



Public Health

BOULDER COUNTY PUBLIC HEALTH (BCPH) ENFORCEMENT OF PUBLIC HEALTH ORDERS

Frequently Asked Questions

How do I report a violation of a public health order?

You can report violations of public health orders to the BCPH Call Center at 720-776-0822. BCPH Call Center hours are 8:00 a.m. to 8:00 p.m., 7 days a week.

What will BCPH do with reports of violations?

BCPH will assess whether a violation of a public health order has occurred or is occurring. If BCPH determines a violation has occurred or is occurring, it will initiate enforcement. In determining the appropriate enforcement response, BCPH will follow the guidance and intent set forth in the State of Colorado Stay at Home Order. Specifically, it may consider a number of factors, including but not limited to the severity of the threat posed by the violation based on its potential to promote transmission of COVID-19 among individuals and communities whether through contact among persons or exposure to contaminated public surfaces. In assessing the appropriate enforcement method, BCPH will also consider the safety of BCPH staff and first responders to respond in a manner that maximizes the availability of enforcement resources to most effectively slow the rate of transmission of COVID-19 throughout Boulder County.

How can BCPH enforce public health orders?

Violators of a public health order may be subject to civil or criminal penalties, including up to \$1000 and one year in Jail.

However, BCPH requests first and foremost that the public voluntarily comply with all public health orders and stay at home unless an exception applies as identified by the State Order. If you are unsure whether an activity is permissible, please contact the BCPH Call Center at 720-776-0822.

The first step in enforcement against a violation is to attain voluntary compliance. In the case of a reported violation, this may include phone calls, site visits, and issuance of Notices of Violation (warning letters and e-mails), for the purpose of educating a violator as to their obligations under the public health orders, the nature of their violation, and their means of compliance.

If a violator refuses to comply with a public health order after BCPH has notified them and warned them, BCPH is authorized and prepared to seek civil, injunctive relief through the courts in order to stop the violation. C.R.S. § 25-1-514. BCPH can file a civil action against the violator and request that the court grant a temporary restraining order enjoining the individual from violating any and all public health laws and orders. C.R.C.P. 65(b). In such an event, BCPH would also request that the court authorize appropriate law enforcement agencies with jurisdiction to use any and all lawful force appropriate to ensure that the individual complies with all public health laws and orders.

What is the Role of Law Enforcement?

Local law enforcement agencies may institute a criminal process for individuals or businesses violating a public health order, starting with issuance of a summons. Colorado public health laws designate willful violations of public health orders as class 1 misdemeanors punishable by a fine up to \$1,000, one year in prison, or both. C.R.S. § 25-1-114.

Local law enforcement agencies are assisting BCPH in identifying violations and taking appropriate measures to ensure compliance, starting with education and requests for voluntary compliance. In the event that a violator refuses to voluntarily comply, local law enforcement agencies have authority and discretion to issue a criminal summons to any individual that willfully violates a public health order.

Generally, law enforcement will only issue a criminal summons after an officer has first provided a warning, notice of the public health order, and an opportunity to comply. Upon the occurrence of continued or subsequent violation(s), officers may exercise their discretion in issuing a criminal summons.

In the event that a violation poses an imminent threat to public health, BCPH and law enforcement may bypass other preferred methods of attaining compliance and pursue the most immediate permissible means to stop the violation.