



## **COVID-19 FOR COPS PHASED RE-OPENING**

Issued May 18, 2020 – May be copied and circulated without limitation

### ***Governor implements phased re-opening***

#### ***The basic plan appears in COVID-19 Order No. 33.***

- **“Essential services” and manufacturing plants, construction sites, and places of worship are open.** These businesses are not subject to the 10-person gathering limitation.
- **Firearms retailers and ranges are open.** As a result, Basic Firearm Safety (BFS) and Law Enforcement Officers Safety Act (LEOSA) training may resume in person. Note: The State Police Colonel’s authorization for virtual online BFS classes expires at 5:00 p.m. on Saturday May 23.<sup>1</sup>
- **On May 25, general business offices** (delayed opening until June 1 in Boston), **car washes, hair salons and barber shops, pet groomers, drive-in movie theaters, and laboratories will open.** These businesses are not subject to the 10-person gathering limitation.
- **On May 25, certain outdoor recreational activities will be permitted too.** On campgrounds, each site or vehicle must only be occupied by a single household group. Common areas (except restrooms) must be closed. Each recreational boat is limited to a single household group, with a maximum of 10 people. Each white water raft is limited to a single household group plus a guide. A charter fishing boat must have no more than 10, including the crew. Zoos, gardens, nature centers, and wildlife reserves may only admit 20% of their capacity.
- **On May 25, all retail businesses that are not open may offer curb-side pick-up.**

**All workplaces must abide by general safety rules.** There are: (1) social distancing of 6’ “to the greatest extent possible”; (2) masks for all employees; (3) hand-washing by employees and adequate supplies to do it; (4) regular sanitization of “high touch” areas (e.g., equipment, doorknobs, restrooms); (5) hygiene training for employees; (6) employees displaying COVID-19 symptoms must not report to work; (6) sanitization after employee diagnosed with COVID-19.

- **Industry-specific standards and regulations may be added by the Department of Labor Standards (DLS) or Department of Public Health (DPH).**
- **No municipal regulation may be more restrictive or conflict with state workplace regulations** (except for the Boston delayed opening mentioned above).

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<sup>1</sup> This information was sent to firearms licensing officers by Kristin Ryan of the Firearms Licensing Unit, Massachusetts State Police. Her telephone is 508-820-2299.

**Enforcement by Local Board of Health (BOH) and its agents (including local police officers).** In a previous COVID-19 bulletin, I pointed out that the local BOH lawfully can and should appoint all local police officers as agents. See 111, § 30.<sup>2</sup> While the preferred approach is to “educate and warn,” a local ordinance or bylaw ticket for \$300 may be issued to a violator who persists. See 41, § 20D.

The Local BOH, DPH, or DLS may also file for an injunction in the district court to enforce any regulations related to the Governor’s order.

***Use of state beaches and other outdoor activities***

**At 6:00 a.m. on May 25, state beaches are open for passive recreational activities.**<sup>3</sup> Citizens will be able to sit, sunbathe, picnic, and walk on state beaches — *provided* they maintain social distance. They will also be allowed to engage in watersports that *do not* involve close contact or shared equipment (e.g., swimming, surfing, body boards).

“Organized ball games” will still be prohibited.

Note: Parking areas may be opened immediately and certain activities — walking, jogging, fishing alone — are currently permissible with proper social distancing.

**Enforcement by Environmental and State police with assistance from municipal police.** Violators are subject to arrest for any breach of the peace in an officer’s presence. Chapter 639 of the Acts of 1950, § 8.<sup>4</sup> Violators may also be given a civil ticket under 92, § 37 or 132A, § 7 [municipal officers should leave that decision to an Environmental officer or Department of Conservation and Recreation (DCR) employee].

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<sup>2</sup> Here is recommended language — Dear Chief [Name]: I am the Director of the [Town/City] Board of Health (BOH) and, given the unprecedented need for community outreach and enforcement during the COVID-19 pandemic, I am communicating the BOH's recent decision on [date] to designate all sworn officers, supervisors, and commanders of the [Town/City] Police Department as "agents" of the [Town/City] Board of Health. The BOH has this authority under G.L. c. 111, § 30.

This appointment will be for the duration of the state of emergency pertaining to COVID-19, or until rescinded by the BOH, whichever happens first.

As agents, you will be able to engage in all public outreach, enforcement, and mitigation activities that our existing staff can perform. To have its officers function effectively in this role, the [Town/City] Police Department agrees to consult with the BOH, to be guided by its regulations during public health activities, and to document and forward reports within two days to the BOH.

I look forward to our collaboration to keep our citizens safe during this current emergency. Thank you.

<sup>3</sup> This information is contained the Governor’s COVID-19 Order No. 34, issued on May 18.

<sup>4</sup> Penalty is HC NMT 1 year, and/or Fine NMT \$500.

### ***COVID-19 fraud reporting***

***A national emergency brings out the bad actors.*** If you are contacted by a victim of a scam or attempted fraud involving COVID-19, investigate if you can. At the same time, you can report it to the National Center for Disaster Fraud Hotline at 866-720-5721 or via email at [disaster@leo.gov](mailto:disaster@leo.gov).<sup>5</sup> For cyber scams, submit the complaint through <https://www.ic3.gov/default.aspx>.

### ***Residential evictions***

***Residential evictions suspended except for safety.*** Chapter 65 of the Acts of 2020 has suspended “non-essential” residential evictions. The only permitted evictions are for criminal activity or lease violations that may affect public health, public safety, or people lawfully on the property. While tenants are not excused from paying rent and will still owe it, landlords cannot put them out for failing to pay. Landlords who ask questions should be encouraged to consult a lawyer and reminded, as always, that they may not change locks, physically threaten, or use other means to interfere with a tenant’s use of the premises.

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<sup>5</sup> If you have information on hoarding or price gouging of critical supplies, you can also report it to the National Center for Disaster Fraud.