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EMAIL TO: All Sheriffs
FROM: Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association
SENT: November 24, 2020
SUBJECT: Sample Charging Language for Violating
Executive Order --- COVID-19

Governor Roy Cooper has issued multiple Executive Orders containing various restrictions which allow for enforcement action by law enforcement. Yesterday, the Governor issued Executive Order No. 180, which includes the authority for a law enforcement officer to issue a citation to an individual for failure to wear a face covering in indoor public places and outdoors where social distancing is not possible.

The manner in which you and your personnel enforce Executive Order restrictions, in addition to being discussed internally within your office, should also be discussed as well as with your legal advisor (if applicable) and District Attorney's office.

Based on current Executive Orders, the most likely scenarios where officers might decide to issue a criminal citation are for:

1. Violating the mass gatherings restrictions in violation of Executive Orders No.s 169 and 176.
2. Violating the face covering restrictions in indoor public places and outdoors where social distancing is not possible in violation of Executive Order No. 180.

These violations are Class 2 misdemeanors pursuant to G.S. 166A-19.30(d) and G.S. 14-288.20A(2). As such, it is within each officer's discretion, based on guidance from their agency, whether to: (1) issue a verbal warning, (2) issue a citation, (3) seek a criminal summons, (4) seek an arrest warrant or (5) make a custodial arrest for violation of any one or all of these restrictions.



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Attached is a document containing sample charging language for you to consider for a violation of either scenario identified above, should you choose to pursue criminal law charges for a violation of the Governor's Executive Orders.

If you have any questions or need any additional information, please contact Matthew Boyatt, NCSA Deputy General Counsel, at mboyatt@ncsheriffs.net or at (919) 459-6467.

Thanks....Eddie C.



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North Carolina Sheriffs' Association
Proudly Serving the Sheriffs and Citizens of North Carolina since 1922

Violations of the Governor's Executive Orders --- COVID-19

Charging Language --- Class 2 Misdemeanor November 24, 2020

The charging language below for violating the Governor's mass gatherings limitations and requirement to wear a face covering outside the home should be approved by your legal advisor or District Attorney prior to issuing criminal citations for such criminal law violations.

Participating in a Mass Gathering Indoors

I, the undersigned find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did violate Executive Order No. 169, as modified by Executive Order No. 176, issued by Gov. Roy Cooper, pursuant to NCGS 166A-19.30 on September 30, 2020, and November 10, 2020. To wit: {The defendant was present at a mass gathering indoors of more than 10 persons at the same time in a single room or single space as prohibited by Executive Order}. This act was done in violation of NCGS 166A-19.30(d) and 14-288.20A(2).

Participating in a Mass Gathering Outdoors

I, the undersigned find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did violate Executive Order No. 169, as modified by Executive Order No. 176, issued by Gov. Roy Cooper, pursuant to NCGS 166A-19.30 on September 30, 2020, and November 10, 2020. To wit: {The defendant was present at a mass gathering outdoors of more than 50 persons at the same time in a single confined outdoor space as prohibited by Executive Order}. This act was done in violation of NCGS 166A-19.30(d) and 14-288.20A(2).

Unlawfully Failing to Wear Face Covering Outside the Home

I, the undersigned find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did violate Executive Order No. 180, issued by Gov. Roy Cooper, pursuant to NCGS 166A-19.30 on November 23, 2020. To wit: {The defendant failed to wear a face covering in a public indoor space [or public outdoor space if applicable] as prohibited by Executive Order}. This act was done in violation of 166A-19.30(d) and NCGS 14-288.20A(2).