

## PUBLIC HEALTH RESPONSES

In Effect: 01/01/2015

Review Date: 12/31/2015

**PUBLIC HEALTH RESPONSES**

STOW POLICE DEPARTMENT POLICY & PROCEDURE NO. <b>7.06</b>  MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: None	ISSUE DATE: _____
	EFFECTIVE DATE: _____
	REVISION DATE: _____

**I. GENERAL CONSIDERATIONS AND GUIDELINES**

In the event of a naturally occurring disease epidemic, or in the event of an intentional or unintentional release of biological, chemical, and/or radiological agents, state and local authorities may be tasked with minimizing the spread of disease and/or contamination. In addition to normal police community caretaking functions, department employees may also be required to enforce quarantines, isolation orders, immunizations, curfews, and other temporary, extraordinary measures.

**II. POLICY**

It is the policy of this police department to cooperate with state and local authorities to protect the public and enforce closures of buildings or gatherings, medical quarantines, isolation orders, immunizations, or other lawful health emergency measures.

**III. DEFINITIONS:**

*A. Community Caretaking Function:* Immediate police action focused on rendering aid, assessing and responding to situations posing an imminent serious threat to life or property, and protecting the public health from imminent serious harm.

- B. Public Emergency:* A natural or man-made event that requires a police officer to act immediately to render aid to injured victims of the event, or to minimize or neutralize a serious threat of death or serious bodily harm or property damage.
- C. Public Health Emergency:* A declaration by the governor that an emergency exists which is detrimental to the public health, authorizing the commissioner of public health to take actions and incur liabilities necessary to assure the maintenance of public health and the prevention of disease.
- D. Commissioner of Public Health:* The state official appointed by the state Secretary of Health and Human Services, with the approval of the Governor. In the event of a public health emergency, declared by the Governor, the Commissioner, with approval of the Public Health Council, may establish procedures to be followed during such emergencies to ensure the continuation of essential public health services and the enforcement of the same.
- E. Local Boards of Health:* Health agencies under city or town government such as public health commissions, health departments, and boards of health under M.G.L. c. 111 generally. In some instances, local executive officials such as mayors, selectmen, and city or town managers may also exercise local public health powers, as may the Commissioner of Public Health exercising statutory “co-ordinate” powers. For sake of convenience, these agencies and officers are collectively referred to as a Local Boards of Health in this policy.
- F. State of Emergency:* A proclamation or proclamations issued by the Governor that a condition exists in all or any part of the commonwealth where it may reasonably be anticipated that the health, safety or property of the citizens will be endangered.
- G. Isolation:* The separation, for the period of communicability, of infected persons from others in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent to susceptible people or to those who may spread the agent to others.
- H. Quarantine:* A restriction of the freedom of movement of well persons who have been exposed to the disease for a period of time relating to the usual incubation period of the disease, in order to prevent effective contact with those not so exposed.

## **IV. PROCEDURES**

### ***A. Gubernatorial Proclamations***

1. Declared Public Health Emergency
  - a. Upon declaration by the Governor under M.G.L. c. 17, § 2A, that an emergency exists that is detrimental to the public health, the Commissioner of Public

Health, with approval of the Governor and the Public Health Council, may take such action and incur such liabilities as he or she may deem necessary to assure the maintenance of public health and the prevention of disease.

- b. The Commissioner of Public Health, with the approval of the Governor and Public Health Council, may establish procedures to be followed during a public health emergency to ensure the continuation of essential public health services and the enforcement of same.
- c. Upon declaration by the Governor that a public health emergency has terminated, all powers granted to and exercised by the Commissioner under M.G.L. c. 17, §2A, shall terminate.
- d. Actions ordered by the Commissioner of Public Health following the declaration of a public health emergency may include:
  - 1) Individual, group, or area quarantines;
  - 2) Individual, group, or area isolations;
  - 3) Closure of public or private events;
  - 4) Closure of or limitations on private venues such as stores, theaters, etc.;
  - 5) Authorization of state and local police to enforce such orders.

## 2. State of Emergency

- a. The Governor may declare a state of emergency upon the occurrence of any disaster or catastrophe resulting from a variety of reasons including hostile actions and natural causes.
- b. The Governor may issue or promulgate executive orders or general regulations or instructions in reasonable anticipation of and preparation for a declaration of a state of emergency.
  - 1) Whoever violates any provision of such order, regulation, or instruction, if no other penalty is provided by law, shall be punished by imprisonment of not more than one year, or by a fine of not more than five hundred dollars, or both.
  - 2) Any provision of any general or special law, rule, regulation, by-law, or ordinance is superseded by such Gubernatorial order, regulation, or instruction.
- c. If such a disaster or a shortage necessitates taking action to protect the public, the Governor may seize, employ, and distribute any public and private land, buildings, equipment, vehicles, animals, fuels, and provisions for the protection or welfare of the Commonwealth or its inhabitants.

- d. The Governor has the power and authority to cooperate with federal authorities and with the governors of other states in matters pertaining to the common welfare, and to take any measures which the Governor may deem proper to carry into effect any request of the President of the United States for action looking to the national defense or to the public safety.
- e. The Governor shall have and may exercise any and all authority over persons and property necessary or expedient for meeting said state of emergency, including but not limited to any or all of the following:
  - 1) Policing, protection or preservation of all property, public or private, by the owner or person in control thereof, or otherwise;
  - 2) Transportation or travel on Sundays or week-days by aircraft, watercraft, vehicle or otherwise;
  - 3) Labor, business or work on Sundays or legal holidays;
  - 4) Assemblages, parades, or pedestrian travel, in order to protect the physical safety of persons or property.

### ***B. Local Boards of Health***

- 1. Local Boards of Health may make reasonable health regulations.
- 2. If a disease dangerous to the public health exists in a city or town, Local Boards of Health are required to use all possible care to prevent the spread of the infection and may give public notice of infected places. The Commissioner of Public Health has “co-ordinate” powers with Local Board of Health and may exercise the same powers as discussed in this section within municipalities.
- 3. If a disease dangerous to the public health breaks out in a city or town, or if a person is infected or lately has been infected therewith, the Local Board of Health is required immediately to provide such hospital or place of reception and such nurses and other assistance and necessities as is judged best for his or her accommodation and for the safety of the inhabitants, and the same shall be subject to the regulations of the Board.
  - a. The Local Board of Health may cause any sick or infected person to be removed to such hospital or place, if it can be done without danger to his or her health; otherwise the house or place in which such person remains shall be considered as a hospital, and all persons residing in or in any way connected therewith shall be subject to the regulations of the Board, and, if necessary, persons in the neighborhood may be removed.
  - b. Local Boards of Health have statutory authority to authorize the transportation to another town of a person infected with a disease dangerous to public health.

This does not apply to transportation to a hospital.

4. If the Local Board of Health determines that a building, tenement, room, cellar, mobile dwelling place, or any other structure is unfit for human habitation, is or may become a nuisance, or is or may be a cause of sickness or home accident, they may issue an order to vacate the premises. Persons refusing to comply with such order may be removed by force and the premises closed.

### ***C. Police Authority***

#### **1. Traditional Law Enforcement Operations:**

- a. Officers engaged in their traditional roles of law enforcement and investigations during a health public emergency are limited in their actions to those allowed during non-public health emergency conditions.
- b. Criminal conduct, such as trespassing, disturbing the peace, disorderly conduct, or resisting arrest, should be treated as such, even if it arises out of panic or irrational response in the context of a public health emergency.
- c. Unless specified otherwise in this policy, all normal criminal procedures and adherence to Constitutional and statutory provisions apply during a public health emergency.

#### **2. Enforcement of Public Health Orders:**

- a. Officers have the authority and responsibility to enforce lawful orders issued by the Local Boards of Health or the Commissioner of Public Health under the Commissioner's "co-ordinate" powers, or by the Commissioner of Public Health under 105 CMR 300.000, or during a public health emergency, or under the authority of the Governor during a declared state of emergency. Such orders include, but are not limited to:
  - 1) Restrictions on the movement of persons into or out of a quarantine or isolation area;
  - 2) Enforcing quarantine orders;
  - 3) Enforcing isolation orders;
  - 4) Enforcing curfews;
  - 5) Closure of public places;
  - 6) Enforcing warrants to remove persons infected with a dangerous disease;
  - 7) Enforcing warrants to take houses for safe keeping of infected articles.
- b. Coordination with state and local public health and emergency management officials is essential. In a declared state of emergency or public health

emergency, public health orders will likely be in writing and will specify the officer's power to enforce. Likewise, some local public health orders may be supported by a "warrant" authorizing law enforcement to physically remove individuals or property.

- c. If time and circumstances permit, the preferable course is for the officer to obtain a copy of the applicable order or warrant before executing it; however, in some cases, in an officer's reasonable judgment, exigent dangers to public health may require detaining or removing an individual without a written order or warrant. In such cases, the officer would be acting under the community caretaking doctrine.

### 3. Community Caretaking Operations:

- a. Officers have broad authority to take reasonable action necessary to render aid and prevent serious harm to people or property.
- b. Police officers are charged with "community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute."
- c. In order for a police officer to take action under the community caretaking doctrine, the officer:
  - 1) Must have reasonable grounds to believe that an emergency exists that presents a imminent and serious threat to life or property;
  - 2) Must in fact take immediate action;
    - a) A delay in taking action suggests that immediate action was not necessary.
    - b) It may be reasonable to delay action in order to bring appropriate resources to bear for officer safety.
  - 3) Must take action that is totally divorced from the law enforcement role, particularly the detection or investigation of crime, or the acquisition of evidence; and
  - 4) Must take actions that are reasonable in light of the particular emergency, and be no broader than necessary to alleviate the emergency at hand.
- d. Under the above circumstances, police officers may:
  - 1) Enter private premises to locate victims and render medical treatment, using reasonable force if necessary;
  - 2) Take appropriate action to contain and neutralize harmful agents that pose an immediate and serious threat to public health or property, on private

property;

- 3) Isolate people or property that pose a serious threat to others because of their exposure to harmful agents or contagions, using reasonable force if necessary;
- 4) Mandate the evacuation of a building or area if necessary to protect occupants or others; and
- 5) Enforce decontamination of people or property if necessary to protect others from serious harm.

#### ***D. Police Exposure***

1. Personal Protective Equipment: Police officers should make use of personal protective equipment as appropriate for the nature of the health emergency. Such equipment may include:
  - a. Face mask (N95);
  - b. Goggles or face shield;
  - c. Antiseptic wipes;
  - d. Disposable gloves; and
  - e. Disposable outer clothing.
2. Practice Hygiene
  - a. Wash hands regularly with soap and water;
  - b. Minimize time in crowded public areas.
3. Reporting Exposures
  - a. Police officers who experience unprotected exposures to a person's blood or other contaminated body fluids should:
    - 1) Seek immediate medical evaluation for possible prophylactic immunization and/or treatment;
    - 2) Complete a Massachusetts Department of Public Health Unprotected Exposure Form;
    - 3) Provide the facility that received the patient with the information on said form, if applicable; and
    - 4) Contact the Department's Exposure Control Officer.