

**May 19<sup>th</sup>, 2020**

## **Protocol for Enforcing Reopen CT Sector Guidelines**

### Complaint Intake

- In order to ensure compliance with Connecticut's Sector Rules for May 20<sup>th</sup> Reopen, the State has established a Reopen CT Online Complaint Form which can be found here as of May 20<sup>th</sup>, 2020: <https://portal.ct.gov/coronavirus>.
- The Complaint Form is intended for complaints that pertain to requirements of the Sector Rules only.
- 2-1-1 will direct callers with complaints that relate directly to the Sector Rules to the Reopen CT Online Complaint Form. In the event a caller does not have internet access, 2-1-1 will offer to fill out the online complaint on behalf of the caller.
- Complaints may be made anonymously however DESPP protocol requires a higher burden of proof for anonymous complaints as compared to complaints with a named complainant.

### Complaint Response

- Depending on complaint type, complainant will be directed to contact the relevant authority. See list of complaints and proposed referral in Appendix.

### Complaint Response Guidelines – Law Enforcement

- Law enforcement will refer to guidelines distributed by DESPP on May 19<sup>th</sup>, 2020 with the subject "Enforcement Guidelines during the Phased Reopening" in enforcing complaints received. Key recommendations include:
  - The goal of all public safety professionals will be to obtain voluntary compliance from the general public or businesses whenever possible. In addition, law enforcement discretion should be considered and in-custody arrests discouraged.
  - In most instances, a first violation should result in a warning and education.
  - In instances of a second or more egregious first violation, officers should consider enforcement and/or a referral to the local Public Health Department or Chief Elected Official.
  - The charge utilized for violating an executive order will be 19a-131a(d).

### Complaint Response Guidelines – Local Public Health

- As authorized by Executive Order 7PP issued May 18<sup>th</sup>, 2020, a local or district health director can order the closure of Public Health Facilities (defined as hair salons, barbershops, beauty shops, nail salons, spas, tattoo or piercing establishments, restaurants, eating establishments, private clubs, or any locations licensed for on-premise consumption of alcohol, that are allowed

to reopen pursuant to the Sector Rules, as amended from time to time) until such time as the local or district health director determines that the Public Health Facility has abated the nuisance by coming into compliance with the Sector Rules.

#### Complaint Response Guidelines – Municipal Chief Elected Official

- As authorized by Executive Order 7PP issued May 18<sup>th</sup> 2020, a Municipal Designee selected by the municipal chief executive officer, can order the closure of any business other than hair salons, barbershops, beauty shops, nail salons, spas, tattoo or piercing establishments, restaurants, eating establishments, private clubs, or any locations licensed for on-premise consumption of alcohol, until such time as the Municipal Designee determines that the business has abated the nuisance by coming into compliance with the Sector Rules. A municipal chief executive shall not select a local health director, district health director, or the staff of a local or district health director as their Municipal Designee.

#### Complaint Response – CONN-OSHA

- CONN-OSHA responses may include warning phone calls and/or site visits among other remedies.

## Appendix – Complaint Referral Process

Refer to local public health [<https://portal.ct.gov/DPH/Local-Health-Admin/LHA/Local-Health-Administration---Site-Map>]

- a. Business is a restaurant, barbershop or hair salon and is not sanitizing equipment
- b. Business is a restaurant, barbershop or hair salon and is not cleaning high touch surfaces properly
- c. Business is a restaurant, barbershop or hair salon and is not allowing employees regular sanitation breaks
- d. Business is a restaurant, barbershop or hair salon and does not have sanitation stations for employees
- e. Business is a restaurant, barbershop or hair salon and has not provided employee with adequate personal protective equipment (gloves, eye protection)

Refer to local law enforcement [<https://www.211ct.org/shared/resource-lists/Bx5LQ8KA>]

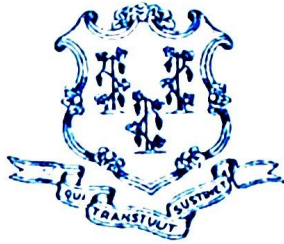
- f. Businesses is not enforcing cloth mask wearing among patrons or employees
- g. Businesses is not enforcing social distancing among patrons or employees
- h. Business is allowing for congregation of groups larger than is permitted
- i. Business is conducting operations in areas not permitted (e.g. inside when only outside is permitted)
- j. Business is open and should not be
- k. Business is a business other than a restaurant, hair salon or barbershop and is not sanitizing equipment
- l. Business is a business other than a restaurant, hair salon or barbershop and is not cleaning high touch surfaces properly
- m. Business is a business other than a restaurant, hair salon or barbershop and is not allowing employees regular sanitation breaks
- n. Business is a business other than a restaurant, hair salon or barbershop and does not have sanitation stations for employees

Refer to OSHA/CONN-OSHA [<https://www.ctdol.state.ct.us/osha/ctosha-7.pdf> or [https://www.osha.gov/workers/file\\_complaint.html](https://www.osha.gov/workers/file_complaint.html)]

- o. Business is a business other than a restaurant, hair salon or barbershop and has not provided employee with adequate personal protective equipment (gloves, eye protection)
- p. Employees have not received training on how to use cleaning products and personal protective equipment
- q. Employee has been discriminated against for voicing their concern about safety and health



Col. Stavros J. Mellekas  
Commanding Officer



Sgt. Brian L. Narkewicz  
Chief of Staff

**STATE OF CONNECTICUT**  
**DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION**  
**DIVISION OF STATE POLICE**  
**OFFICE OF THE COLONEL**

Date: May 19, 2020  
To: All Sworn Personnel  
From: Colonel Stavros Mellekas, Commanding Officer  
Subject: Enforcement Guidelines during the Phased Reopening

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On March 10, 2020, the Governor declared a public health and civil preparedness emergency, proclaiming a state of emergency throughout the State of Connecticut, as a result of the coronavirus disease 2019 (COVID-19) outbreak. On May 20, 2020, the State of Connecticut will begin a phased reopening of certain businesses.

Recognizing that law enforcement may receive complaints from State or Local Public Health officials or the general public concerning perceived violations of the Executive Orders during the reopening phase, the below guidance is provided. It should always be a priority of public safety professionals to obtain voluntary compliance from the general public or businesses whenever possible.

The guidelines are as follows;

- Voluntary compliance.
- Law enforcement discretion should be considered and an in-custody arrest discouraged.
- In most instances, a first violation should result in a warning and education.
- In instances of a second or more egregious first violation, consider enforcement and/or a referral. Local public health officials will have authority to close hair salons, barbershops and restaurants. The authority to close any other type of business (museum, office, retail store) will fall to the local municipal CEO.
- Where enforcement is deemed necessary, ensure probable cause exists that an individual has violated the current Executive Orders. If uncertainty exists, contact the State's Attorney's Office within the jurisdiction the violation occurred for guidance.
- Ensure the subject has been identified by a photo identification or other means commonly used by Law Enforcement.
- The charge utilized for violating an executive order will be 19a-131a(d).
- A Misdemeanor Summons may be issued in place of an in-custody arrest.
- The subject should be issued a Misdemeanor Summons, Promise to Appear and released.
- A court date will be chosen utilizing the court calendar provided by the GA, Clerk's Office within the jurisdiction the violation occurred.

- An investigative case report documenting the violation will be completed supporting the probable cause, the circumstances of the incident, and the procedure taken to identify the subject of the violation.
- Before any arrest, the barracks Lieutenant and on-scene Sergeant must agree that the enforcement action should be taken.
- After the arrest, the Lieutenant must notify the Lieutenant Colonel of the Office of Field Operations through the chain of command.
- The Office of Field Operations should make prompt notification to the Office of the Colonel concerning any such arrest.

For materials regarding the contact information for the local health department, please visit:  
<https://portal.ct.gov/dph/Local-Health-Admin/LHA/Local-Health-Administration---Site-Map>

A handwritten signature in black ink, appearing to read 'C. J. Mellekas', written over a horizontal line.

Colonel Stavros J. Mellekas  
Deputy Commissioner

# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

Deidre S. Gifford, MD, MPH  
Acting Commissioner



Ned Lamont  
Governor  
Susan Bysiewicz  
Lt. Governor

TO: Local Directors of Health and Acting Directors of Health

FROM: Deidre S. Gifford, MD, MPH  
Acting Commissioner

DATE: May 19, 2020

RE: Reopening CT-Enforcement Guidance

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The Connecticut Department of Public Health (DPH) is sharing information to assist your efforts implementing Reopen Connecticut activities which are set to begin on Wednesday May 20, 2020. The Department of Economic and Community Development has created several guidance documents for those business sectors authorized to begin reopening. The Reopen Connecticut guidance can be found at:

<https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Sector-Rules-for-May-20-Reopen>

It is anticipated that enforcement of the Reopen Connecticut guidance will be shared at the local level between law enforcement, local public health and the chief elected official. Local public health will have primary responsibility to accept complaints related to restaurants under this first phase of sectors authorized to reopen in accordance with their sector guidelines. As hair salons and barbershops become authorized to reopen, enforcement of the guidelines will also be directed to local health departments. It is expected that local law enforcement will continue to enforce concerns related to public distancing, social distancing concerns among patrons or employees, failure to wear face coverings, congregation of groups larger than permitted. Chief municipal officials would respond to issues of non-compliance for businesses outside of the specific purview of local health departments.

Local health directors under the Executive Order for implementation of reopening Connecticut, will have the option to order the closure of restaurants, hair salons and barbershops where compliance with the guidelines cannot be demonstrated. Local health will maintain all other authorities under specific statutes/regulations for food service establishments, barbershops, salons and other regulated businesses. The new Executive Order provides additional options for enforcement specific to the Reopen Connecticut guidelines should voluntary compliance become unattainable.

Your efforts to protect and improve the health of the public are tremendously appreciated. Local public health has many demands from distributing critical personal protective equipment in your communities, to contacting and tracing those impacted by COVID-19 directly to prevent further spread of disease and assisting in the recovery of the State of Connecticut.

The Executive Order and Protocol for Enforcing Reopen CT Sector Guidelines are attached.



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