



COVID-19 FOR COPS
Gathering & Social Distance Enforcement
and Other Issues

Issued April 3, 2020 – May be copied and circulated without limitation

Check the chart!

Please use the chart to understand your approach and enforcement options for an unlawful gathering, food service, or open business. Wisely, police in Massachusetts and nationally arrest as a last resort. Some examples include a Maryland man who, after being warned by police, held a bonfire at his house for 60 guests; a New York City tavern owner who repeatedly served customers; and a Florida pastor who encouraged hundreds to flock to his church service. They ended up in cuffs.

Consider COVID crimes

Scams continue. Stay vigilant. Last week, AP reported an FBI arrest of a California man who claimed to have a “patent-pending cure” for COVID-19. He took the undercover cash. Whoops!

Impostor vehicle stops. NBC news reported offenders in Colorado pulled over motorists, saying they were conducting compliance checks for the state’s stay-at-home order. One had equipped his van with police lights.¹ Remember 268, § 33 – impersonation of a police officer – which is a 1 year misdemeanor arrestable in presence as a breach of peace. If red or blue lights are involved, add a citation for 90, § 7E – a CMVI of \$305.

Domestic violence. Many have predicted an increase in domestic violence due to “stay at home” orders. The problem may be compounded when victims, in close quarters with their abusers, are less able to report and/or safely leave. We’ll all see how this plays out. If dispatched to a home on a seemingly “minor” issue, please remain alert to the possibility of domestic violence.

- ***The violation of a domestic violence or harassment prevention order must result in arrest.*** 209A, § 6. 258, § 8. COVID-19 also does not affect obtaining an emergency restraining order.
- ***At the same time, arrest for domestic violence or harassment is the “preferred response” if no order exists.*** Id. Given that COVID-19 is potentially dangerous to arrestees, other citizens, police, and court personnel, officers on scene may *reasonably* decide that a different intervention makes more sense. For example, instead of an arrest, officers might counsel and warn the suspect, and/or persuade him to go to a different, safe location. They may also choose to grant a complainant’s request to go to another location, and inform the suspect they will file a criminal complaint, etc.

¹ Fortunately, no one was hurt or sexually assaulted.

Hate crimes. While thankfully rare, there have been reports of individuals targeting Asian Americans under the absurd belief that COVID-19 somehow originates with them. Consider using 265, §§ 37 and 39 against these “hate crime” perpetrators whose assaults are motivated by their bias against this group.



A clever police officer in India wears this coronavirus helmet to encourage people to stay inside and observe social distance! Can you come up with ways to enlist your citizens in the cause?

Police Executive Research Forum (PERF) does an excellent, daily COVID-19 email. Sign up at <https://www.policeforum.org/coronavirus>.

Simple “stay safe” advice. Specifically on March 31, PERF mentioned an hour-long video by Dr. David Price of Cornell Medical Center entitled, “How to Protect Your Family.” The doctor’s bottom line: “The overwhelming majority of people are getting [COVID-19] through physically touching someone who has this disease — or will develop it in the next one to two days — and then touching their face.”

The risk of inhaling the virus after an infected person sneezes, or picking it up from a door handle or other object, is far lower. Manage risk by: (1) self-quarantine; (2) hand sanitizer and disinfectant wipes when you must leave your home, and (3) a mask to remind yourself not to touch your face. Dr. Price optimistically concludes that this simple understanding “is incredibly empowering . . . [and] makes me smile . . . because I know how to protect myself.”

Do-it-yourself PPE mask. <http://blog.japanesecreations.com/no-sew-face-mask-with-handkerchief-and-hair-tie>. Great for cops and anyone else!

ATTACHMENT
A

VIOLATION 209002

**CITY OF SPRINGFIELD • NOTICE OF VIOLATION
VIOLATION ORDINANCE, RULE, LAW OR REGULATION**

OFFENDER NAME <u>John G. Jones</u>			
ADDRESS <u>131 Main St., Apt. 26</u>			
CITY <u>Springfield</u>	STATE <u>MA</u>	ZIP CODE <u>01102</u>	
DOB <u>11/04/1998</u>	LICENSE # <u>S7389723</u>	SS # <u>020-86-2117</u>	
PLATE NO.	MAKE	TYPE	COLOR

OFFENSE(S)
COVID-19 DPH Guideline 8
(close contact athletics)

TIME OF VIOLATION (AM) <u>2:04 (PM)</u>	SECTOR <u>5</u>	
DATE OF VIOLATION <u>4/2/2020</u>	LOCATION OF VIOLATION <u>Allen Park</u>	
SIGNATURE OF ENFORCING PERSON <u>Jane Doe</u>	EMPLOYEE ID <u>#271</u>	ENFORCING AGENCY <u>Sod PD</u>

HEREBY ACKNOWLEDGE THE FOREGOING CITATION
 Refused to sign

Unable to obtain signature. Date Mailed _____
The Non-CRIMINAL FINE FOR THIS OFFENSE IS \$ 300.00
Either option (1) or (2) will operated as a final disposition, with no criminal record.

(1) You may choose to pay the above fine, either by appearing in person or through a duly authorized agent, between 10:00AM and 4 PM Monday—Friday except Thursday, between 10:00AM-6:00PM or by mailing a check, money order or postal notice WITHIN IN 21 DAYS OF THIS NOTICE TO:

CITY CLERK, City of Springfield 36 Court St., Springfield, MA, 01103

(2) If you decide to contest this matter, you may do so by a making a written request for a noncriminal hearing, and enclosing a copy of this citation. WITHIN IN 21 DAYS OF THIS NOTICE to:

Clerk Magistrate District Court 50 State St., Springfield, MA, 01103

(3) If you fail to pay the above fine or request a hearing within in 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal compliant may be issued against you.

I HEREBY ELECT THE FIRST OPTION above, confess the offense charged, and enclose payment in the amount of \$ _____

I HEREBY REQUEST A NONCRIMINAL HEARING on this matter

Signature _____
PLEASE PEEL OFF TAPE AND FOLD FLAP TO SEAL ENVELOPE.

Sample police report narrative or CAD entry:

I, Officer Jane Doe, was on patrol in unit 43 at 2:04 p.m. when I received a report of a touch football game at Allen Park on Bishop Drive. There were 8 youths playing. I told them about the emergency order prohibiting "close contact" athletics. 7 youths agreed to stop and started to walk away, while John Jones continued to run close to people and push them and repeatedly yell, "This is bullshit." I warned him several times and, when he continued, issued Jones ticket #209002 for violating DPH Guideline 8 to Governor's state of emergency order 13.

Attachment B

[City/Town of _____]

Board of Health

IMMEDIATE CEASE AND DESIST ORDER

This IMMEDIATE CEASE AND DESIST ORDER is issued to:

Name of Establishment -

Address -

Date -

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

WHEREAS, on March 10, 2020, the Governor of the Commonwealth of Massachusetts issued a Declaration of a State of Emergency to Respond to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on [date of local emergency order], the [city/town] of [name of city/town], through the [Mayor, Town Manager, City Manager, Town Administrator, Board of Health, Health Director as agent of the Board of Health] [chose all that apply], has determined that COVID-19 poses a significant, immediate threat to the public health, safety, and welfare of people residing both within and outside the [city/town] of [name of city/town], and, as such, has declared a **Local State of Emergency**; and

WHEREAS, on March 23, 2020, the Governor of the Commonwealth of Massachusetts issued an Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than 10 People (COVID-19 Order No. 13); and

WHEREAS, on March 23, 2020, the Governor of the Commonwealth of Massachusetts attached Exhibit A to the abovementioned COVID-19 Order No. 13, and Exhibit A specifies which businesses are considered essential, a copy of which is attached hereto; and

WHEREAS, [Name of Establishment listed above] is not a business providing essential services pursuant to Exhibit A of COVID-19 Order No. 13; and

WHEREAS, on **[date]**, **[Name of Establishment listed above]** was observed open for business in violation of COVID-19 Order No. 13.

WHEREBY, you are hereby ordered to immediately cease and desist from operating **[name of Establishment listed above]** until such time as the Governor rescinds COVID-19 Order No. 13.

This order is issued pursuant to the Board of Health's emergency powers pursuant to Massachusetts General Laws, Chapter 111, Sections 30, 104, and 122; 105 CMR 400.200(B); and 310 CMR 11.05.

If you are aggrieved by this order, you have the right to request a hearing before the Board of Health. This request must be made by either the owner of **[Name of Establishment listed above]** or an authorized agent of **[Name of Establishment listed above]**, in writing, and filed with the Board of Health within seven (7) days after the date this Order was served or actually received. Any affected party has the right to appear at said hearing.

Failure to comply with this order may result in additional penalties as permitted by law, including but not limited to, the filing of a complaint in District or Superior Court and any emergency court order(s) issued pursuant to any such complaint.

Signed by:

Name:

Date:

As agent of the **[city/town] [Health Department/Board of Health]**

This was developed by the Massachusetts Assoc. of Health Boards (MAHB). Go to their website at www.mahb.org