

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM:** Edgardo Garcia
Chief of Police

**SUBJECT: REASONABLE SUSPICION
TO DETAIN (UPDATED)**

DATE: November 20, 2020

Memo# 2020-047

BACKGROUND

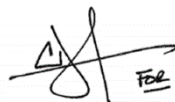
On November 19, 2020, the Governor issued a [Limited Stay at Home Order \(link\)](#). This order applies to all counties under Tier One (Purple) of California's Blueprint for a Safer Economy, including Santa Clara County. Under the order, all gatherings with members of other households and all activities conducted outside the residence, lodging, or temporary accommodation with members of other households must cease between 10:00 pm and 5:00 am, except for those activities associated with the operation, maintenance, or usage of critical infrastructure or required by law (see the [Essential Workforce \(link\)](#) web page for a full list of California's Critical Infrastructure workforce). This order does not apply to persons experiencing homelessness. Nothing in this order prevents any number of persons from the same household from leaving their residence, lodging, or temporary accommodation, as long as they do not engage in any interaction with (or otherwise gather with) any number of persons from any other household, except as specifically permitted above. The order takes effect on November 21, 2020 at 10:00 pm. This order will remain in effect until at 5:00 am on December 21, 2020, but may be extended.

ANALYSIS

Considering the broad spectrum of legitimate reasons for which a person may leave residential isolation, it is not reasonable to suspect persons are violating the order merely because they are outside residential isolation.

ORDER

Effective immediately, sworn personnel will not consider the fact that a person is outside residential isolation as the sole factor in support of reasonable suspicion to detain.



EDGARDO GARCIA
Chief of Police

EG:SD

Attachment: Limited Stay at Home Order, dated November 19, 2020

11/19/2020

Limited Stay At Home Order November 2020



State of California—Health and Human
Services Agency
**California Department of
Public Health**



November 19, 2020

TO: All Californians
SUBJECT: Limited Stay At Home Order

Upon assessment of the recent, unprecedented rate of rise in increase in COVID-19 cases across California, the California Department of Public Health (CDPH) is taking immediate actions to prevent the spread of the virus. These immediate actions will help reduce community spread, protect individuals at higher risk of severe illness or death from COVID-19, and prevent the state's health care delivery system from becoming overwhelmed. Reducing movement and mixing of individual Californians is critical to decreasing transmission, hospitalizations, and deaths.

Therefore, as the State Public Health Officer, I am issuing a Limited Stay at Home order, effective in counties under Tier One (Purple) of California's Blueprint for a Safer Economy, requiring that all gatherings with members of other households and all activities conducted outside the residence, lodging, or temporary accommodation with members of other households cease between 10:00pm PST and 5:00am PST, except for those activities associated with the operation, maintenance, or usage of critical infrastructure[1] or required by law. This order does not apply to persons experiencing homelessness. Nothing in this order prevents any number of persons from the same household from leaving their residence, lodging, or temporary accommodation, as long as they do not engage in any interaction with (or otherwise gather with) any number of persons from any other household, except as specifically permitted herein.

This Limited Stay at Home Order will reduce opportunities for disease transmission with the goal of decreasing the number of hours individuals are in the community and mixing with individuals outside of their household. Every intervention to decrease mixing of households is critical during this unparalleled increase in case rate rise of about 50 percent during the first week in November. In particular, activities conducted during 10:00pm to 5:00am are often non-essential and more likely related to social activities and gatherings that have a higher likelihood of leading to reduced inhibition and reduced likelihood to adhere to COVID-19 preventive measures (e.g., wearing face coverings and maintaining physical distance).

This order shall take effect on November 21, 2020, at 10:00pm PST.

For counties that move into Tier One (Purple) after the effective date of this Order, the terms of this Order shall apply at 10:00pm PST on day two after the county is assigned to Tier One (Purple). For the purpose of counting days, day one shall be the first full day following the date of the tier assignment.

This order remains in effect until 5:00am PST on December 21, 2020, and may be extended or revised as needed.

ALL DEPARTMENT PERSONNEL

SUBJECT: REASONABLE SUSPICION TO DETAIN (UPDATED)

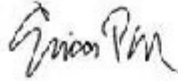
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Limited Stay At Home Order November 2020

This order is issued pursuant to Health and Safety Code sections 120125, 120130(c), 120135, 120140, 120145, 120175, 120195 and 131080; EO N-60-20, N-25-20, and other authority provided for under the Emergency Services Act; and other applicable law.



Erica S. Pan, MD, MPH
Acting State Public Health Officer
California Department of Public Health

[1] See the [COVID19.ca.gov](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/limited-stay-at-home-order.aspx) Essential Workforce web page for full list of California's Critical Infrastructure workforce.

California Department of Public Health
PO Box, 997377, MS 0500, Sacramento, CA 95899-7377
Department Website ([cdph.ca.gov](https://www.cdph.ca.gov))



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