Enforcement of Public Health Order Related to Coronavirus (COVID-19)

Today, the County of San Diego Public Health Officer issued an AMENDED public health order that is in effect IMMEDIATELY.

The order includes the following five prohibitions:

Effective immediately and continuing until 11:59 p.m. on March 31, 2020, the following will be in effect for all jurisdictions within San Diego County:

1. All public or private events or convenings that bring together 50 or more people in a single room or single space at the same time, such as an auditorium, stadium, arena, theater, church, casino, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space is prohibited.
2. All bars, adult entertainment establishments, and other business establishments that serve alcohol and do not serve food, shall close.
3. All restaurants and other business establishments that serve food shall close all on-site dining. All food served shall be by delivery, or through pick-up or drive thru. Social distancing shall be required for persons picking up food on premises.
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 said children are not participating in activities prohibited by the Order and that social distancing requirements are practiced.
5. 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 show any potential signs or symptoms of COVID-19 shall be strictly prohibited from entry into hospitals or long-term care facilities.

The order does not prohibit:

1. Operations at airports, public transportation or other spaces where 50 or more persons may be in transit but able to practice social distancing. It also does not include essential businesses where many people are present but are able to practice social distancing.
2. Emergency shelters, homeless shelters, or other similar essential gatherings that are for the protection of public health and safety and where appropriate precautions are taken that follow federal, state, and local public health guidance regarding COVID-19.
Law Enforcement Authority:

Pursuant to Health and Safety Code section 120175.5, the public health officer has directed the Sheriff's Department to take necessary measures to ensure compliance with the Order and to disseminate the order to venues or locations within the County of San Diego where a large gathering may occur.

Health and Safety Code section 101029 provides in pertinent part that "[t]he sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease."

Government Code section 26602 provides that "[t]he sheriff may execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease." Section 41601 provides similar authority to a local police department.

The Office of the Sheriff and the Law Enforcement Services Bureau are actively doing outreach to various sectors, including tribal casinos, to educate them on the order and gain their compliance.

Practical application:

Sheriff's Deputies should first provide notice to persons in violation of the Health Officer Order and give them a reasonable opportunity to comply. If, after a reasonable opportunity, a person refuses to comply, deputies may issue a citation for a violation of Health and Safety Code 120295. Health and Safety Code section 120295 makes it a misdemeanor to violate the orders of a local health officer.

While we fully expect the people in San Diego County to recognize the seriousness of this public health threat and we are hopeful no enforcement action is necessary, this information can be used in the event no other resolution can protect public safety. The Sheriff's goal to reduce the spread of the disease and thereby protect public safety.

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