



COVID-19 FOR COPS THE HOUSE PARTY EDITION!

Issued August 10, 2020 – May be copied and circulated without limitation

On Friday, August 7, Governor Baker issued COVID-19 Order No. 46 — which takes effect Tuesday, August 11.

Different from previous COVID-19 orders, state and municipal police officers are authorized to enforce this one directly. Collaboration with state or local health officials is not required. The reason for the change: The rate of new cases has increased during the last three weeks and “clusters of COVID-19 infections have been traced to house parties.”¹ Dealing with disruptive house parties is a police specialty! Also, health department officials do not typically work nights, weekends, and holidays when parties happen.²

What conduct is legal? There are three possible violations:

- Indoor gatherings are limited to:**
 - ✓ A maximum of 25 persons “in a single enclosed, indoor space”; or
 - ✓ 8 persons per 1,000 square feet of space. For reference, most homes have between 600 and 1,600 square feet of space *per floor*. A house party with 15 people present (counting household members) likely violates this rule.
- Outdoor gatherings are limited to:**
 - ✓ 25% of the space’s licensed capacity (if there is one); or
 - ✓ 8 persons per 1,000 square feet. For example, a backyard measuring 50’ by 80’ (total 4,000 square feet), could accommodate 32 people. If 30’ by 50’ (1,500 square feet), it could legally hold 12 people.
- Masks or face covers must be worn for gatherings of more than 10 persons — unless all those present are in the same household.**

Private homes and public spaces covered. These requirements apply to “private homes [and] backyards.” While public outdoor spaces, such as parks, do not have capacity limits, gatherings occurring there are subject to these rules too.

¹ This is a direct quote from the Governor’s order.

² At the same time, direct police enforcement is limited to this order. It does not extend to previous orders from the Governor. Furthermore, it goes without saying, that police and public health officials should continue to communicate and coordinate in all aspects of their handling of this public health crisis.

What types of gatherings are exempt? Outdoor gatherings for political expression or religious activity;³ workplaces and businesses already operating in compliance with Phase I, II, or III rules; public and private K-12 schools; prisons, houses of correction, and jails; health care facilities; DYS, DMH, DPH, or DDS facilities; and homeless shelters.

How should police enforce this rule? The Governor's order — issued in accordance with the Civil Defense Act (Chapter 639 of the Acts of 1950) — provides:

- **\$500 civil fine on a municipal ticket.** Formal enforcement is limited to a civil ticket in the amount of \$500 issued pursuant to the non-criminal disposition procedure for municipal bylaws and ordinances (40, § 21D).⁴ While a ticket may be issued to *any* person present at an unlawful gathering, officers will typically reserve this sanction for people who arranged the gathering or remain in violation after being warned (also see *disorderly* comment below).
 - ✓ First, write a municipal ticket. List the violation as "COVID-19 Order No. 46" with a brief explanation — e.g., "Improper outdoor gathering" or "Failure to wear mask at gathering."
 - ✓ Second, we recommend that officers file a brief incident report. See the attached example.
 - ✓ Third, be sure to forward a copy of any ticket and/or incident report to your local board of health.
- **Arrest is not authorized for an initial violation of this order.**
- **A continuing violation constitutes disorderly.** As previous LED bulletins have noted, a blatant and continuing violation after police intervention constitutes Disorderly Conduct under 272, § 53. After all, a citizen who continues to purposefully disobey a public health restriction during a state of emergency is creating a "hazardous condition with no legitimate purpose." *Comm. v. A Juvenile*, 368 Mass. 580 (1975). Police may arrest a disorderly citizen in their presence. See 272, § 54.
- **Preferred approach — detect gatherings early, promptly gain compliance (e.g., people put on masks, excess occupants leave), and/or patiently disperse unlawful groups.**

Why should police enforce this rule? The young people usually present at these house parties have a small rate of serious or fatal illness from COVID-19, but they can catch and transmit this highly contagious disease. Their parents and grandparents, and all the other citizens who come in contact with them, in public or private, are significantly more susceptible to debilitating illness and death. Of course, attendees of any age at house parties where mitigation steps are ignored pose transmission risks to themselves and the general public.

It is tempting for police to lay low in this time of social and political volatility, but citizens need you to educate *and* enforce if Massachusetts is to remain a leader in pandemic progress!

³ Indoor gatherings for political expression are fully subject to these new rules. Indoor religious activities must follow the sector-specific guidelines previously issued by the Governor.

⁴ The Commonwealth or a city or town may also seek an injunction.

VIOLATION

← MUNICIPAL ORDINANCE TICKET

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

OFFENDER NAME	JOHN SOFIS		
ADDRESS	70 EAST ST.		
CITY	STATE	ZIP CODE	
SPRINGFIELD, MA		01118	
DOB	LICENSE #	SS #	
6/01/80	S29824817	N/A	
PLATE NO.	MAKE	TYPE	COLOR
908B	HONDA	CIVIC	BLUE
OFFENSE(S)			

← VIOLATOR

COVID-19 ORDER 46
IMPROPER HOUSE BATHERING

DESCRIPTION OF VIOLATION

TIME OF VIOLATION (AM)	10:35 (PM)	SECTOR	2
DATE OF VIOLATION	LOCATION OF VIOLATION		
8/11/20	SEE ABOVE		

SEE INCIDENT REPORT next page

SIGNATURE OF ENFORCING PERSON	EMPLOYEE ID	ENFORCING AGENCY
Lt. Norm Charest	327	SPR POLICE

I HEREBY ACKNOWLEDGE THE FOREGOING CITATION
 Refused to sign LT. NORMAN *
CHAREST

← FINE AMOUNT

[] Unable to obtain signature. Date Mailed _____
The Non-CRIMINAL FINE FOR THIS OFFENSE IS \$ \$500

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.

* An LED shout-out to former academy director, now retired, Lt. Norm Charest!

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Sample Police Report Narrative

All information on the sample ticket and in this report is fictitious.

I, Lt. Norman Charest, was dispatched to a report of a house party at 70 East St., Springfield. Units 42 and 34 were on scene when I arrived.

The host of the party, Mr. John Sofis, allowed officers to enter after they knocked. Mr. Sofis had 26 people in his single-family home (several others left when officers initially arrived). Only two people were wearing masks, and Mr. Sofis acknowledged that he lived at this address with his girlfriend and 17-year-old daughter and 22-year-old son.

The number of guests and the fact they were not wearing masks violated COVID-19 Order No. 46.

After explaining the situation, the guests left the premises, but not before Mr. Sofis attempted to block them from leaving and continually made statements such as, "You have no right to shut down my party . . . No one has to wear masks in my house . . . I can have as many people as I want."

I issued ordinance ticket #209001 to Mr. Sofis. A copy is attached.

This report and ticket are being forwarded to Springfield Board of Health.

* * * * *

Important note: If officers on scene identify people present, those names and phone numbers can be listed and attached to the report. If a COVID-19 infection does develop from the gathering, a list of contacts may be useful to your local board of health for contact tracing. Of course, it may be unrealistic for officers to learn people's identities at an improper gathering prior to dispersal. However, officers may condition guests' release without a ticket based on their providing their name and cell phone number to facilitate tracing. Officers and supervisors should weigh these approaches depending on the situation.