

Date: May 25, 2021

To: Thomas B. Modica, City Manager



From: Oscar W. Orci, Director Development Services



For: Mayor and Members of the City Council

Subject: **Update on Face Covering Enforcement**

At its December 8, 2020 meeting, the City Council requested the City Manager to report back on enforcement efforts for violations of the City's Health Order (Order); specifically, wearing face coverings in public and gatherings. The purpose of this memorandum is to provide a response to the City Council's request.

As the pandemic surged throughout California, Governor Gavin Newsom issued a statewide mandate requiring face coverings in high-risk settings. As COVID-19 cases continued to rise, the statewide mask mandate was modified requiring everyone (with certain exemptions) to wear face coverings outside their home. The Order in Long Beach was also modified, requiring all persons to wear face coverings over both their nose and mouth whenever leaving their place of residence (with certain exemptions). The face covering requirement continues in place into the State's "Yellow" tier indicating "Minimal" risk; face coverings will be less stringent for vaccinated individuals while outdoors and not in large crowds. On April 27, 2021, the Center for Disease Control (CDC) issued [guidance](#) stating individuals who have been fully vaccinated are no longer required to wear a face covering in outdoor settings (with certain exceptions). This was incorporated into Long Beach's Health Order on May 5, 2021.

Long Beach was one of the very early adopters of a masking requirement, placing into our health order and creating an enforcement mechanism. In Long Beach, failure to comply with the Order is a misdemeanor crime, punishable by a fine, imprisonment, or both; and may also be enforced with an administrative citation with applicable civil penalties. The Police Department is the only department that can issue misdemeanor citations. However, the Venue Task Force (VTF) was established to enforce the Order through administrative penalties and fines and to educate and enforce the Order within the Long Beach business community. The VTF is comprised of personnel from Code Enforcement, Environmental Health, and Business License. The VTF is supported by the Police, Public Works, Energy, and Water Departments when deemed necessary. Since its inception, over 18,553 educational visits have been conducted in addition to 22,673 inspections performed, resulting in the issuance of 124 administrative citations; 11 of those citations were issued to businesses for employees not using face coverings. In general, we have experienced good compliance throughout the pandemic with the requirement to wear face coverings, and we addressed venues that did not adhere through the code enforcement process with the responsible venue owner.

As requested by the City Council, staff examined the methods and efficacy of face covering enforcement in various California cities. Staff found that most cities assigned enforcement to their Police Departments, Code Enforcement or outside vendors. Although cities established

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citation procedures for individuals refusing to wear face coverings, a focus was placed on educating individuals and, in some cities, offering face coverings rather than issuing citations. Furthermore, enforcement efforts were limited by individuals refusing to provide identification when attempting to issue citations. Under California law, only a law enforcement officer can require someone to provide identification, and any other model, public or private, would not be able to proceed with enforcement if the individual resists identifying themselves. Staff also have concern about the type of confrontation this type of enforcement could create – placing City staff in very difficult situations, often in crowded areas. As a result, most cities did not issue citations or have issued a very limited number of citations. In some cases, cities are phasing out vendor enforcement. Attached is information on the cities we reviewed and their varying levels of success (Attachment A – COVID-19 Mask Enforcement Summary).

Now that the City and County have moved into the lowest tier of regulations and the potential that COVID restrictions will loosen for the entire State in June, enforcement of masking requirements will become more difficult. The CDC guidance recently released, which was adopted by the State and the City, now specifically allows individuals who are not vaccinated, as well as vaccinated, to be in public without a mask unless they are in a crowded area. To enforce, City officials would need to request specific health information from each individual and make determinations about what is considered a crowded area. As a result, enforcement of mask wearing in public by individuals will be exceedingly impractical. The City will continue to enforce the Order indoors in establishments where it is required, focusing on the most high-risk exposures. Further, it appears that most of the state's restrictions will be lifted on June 15, 2021. Staff recommend continuing our current approach related to face coverings as it has received good compliance and results in areas of highest risk.

If you have any questions, please contact me at (562) 570-6369.

ATTACHMENT: ATTACHMENT A – COVID-19 MASK ENFORCEMENT SUMMARY

CC: CHARLES PARKIN, CITY ATTORNEY
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DEPARTMENT HEADS

Public Mask Enforcement Summary

City	State	Citation	Additional Enforcement	Citations issued	Enforcement Entity	Enforcement Status	Notes
Beverly Hills	CA	\$500.00	Public education campaign	500-600 citations	Code Enforcement	Ongoing	Staff issued tickets, request ID, if refused used license plate info.
Berkeley	CA	\$100.00	None	None	Code Enforcement	None	Complaint driven citation process
Burbank	CA	\$100.00 - \$500.00	Public education campaign	None	Consultants	Ended 5/12/2021	Citizen refused to give ID info.
Calabasas	CA	\$100.00	Public education campaign and mask distribution	None	LA County Sherriff	Ongoing	Administrative citation process. Waiting replay from Sherriff's Department for program update
Claremont	CA	\$100.00 - \$500.00	Public education campaign and mask distribution	None	City Community Services Officer, Park Rangers, Reserve Officers, etc.	Ongoing	Warnings issued
Commerce	CA	None	None	None	None	None	None
Compton	CA	\$500.00 - \$1,000.00	None	None	None	None	None
Contra Costa County	CA	\$100.00 - \$500.00	None	None	Code Enforcement	None	None
Costa Mesa	CA	\$100.00	Community centers distributed masks	None	Code Enforcement and PD	None	None
Del Mar	CA	None	Public education campaign and mask distribution	None	Sherriff's Department	None	Education efforts included 975 contacts and 625 masks distributed (Oct 2020), zero citations issued.
Duarte	CA	\$100.00 - \$500.00	None	None	Code Enforcement	None	CE can issue either administrative citation or misdemeanor tickets. PC832 allows them to demand ID, refusal turns into misdemeanor.
Fremont	CA	\$100.00	None	None	PD	None	Misdemeanor citation process
Glendale	CA	\$400.00 - \$2,000.00	Public education campaign	182 Administrative Citations and 1,064 Warnings issued	PD	Terminated based on County Health Order	Warning issued first, then administrative citation issued by officer. 2 cars/day on patrol for Face Mask enforcement.
Hermosa Beach	CA	\$100.00 - \$500.00	None	None	None	None	CE issued warnings to public and only issued citations to businesses; PD hired a contractor during 7/4/2020.
Houston	TX	\$250.00	None	None	None	None	PD will issue a ticket, like a traffic misdemeanor ticket. Officer must witness violation.
Irvine	CA	\$500.00	None	None	PD	None	Awaiting replay from Emergency Services
Las Vegas	NV	None	None	None	None	None	Mask mandate but no enforcement
Los Angeles	CA	None	None	None	Code and Health Officers - County	None	None
Manhattan Beach	CA	\$100.00 - \$350.00	Mask distribution	No more than 100	Consultants	Terminated	Zero tolerance policy, team of 4 code enforcement officers (consultants) doing mask mandate, walking the streets
Marin County	CA	\$25.00 - \$500.00	None	None	None	None	County environmental health only did enforcement on facilities that had been permitted through them and only in unincorporated areas; complaints in incorporated areas were forwarded to the cities.
Monterey	CA	\$100.00 - \$250.00	Warnings issued	Less than 5 citations issued	Code Enforcement	Terminated	1 code enforcement officer walking around commercial districts; \$100 citation

Public Mask Enforcement Summary

City	State	Citation	Additional Enforcement	Citations issued	Enforcement Entity	Enforcement Status	Notes
Napa County	CA	\$25.00 - \$500.00	None	None	None	None	No enforcement of a mask mandate out in public
Salinas	CA	\$100.00 - \$500.00	None	None	None	None	None
San Diego	CA	None	None	None	None	None	No Enforcement of mask mandate
San Mateo County	CA	\$100.00 - \$250.00	None	None	None	None	Waiting for call back from Health Department
Santa Ana	CA	None	None	None	CE/PD/ Sheriff	None	No Enforcement of mask mandate
Santa Clara County	CA	\$100.00 - \$500.00	None	None	None	None	Awaiting reply from PIO
Santa Cruz County	CA	\$100.00 - \$500.00	Public education campaign	None	County Sherriff	Terminated	Sheriff's office took more of an education approach
Santa Monica	CA	\$100.00	Public education campaign and mask distribution	Approximately 10-11 at Parks and Piers	Code Enforcement	Terminated based on County Health Order	Didn't conduct general public mask mandates
Sonoma County	CA	\$100.00	None	None	None	None	No Enforcement of mask mandate
West Hollywood	CA	\$250.00+ \$50.00	Mask distribution	None	County Sherriff	Terminated based on County Health Order	Zero tolerance policy started in January 2021.
Yolo County	CA	\$25.00 - \$500.00	None	None	None	None	No Enforcement of mask mandate