



## MODEL PROTOCOLS – Governor Executive Order # 20-65

November 17<sup>th</sup>, 2020

In effect from Wednesday, November 18, 2020 until December 2, 2020 (Unless amended by the Governor)

On November 17<sup>th</sup>, 2020, Governor Kate Brown issued an Executive Order applying a “Two-Week Freeze” to address the surge in COVID-19 cases across Oregon. The order includes new restrictions related to businesses and social gatherings to include the following:

- Limiting social get-togethers (indoors and outdoors) to no more than six people from two households;
- Limiting faith-based organizations to a maximum of 25 people indoors or 50 people outdoors;
- Limiting restaurants and bars to take-out only;
- Closing gyms and fitness organizations;
- Closing indoor recreational facilities, museums, indoor entertainment activities, and indoor pools and sports courts;
- Closing outdoor recreational facilities, zoos, gardens, aquariums, outdoor entertainment activities; and outdoor pools;
- Limiting grocery stores and pharmacies to a maximum of 75% capacity and encouraging curbside pick-up;
- Limiting retail stores and retail malls (indoor and outdoor) to a maximum of 75% capacity and encouraging curbside pick-up;
- Closing venues (that host or facilitate indoor or outdoor events);
- Requiring all businesses to mandate work-from-home to the greatest extent possible and closing offices to the public;
- Prohibiting indoor visiting in long-term care facilities

“The Two-Week Freeze does not apply to or change current health and safety protocols for personal services (such as barber shops, hair salons, and non-medical massage therapy), congregate homeless sheltering, outdoor recreation and sports, youth programs, childcare, K-12 schools, K-12 sports currently allowed, current Division 1 and professional athletics exemptions, and higher education – all of which can continue operating under previous guidance issued by the Oregon Health Authority”

### Enforcement:

Oregon Revised Statute 401.165, grants the Governor authority to declare a state of emergency in Oregon. In doing so, under ORS 401.175 the Governor has the authority to assume control of all emergency operations in the area specified in the proclamation of the state of emergency. This can also include assuming control of all police and law enforcement activities in such area, including the activities of all local police and peace officers. **The Governor has not exercised this provision/authority in the current Executive Order.**

Governor Brown has issued this new Executive Order for the purpose of reducing the numbers of Covid-19 cases in Oregon. All Oregonians are expected to comply with and follow the Governor's Executive Order and failing to do so can result in potential criminal penalties.

**Under 401.990 Penalties.** Any person knowingly violating any provision of this chapter, or any of the rules, regulations or orders adopted and promulgated under this chapter, shall, upon conviction thereof, be guilty of a Class C misdemeanor.

### Protocols:

When responding to complaints of violation of the Executive Order first and foremost, we should seek to **educate and inform** the public. Most Oregonians are weary due to the protracted period of this pandemic and the social restrictions that have already been in place since March of this year. Some individuals are also suffering from a loss of employment and may have even lost family members due to the virus. We should all work to gain **voluntary compliance** by explaining the risks associated with not complying with the Executive Order, particularly with vulnerable populations, and to do so in an empathetic manner.

Use **good judgement and compassion** taking all relevant factors into consideration. The goal is to keep ourselves and the public safe. We are all in this together.

If dispatched to a call related to someone failing to comply with the above Executive Order remember to consider the totality of the circumstances and carefully consider all the tools available to you before taking any enforcement action:

- Assess what is the **Governmental Interest**. Remember our legal authority as it relates to entering and remaining on private premises under the 4<sup>th</sup> amendment, Article 1, section 9 of the Oregon constitution and in accordance with presiding case law.
- Use discretion and talk to the individual(s). Be empathetic. The goal is to gain **voluntary compliance**;
- If a person refuses to comply **consider all your options**, maybe suggesting that the person voluntarily leave the area if willing rather than having to put on a mask, if appropriate.

- If more appropriate, you do not have to take immediate enforcement action. You always have the option of **gathering the relevant information, completing your investigation into the alleged violation of the order, completing a police report, and referring the case to the District Attorney's office** for charging considerations at a later time.
- **As a last resort**, if an individual or individuals are still refusing to comply with the Executive Order and/or are engaging in egregious or unsafe conduct, the subject may be cited and released for a class C misdemeanor under the 401.990. consider your safety and the safety of others if taking enforcement action becomes necessary.

As law enforcement professionals we should **lead by example** and are **expected to comply with the Executive Order**. We are responsible for policing ourselves and each other and for setting a good example by following the direction of the executive order both on and off duty. Always wear your mask as required in accordance with the Executive Order and best practices. Also wear any other PPE when appropriate to keep yourself and everyone else around you safe.