

CITY OF SANTA ANA EXECUTIVE ORDER NO. 8-2020

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SANTA ANA DECLARING A LOCAL EMERGENCY AND ORDERING A CURFEW BEGINNING AT 10:00PM MONDAY, JUNE 22, 2020 AND CONTINUING UNTIL TUESDAY, JUNE 23, 2020 AT 5:00AM IN RESPONSE TO CIVIL UNREST RESULTING FROM PROTESTS

SECTION 1. Findings.

- A. Under authority contained in California Government Code Sections 8610 through 8634 and the Santa Ana Municipal Code, I have on this 22nd day of June, 2020, declared the existence of an emergency in the City of Santa Ana and I am empowered, upon proclamation of such an emergency, to make and issue regulations on matters reasonably related to the protection of life and property as affected by such emergency.
- B. On May 25, 2020, George Floyd died while in the custody of officers of the Minneapolis Police Department and in response, to his death an unprecedented amount of civil disturbance has emerged across the Country and in the Southern California region with mass protests, vandalism, looting and the damage and destruction of public and private property.
- C. The City of Santa Ana has often been the site of regional protests and recognizes and supports the right to peaceful protests as protected by the Constitution of the United States and the State of California.
- D. On the evening of Saturday, May 30, 2020 and into the early morning of Sunday, May 31, 2020, several hundred protestors gathered in Santa Ana with some throwing rocks, bottles and mortars and igniting fireworks in the direction of police officers.
- E. At the time noted above, public and private properties were vandalized and looting occurred during this civil unrest.
- F. On two prior occasions when violent protests or civil unrest in Santa Ana were again threatened -- May 31, 2020 and June 6, 2020 -- the Director of Emergency Services for the City of Santa Ana issued Executive Orders for curfew. These curfews were very limited in duration and served to protect the public health, safety, and welfare.
- G. On the evening of June 22, 2020, as posted and re-posted in various social media sources, there are protests planned near Bristol Street and McFadden Avenue. Based on the City's evaluation of these events for the possibility of violence or civil unrest, including inflammatory statements advocating "no peaceful protests" and "fuck the police," a curfew is justified beginning at 10:00 p.m. on June 22, 2020 and continuing through 5:00 a.m. on June 23, 2020 in order to protect the public health, safety, and welfare.

- H. Civil unrest constitutes a local emergency and whereas numerous cities in the Southern California area have imposed curfews to curb the civil unrest and because protestors are not complying with social distancing requirements to protect against the spread of COVID-19, it is proper and prudent for Santa Ana to similarly impose a curfew to protect the safety of life and property in Santa Ana and to implement proactive measures to reduce the possibility of civil disobedience, vandalism, looting, and rioting resulting in property damage and threats to the health and safety of the citizens.
- I. The Santa Ana City Council declared a local emergency related to COVID-19 and designated its City Manager as the Director of Emergency Services and authorized her to issue executive orders and to take all measures to secure the health and safety of the citizens.
- J. The current circumstances when taken together with the COVID-19 emergency give rise to a Citywide emergency necessitating swift government action to preserve the safety and wellbeing of the citizenry and their property.
- K. The Director of Emergency Services, in consultation with law enforcement officials, deems a curfew necessary to secure the health and safety of Santa Ana's citizens.

NOW, THEREFORE, I, Kristine Ridge, the Director of Emergency Services for the City of Santa Ana, do hereby issue the following order to become effective immediately.

#### SECTION 1.

- A. Nighttime curfew: effective June 22, 2020 at 10:00 p.m. a curfew is imposed in all public places within the City of Santa Ana and continuing until 5:00 a.m. on Tuesday, June 23, 2020.
- B. Travel: During this curfew, all persons must not travel on any public street or public place.
- C. Exemptions: All law enforcement, fire and medical personnel, as well as other personnel authorized by the Santa Ana Police Department and credentialed members of the media services are also exempt. Individuals seeking emergency care, fleeing danger, or experiencing homelessness, and having to travel to and from employment and religious services are also exempt. The Chief of Police may designate additional exempt personnel.
- D. Definitions: For purposes of this Executive Order, "travel" includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, or public transit, or any other mode of transporting a person from one location to another. "Public Place" means any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets, roads, alleys, highways, sidewalks, parks, vacant lots and unsupervised property.

SECTION 2. The City's law enforcement personnel and law enforcement personnel cooperating with the City are hereby authorized and charged, to the extent provided by law and using discretion as the circumstances may permit, with the responsibility of enforcing this curfew and are further authorized to arrest such persons if they do not obey this curfew after due notice, oral or written, has been given to said citizen. Any person not abiding by this declaration is guilty of a misdemeanor and subject to punishment in accordance with the Santa Ana Municipal Code enforcement provisions.

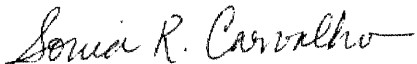
SECTION 3. This Order shall be superseded by a duly enacted action of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency expressly superseding this Order.

SECTION 4. This Order shall become effective immediately, and shall remain in effect until 5:00AM on Tuesday, June 23, 2020, unless extended by the Director of Emergency Services or the City Council.

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

PASSED, APPROVED AND ADOPTED this 22nd day of June, 2020.

  
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Kristine Ridge, Director of Emergency Services

  
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Sonia R. Carvalho, City Attorney