel.

c. Critical Manufacturing

- (1) Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

d. Defense Industrial Base

- (1) Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including but not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers.

- e. Energy
 - (1) Electricity industry workers
 - (a) Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including technicians, vegetation management crews and other support employees.
 - (2) Petroleum workers
 - (a) Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport employees.
 - (b) Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
 - (3) Natural and propane gas workers
 - (a) Natural gas transmission and distribution pipelines, natural gas underground storage, and natural gas processing plants workers.
 - (b) Workers engaged in drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation.
 - (c) Propane gas service maintenance and restoration, including call centers.
- f. Financial Services
 - (1) Workers who are needed to process and maintain systems for processing financial transactions and services, including banks and credit unions and related industries.
 - (2) Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers).
 - (3) Workers who support financial operations, such as those staffing data and security operations centers.

- g. Food and Agriculture
 - (1) Workers supporting groceries, pharmacies and other retail that sells food and beverage products.
 - (2) Restaurant carry-out and quick serve food operations including carry-out and food delivery employees.
 - (3) Food manufacturer employees and their supplier employees.
 - (4) Farm workers
 - (5) Workers essential for assistance programs and government payments.
 - (6) Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry.
 - (7) Veterinary health workers and those employed in related support industries.
 - (8) Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products.
 - (9) Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution.
- h. Hazardous Materials
 - (1) Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits.
 - (2) Workers who support hazardous materials response and cleanup.
 - (3) Workers who maintain digital systems infrastructure supporting hazardous materials management operations.
- i. Healthcare / Public Health
 - (1) Workers providing COVID-19 testing.

- (2) Caregivers such as physicians, dentists, psychologists, nurses, pharmacists, physical therapists, social workers, and diagnostic and therapeutic technicians and technologists.
- (3) Hospital and laboratory personnel including support staff.
- (4) Workers in other medical facilities such as Blood Banks, Clinics, Outpatient rehabilitation, Home Health care and Hospices including support personnel.

Manufacturers, logistics, distributors and delivery personnel of medical equipment and supplies, personal protective equipment (PPE), pharmaceuticals, blood and blood products, vaccines, cleaning, sanitizing, disinfecting or sterilization supplies, and paper products.

- (5) Blood and plasma donors and the employees of those organizations.
- (6) Workers that manage health plans, billing, and health information, who cannot practically work remotely.
- (7) Workers who support food, shelter, and other social services.
- (8) Pharmacy employees necessary for filling prescriptions.
- (9) Mortuary services, including funeral homes, crematoriums, and cemetery workers.

j. Law Enforcement, Public Safety, First Responders

- (1) Personnel in law enforcement, fire, EMS, emergency management, and corrections, including front line personnel and management.
- (2) 911 call center employees.
- (3) Fusion Center employees.
- (4) Hazardous material responders from government and the private sector.
- (5) Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

- k. Other Community-Based Government Operations and Essential Functions
 - (1) Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks.
 - (2) Elections personnel
 - (3) Weather forecasters
 - (4) Workers that maintain digital systems infrastructure supporting other critical government operations.
 - (5) Workers at operations centers necessary to maintain other essential functions.
 - (6) Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing.
 - (7) Hotel Workers where hotels are used for COVID-19 mitigation and containment measures.

- l. Public Works
 - (1) Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, dams, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
 - (2) Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
 - (3) Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste.

m. Transportation and Logistics

- (1) Employees supporting or enabling transportation functions, including truck drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure.
- (2) Mass transit workers such as trolley, bus, Coaster, Amtrak, etc.
- (3) Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment.
- (4) Maritime transportation workers - port workers, mariners, equipment operators.
- (5) Automotive repair and maintenance facilities.
- (6) Manufacturers and distributors of packaging materials and other supplies needed to support manufacturing, packaging staging and distribution operations.
- (7) Postal and shipping workers, including those of private companies.
- (8) Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and related equipment and infrastructure.
- (9) Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management.
- (10) Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off-airport facilities workers.

n. Water and Wastewater

- (1) Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including operational staff at water and wastewater treatment facilities, workers repairing water and wastewater conveyances and performing required sampling or monitoring, and operational staff for water distribution and testing.

- B. Can people leave their homes if they do not meet the 16 critical infrastructure criteria?
1. Yes. Individuals must have access to such necessities as food, prescriptions, and health care. 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 always practice social distancing.
- C. Does the Governor's order require individuals to stay indoors?
1. No. The Governor's executive order only requires that people stay home or at their place of residence, it does not specifically require them to stay indoors.

The Governor, in announcing his executive order, specifically stated that "You can still take your kids outside, practicing common sense and social distancing. You could still walk your dog. You can still pick up that food at one of our distribution centers, at a restaurant, at a drive-through. All of those things, we will still be able to do."

III. SAN DIEGO COUNTY ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS

A. Scope

The Order of the Health Officer and Emergency Regulations, effective April 9, 2020, is effective until April 30, 2020, unless amended or extended, and prohibits or directs the following:

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, or to participate in individual or family outdoor activity allowed by the Order.
2. All public or private gatherings 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; Exceptions include:
 - a) A gathering consisting only of members of a single family or household;
 - b) Operations at airports, public transportation or other spaces where persons in transit are able to practice social distancing;
 - c) Operations at essential businesses following the requirements of the Order.

3. All non-essential businesses shall be and remain closed.
 - a) An essential business is any business or activity identified by the State Public Health Officer as “Essential Critical Infrastructure Workers,” referenced in Executive Order N-33-20.
 - b) The following businesses in the Food and Agriculture Sector are considered essential:
 - 1) Grocery stores, corner stores, 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 businesses that sell food so long as the store has a current permit from the San Diego County Department of Environmental Health related to the sale of food and/or beverages.
 - c) A non-essential business may remain open if its employees and owners can provide its services from home, including by telecommuting, without direct contact with the public.
4. All public or private schools, colleges, and universities shall not hold classes or other school activities where students gather on the school campus. Parents of school-aged minor children shall take steps to ensure children are not participating in activities in violation of the Order;
5. Child daycare and childcare providers shall operate under the following conditions:
 - a) 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);
 - b) children shall not change from one group to another;
 - c) if more than one group of children is cared for at one facility, each group shall be in a separate room;
 - d) groups shall not mix with each other;
 - e) childcare providers shall remain solely with one group of children;
 - f) employees shall wear face coverings whenever food is served in the facility.

6. Non-essential personnel are prohibited from entry into a hospital or long-term care facility.
 - a) Essential personnel who are COVID-19 positive or show any COVID-19 signs or symptoms are strictly prohibited from entry, except when requiring medical care under adequate precautions.
 - b) Non-essential personnel include employees, contractors, or members of the public who do NOT perform treatment, maintenance, support or administrative tasks deemed essential to the healthcare mission. There may be some exceptions for end of life situations or for hospitalized children upon approval of the facility director and when appropriate precautions are followed.
 - c) Non-essential personnel DO NOT include first responders, state, federal, or local officials, investigators, or medical personnel carrying out lawful duties.
7. All essential businesses that allow members of the public to enter a facility must prepare and post a “[Social Distancing and Sanitation Protocol](#)” near the entrance of each facility easily viewable to the public and employees, and provide a copy to each employee. Evidence of implementation shall be produced to any enforcement authority upon demand. If the measures identified in the Protocol are ineffective, additional measures shall be identified. Any business failing to successfully implement social distancing and sanitation shall be closed.
8. All employees who may have contact with the public in a restaurant or other essential business that serves food, grocery store, pharmacy/drug store, convenience store, gas station, bank, or public transportation, shall wear a cloth face covering. Owners of essential businesses are responsible for ensuring compliance with this section.
9. All parking lots at public parks, recreation areas and beaches, shall be closed. Swimming, surfing, paddle boarding, boating for recreational purposes, and all other water recreational activities are prohibited on or in public waterways and at beaches.

IV. ENFORCEMENT SECTIONS FOR CURRENT COVID-19 RELATED ORDERS

The Department's preference is to obtain voluntary compliance. If an officer is unable to obtain voluntary compliance, officers should consider the severity of the violation and whether a citation can accomplish getting the necessary cooperation.

Officers shall first provide notice to persons in violation of the Health Officer Order and give them a reasonable opportunity to comply. Be mindful that many people may not yet be aware of the often-changing rules, especially as they relate to the number of people at gatherings, and the types of businesses required to close. If, after a reasonable opportunity, the person refuses to comply with the Order, officers may issue a citation.

If compliance cannot be obtained either voluntarily, or through the issuance of a citation, officers shall consult with their supervisors prior to making an arrest. Considerations regarding making an arrest include whether the suspect has been, or may need to be, quarantined or isolated as a result of the COVID-19 virus.

A. Enforcement of Governor’s Executive Order to Stay Home (N-33-20)

1. Authority

The Governor may establish orders and regulations to carry out the California Emergency Services Act. Such orders and regulations have the force and effect of law. (Government Code § 8567(a)).

2. Charging section for violation of Governor’s Executive Order – Government Code § 8665:

Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, 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.

B. San Diego County Health Officer Order

1. Authority

The County Health Officer may issue orders to regulations necessary to protect and preserve the public health during a state of emergency or local emergency and shall take actions necessary to prevent the spread of a contagious, infectious or communicable disease. (Government Code § 8634); (Health and Safety Code §§ 101040(a), 120175, 120175.5(b)).

2. Enforcement Authority

Officers may enforce the County Health Orders. (Government Code § 41601); (Health and Safety Code § 101029).

3. Charging Sections

- a) Violation of County Health Officer Order - Government Code § 8665

Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, 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.

- b) Violation of County Health Officer Order Regarding Isolation or Quarantine – Health and Safety Code § 120295

Any person who violates Section 120130 or any section in Chapter 3 (commencing with Section 120175, but excluding Section 120195), is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or by imprisonment for a term of not more than 90 days, or by both. He or she is guilty of a separate offense for each day that the violation continued.

V. CITY OF SAN DIEGO ENFORCEMENT – PARKS AND BEACHES

All City parks, beaches, trails, boardwalks, and bays are closed due to overcrowding and a lack social distancing.

A. Authority

The Mayor issued Executive Order No. 2020-2 on March 30, 2020, effective until April 30, 2020, unless amended or extended.

Section 6 of the Order states: All City parks, beaches, trails, boardwalks, and bays shall remain closed to the public to further limit public gatherings and slow the spread of COVID-19.”

B. Enforcement

1. Entering a closed park, beach, trail, boardwalk, or bay

- a) Government Code § 8665:

Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, 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.

2. Parking and Vehicular Traffic at Parks and Beaches

a) Municipal Code section 63.05:

The City Manager shall have the authority to regulate the parking of any automobile, trailer, motorcycle or other motor– driven vehicle in any public park, beach or plaza property. Furthermore, the City Manager shall have the authority to close any public park, beach or plaza property to automobile, motorcycle or other vehicular traffic, subject to any covenants or legally binding conditions upon such lands. Appropriate signs shall be erected or placed giving notice of any special conditions or regulations that are imposed under this section. It is unlawful for any person to stop, park or leave standing any automobile, trailer, motorcycle or other motor-driven vehicle on a public park, beach or plaza property, or to enter same with any such motor-driven vehicle, in contravention of any condition or condition or regulation which may be imposed under this section.

3. Compliance with Lifeguard Orders

a) Municipal Code section 63.20.4:

It is unlawful for any person to refuse to follow or comply with any lawful order, signal, or other direction of a lifeguard, or to knowingly provide false information to a lifeguard, or for any person without lawful authority to deface, injure, knock down or remove any sign or warning placed for the purpose of enforcing the provisions of Chapter VI, Article 3.