

FAQ - Law Enforcement

What does it mean to have a stay at home order?

As a threshold, such an order mandates that individuals stay at home, and that they not leave their residence except for certain essential activities and work that is specifically exempt from the order. The orders permit people to leave to engage in “essential activities” that include:

- i. Activities/tasks essential to an individual’s health and safety or the health and safety of their family or household members, including obtaining medical supplies
- ii. Activities to obtain necessary services or supplies for the individual and their family/household members, or to deliver those services/supplies to others.
- iii. To engage in outdoor activity, provided compliance with physical distancing requirements.
- iv. To perform work providing essential products and services specifically permitted under the order.

How do officials enforce public health orders?

County/Local Public Health (i.e. TCHD) will handle enforcement of quarantine and isolation orders issues in most situations.

Local Public Health primarily relies on social peer pressure for the orders to be effective, but can request assistance from the district court in the form of a civil restraining order. In extreme cases, a local public health agency can work with law enforcement in accordance with Colorado law (**C.R.S. § 25-1-516**).

What is the penalty for violating a public health order?

It is unlawful for any person to willfully violate, disobey, or disregard this Order. Any person who does so may be guilty of a class 1 misdemeanor and, upon conviction thereof, may be punished by a fine of up to \$5,000.00 and imprisonment in a county jail for up to eighteen months, per Colo. Rev. Stat. §§25-1-516 and 18-1.3-501. In addition, if you do not follow this Order, TCHD may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order. If you do not comply with this Order pending the district court's decision, you may be subject to arrest and involuntary compliance.

What happens if a business that is determined to be “non-essential” remains open?

Colorado Department of Public Safety has issued guidance recommending that the first step by any law enforcement should be to **educate** businesses and community members on the importance of the Public Health Order as a means of encouraging voluntary compliance.

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Law enforcement, in their discretion, may also contact a business owner, present a copy of the order that also contains language about the criminal violation and **warn** the owner about the consequences of failing to comply. Colorado Department of Public Safety also encourages the public to file complaints (with their local public health agency or the Attorney General’s office) and recommends calling out businesses that are engaging in dangerous conduct through other outlets such as social media or through local media outlets in order to drive compliance. The more that can be done to drive voluntary compliance, the more it will save law enforcement resources and protect first responders.

If a business fails to respond to a warning and/or public pressure, **the County/Local Public Health Authority will first work to use available civil remedies** – as opposed to criminal remedies. County/Local Public Health Authorities have statutory authority to enforce Public Health Orders. If the County/Local Public Health Authority is non-responsive or unable to act, law enforcement can reach out to the Attorney General’s Office by email (covid19@coag.gov).

If I get pulled over while going to or from work, will I need a letter from my employer confirming that I’m allowed to be out?

--No. At least initially, we hope that voluntary compliance will be enough and law enforcement does not plan to stop people for verification.

What businesses are exempt from the order?

In addition to critical industries such as medical, public safety, and others, a partial list that can remain open includes grocery stores, licensed liquor stores and marijuana dispensaries, gas stations, banks, hardware stores and restaurants serving take out or delivery. Please check the order for a complete list.