

**IRVINE POLICE DEPARTMENT  
TRAINING BULLETIN  
20-03  
ENFORCEMENT OF EXECUTIVE ORDERS  
*Prepared by:*  
*Office of Professional Development*  
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**BACKGROUND**

In an effort to slow the spread of COVID-19, Governor Newsom issued Executive Order N-33-20 on March, 19, 2020 which directed all California residents to stay at home, except in certain circumstances. Some exceptions to this directive include shopping for food or other necessities, caring for a relative or friend, obtaining health care, and driving to or from an “essential job.” Additionally, people are lawfully permitted to leave their home to go outside and exercise, walk a pet, etc., provided they practice “social distancing.”

The Orange County Health Department has also issued a directive relative to COVID-19. To date, their orders are consistent with Governor Newsom’s executive order.

**ENFORCEMENT**

The Irvine Police Department’s position regarding the Governor’s order and/or the Orange County Health Department’s directive is to seek voluntary compliance from the public. However, if there is an egregious violation of this order/directive, which in turn threatens public safety, the order/directive may be enforced. IPD’s authority to enforce these orders is found in Government Code 41601 and Health & Safety Code 101029.

Applicable statutes for a misdemeanor citation depend on whose order was violated. If the Governor’s order was violated, then Government Code 8665 would be the correct section to cite.

**Government Code 8665** reads, “Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor...”.

The section to cite for a violation of a directive issued by a health officer would be the following:

**Health & 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...”.

For reference, **Health and Safety Code section 120130(c)** states the following:

“The department may from time to time adopt and enforce regulations requiring strict or modified isolation, or quarantine, for any of the contagious, infectious, or communicable diseases, if in the opinion of the department the action is necessary for the protection of the public health.”

Since the Governor's order and the Orange County Health Department's directive are so similar, the Orange County District Attorney's Office has advised law enforcement to cite the Government Code and the Health & Safety Code section on the citation or booking form. The Orange County District Attorney's Office will review the facts of the case once they receive the court package and determine the best course of action.

## **RESOURCES**

The Governor's Executive Order can be found on this link:

<https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>

"Essential Critical Infrastructure Workers" as articulated on the Governor's website can be found here:

<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

The Orange County Health Department Order can be found on this link:

[https://www.ochealthinfo.com/phs/about/epidasmt/epi/dip/prevention/covid\\_19\\_order](https://www.ochealthinfo.com/phs/about/epidasmt/epi/dip/prevention/covid_19_order)