

Guidelines for LE Relating to Enforcement of Public Health Orders

These instructions apply to public health orders **restricting public gatherings, and restrictions on the operation of certain business activities**, not individual isolation or quarantine orders.

If you are called upon to investigate persons violating state or local Public Health Orders relating to the operation of certain businesses, or public gatherings, *do the following*:

- 1) Educate and inform
 - a. Talk to the business owner/manager in charge of the establishment that is on duty at the time of contact. Provide them with the handout titled WARNING concerning potential methods of enforcement
 - b. Talk to those present and ask that they leave the establishment. Provide each person with the WARNING handout concerning potential methods of enforcement
- 2) Always leave a copy of the WARNING handout at the location
- 3) Prepare a report on your involvement, **even if they comply with your request to disperse or close down**, as the Attorney General, District Attorney or County Attorney may need to take legal action, if they are found to be non-compliant in the future (legal action could include criminal, civil or administrative actions, and may include all three).

LE Investigation Checklist

Your report should include:

- Name and contact information of the person who made the report.
- Name and contact information of the business owner or manager on duty at the time of investigation.
 - Did you give them a copy of the WARNING handout identifying potential methods to enforce the Public Health Orders.
 - If not, detail how you informed them of the requirements of the Public Health Orders.
- Names and contact information of those present who do not comply with your request to leave.
 - Did you give them a copy of the WARNING handout identifying potential methods to enforce the Public Health Orders.
 - If not, detail how you informed them of the requirements of the Public Health Orders.
- How many people were present?
- What were the people doing? (Eating, drinking, working out, watching a movie, etc.)
- What efforts, if any, were being made to distance people at the location?
- Document any statements or actions demonstrating non-compliance with your request
- Names and contact information of any witnesses

LE Frequently Asked Questions

Can I arrest or cite them for a violation of a public health order?

- 1) Do **not** arrest anyone IF the only violation is failure to comply with a public health order
- 2) A citation *may* be given pursuant to C.R.S. § 25-1-114(1)(a) but should **not be given on the first offense**. (This is another reason you should be documenting and preparing reports even if they comply with your request to close, or disperse)
- 3) If there is another valid reason to arrest the person, then you may arrest them, but follow all COVID-19 protocols

When should I issue a citation?

- 1) If they have previously been warned of the requirements, and there is a report documenting the prior event, and
- 2) If they refuse to respond to your request to close or disperse

Who do I write a citation to?

- 1) The business owner or manager or other individual in charge
- 2) Any person in the business that refuses to comply with the request to disperse
- 3) Any person in the business who has previously been informed of the Public Health Orders and there is a report that documents the prior contact

What evidence do I need?

1. Proof of the prior warning
2. Proof of any notices regarding the Public Health Order (generally acquired for SJBH)
3. Reporting party and 3rd party witness contact info. Video evidence is extremely helpful.

What are the current Public Health Orders? What activity is restricted?

- 1) The orders will change, sometimes there will be changes in the same day. Below are links to websites with specific information about the orders:

- a. Specific information about Colorado Department of Public Health and Environment Orders can be found at:
<https://covid19.colorado.gov/schools-workplaces-community>
- b. Specific information about San Juan Basin Public Health Department Orders can be found at: <https://sjbpublichealth.org/coronavirus/>

Potential legal actions for those violating Public Health Orders are outlined in the attached handout.

WARNING

YOU ARE HEREBY INFORMED OF POTENTIAL LEGAL ACTIONS WHICH MAY BE TAKEN AGAINST YOU FOR FAILURE TO COMPLY WITH ORDERS ISSUED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT OR SAN JUAN BASIN PUBLIC HEALTH

The State of Colorado and local jurisdictions have declared emergencies due to the rapid spread and grave health risk of the COVID-19 virus, otherwise known as Coronavirus.

To slow the spread of this highly contagious disease, the Colorado Department of Public Health & Environment and/or San Juan Basin Public Health have issued orders which are enforceable under the law.

PLEASE VOLUNTARILY AND WILLFULLY COMPLY WITH ALL HEALTH DEPARTMENT ORDERS FOR YOUR OWN HEALTH AND SAFETY AND FOR THE HEALTH AND SAFETY OF OTHERS

If this is your first notification of the importance of complying with Public Health Orders, *and* you respond to this request to voluntarily comply, no legal action will be taken against you

IF YOU DO NOT COMPLY, OR YOU HAVE PREVIOUSLY BEEN NOTIFIED OF YOUR OBLIGATIONS TO COMPLY, YOU MAY FACE ONE OR MORE OF THE FOLLOWING LEGAL ACTIONS

- 1) Given a citation or summons to appear in court on criminal violations
- 2) Become subject to an immediate court order granting Law Enforcement authority to close your business
- 3) Be subject to an immediate revocation of your business or short term rental permit
- 4) Be subject to a revocation of food handling and licensing permits
- 5) Information of non-compliance may be used against you during the renewal process of any special licenses or permits you hold, including liquor licenses

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SAN JUAN BASIN
public health



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SERVING LA PLATA, ARCHULETA AND SAN JUAN COUNTIES

