

COUNTY OF SANTA CLARA

Office of the Sheriff

**55 West Younger Avenue
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MEMORANDUM

Laurie Smith
Sheriff

TO: All Staff

FROM: Captain J. Helms

SUBJECT: ICC Directive 20-02 (shelter-in-place enforcement)

DATE: March 24, 2020

The Incident Command Center is aware that our patrol deputies are being tasked in dealing with businesses that may be out of compliance with the County of Santa Clara Public Health Department's shelter-in-place order, dated March 17th, 2020. The ICC has established step by step guidelines to help direct deputies in dealing with these types of incidents.

First contact - educate:

Upon first contact, the responding deputy shall educate the violator regarding the parameters of the shelter-in-place order. Please refer to page 6 of the attached shelter-in-place order to assist in determining which businesses are categorized as essential and which are not.

The goal here is to gain voluntary compliance. If you gain compliance, take no further enforcement action. Contact County Communication and have them document the warning in their notes (request that this information be documented for at least 30 days). Supervisors are to also make note of the warning in the Sergeant's Log.

Second contact - continued education:

Upon second contact, continue to educate violators regarding the shelter-in-place order. Run a records check on the address and determine who the owner or responsible party is for the business. Contact the owner or responsible party and notify them of the ongoing issue. Ask the owner or responsible party to assist with compliance. Contact County Communication and have them document the second warning in their notes (request that this information be documented for at least 30 days). Supervisors are to also make note of the warning in the Sergeant's Log.

Deputies should remind all violators that a third response may result in a citation. If companies ask why they should be concerned with a misdemeanor citation, deputies should remind violators that these citations come with hefty fines, possible court appearances and other ramifications related to their business practice.

Third contact - citation:

Upon third contact, under the discretion of the responding deputy, violators may be cited for failing to comply with the following law (if a citation is issued, an incident report must be completed for the misdemeanor offense):

- **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.

If a violation occurs after a citation has been issued, deputies may issue a second citation. Deputies should refrain from arresting violators of the shelter-in-place order; however, in the event an arrest is deemed necessary, there is nothing in these guidelines that prevents such an arrest.