



For Immediate Release

August 5, 2020

Portage County Provides More Information on Governor's Orders

On July 30, 2020, Governor Evers issued Executive Order #82, which declared a Public Health Emergency for the State of Wisconsin. Accompanying that order was Emergency Order #1, which requires face coverings in certain situations as of August 1, 2020 at 12:01am. That order shall expire on September 28, 2020, or by a subsequent superseding emergency order.

As many in the public have already contacted the county with questions, we'd like to remind everyone that many questions can be answered by reviewing the following links. The FAQ document is especially helpful and should help the public better understand the content and intent of these orders.

- [Executive Order #82 \(Text\)](#)
- [Emergency Order #1 \(Text\)](#)
- [Face Covering Frequently Asked Questions \(FAQ\)](#)

There are still numerous questions about enforcement of the order that we would like to address. As Governor Evers has stated, the goal of the order is voluntary compliance. When it comes to enforcement, there was some confusion after the orders came out and many looked to law enforcement and asked them what they are going to do. Across the state, numerous statements were made in the press and elsewhere that, in some cases, only helped to confuse the matter. Aside from any practical concerns around the capacity of any department to effectively respond to certain complaints, it became clear in the last couple of days that law enforcement—outside of District Attorney offices—was not expected to be directly involved in enforcement of the order. Attorney General Kaul and others have recently offered more clarification confirming that as well.

Nevertheless, the Portage County Sheriff's Office will respond to reports or complaints from a business owner, manager, or other premises owner who has requested that an individual leave the premises for failing to comply with the face covering mandate as it relates to that specific premises. This is within their typical purview, is an appropriate response for law enforcement to take, and follows state guidance. The hope is that people will comply with the face covering requirements as well as any other precautions that businesses, organizations, and others have put in place.

The District Attorney's Office has also confirmed that it will prosecute any cases it receives, as that is their obligation under Wisconsin Statute 978.05(2), but like all cases they receive, the use of prosecutorial discretion will continue in the charging decision based on the facts of the situation.

So how are these orders to be enforced? Local public health departments have been tasked to come up with a process through which residents can alert the county to their concerns. Conversations around that are ongoing, and once the process is set up within our system, another press release will provide details as to how residents can engage the process.

Whatever one thinks of the orders, it's important to keep the focus where it should be, which is to continue to do better as a state in our response to COVID-19. Some people have also expressed dismay about how enforcement will be handled, but I believe the Governor realizes some of the challenges that local health departments and others are facing as well as the charged atmosphere around the face covering requirement. Ultimately, what's best is ideal, but let's not let what's best get in the way of what's better. This is why the FAQ document also states:

Q: What do I do if I see someone not wearing a mask, even though they should be?

A: Nothing. Some people have conditions or circumstances that would make wearing a cloth face covering difficult or dangerous. Just wear your mask and stay six feet away.

This guidance is in line with mandates like the one that was put into place by Public Health in Madison & Dane County. Their department [asked people](#) not to judge fellow residents and stated, "You have a role, too. Your job is to wear your mask and stay six feet away from others. It's not to ask someone why they aren't wearing a mask or to intervene if they aren't."

The message is clear. It's important that as members of our community we look out for each other and, in doing so, we are looking out for ourselves. Wearing a mask whether there is a mandate or not is something that is easy-to-do and it can help us continue what we all set as our goal when this first started. That is, to flatten the curve and slow the spread of the virus. In addition to supporting our front-line health care workers and hospitals, this buys time for a vaccine to be developed so that our county, state, and nation can more fully recover from this scourge. It also allows individuals to be away from their homes and in public places safely. No one wants to go back to where we were earlier this year and where other states that have shut down a second time are today.

Ultimately, the enforcement aspect of the order starts with us all doing the right thing, respecting the order, and respecting the wishes of businesses and organizations—many of which had mask requirements in place before the mandate. Local governments will put a process in place for concerns to be addressed, as they do for other aspects of their work, and Public Health departments will work with everyone through outreach and education before taking any next steps.

When a referral is deemed necessary, District Attorney Louis Molepske has explained that, "The DA office will review and consider issuing forfeiture complaints for cases sent to us. We will use our discretion as I presume law enforcement [and others] will be in working with the public on this order as we did in the previous Stay at Home Orders. We are all dealing with a continuing pandemic, and we all need to work together to slow community spread, protect our economy, and not risk overwhelming our hospitals and further putting at risk healthcare workers with more positive cases. Let's all be leaders to get out of this pandemic by doing our part to slow and stop it. Debating the merits of the order does not get us any closer to the goal of ending this pandemic."

Portage County will be complying with the Governor's orders until the orders expire, are superseded, or a court invalidates them. Our approach is to stress reasonableness and individual and collective leadership in order to assist our entire community during this pandemic and declared emergency. We are counting on residents in the county to do the right thing. That means not harassing, shaming, or threatening people who are wearing a face covering or not. If you see someone not wearing a face covering, we ask that you assume they have a legitimate reason, maintain your social distance, and continue with your day.

County Executive Chris Holman noted, "As a community, we've worked together to get through these first several months of our response to the virus. We need that to continue, and especially with schools looking to start up and businesses, organizations, and individuals struggling with so many challenges that this virus presents. While we wait for a vaccine and proven medical treatments, let's focus on continuing to do better each and every day. We did an incredible job in navigating previous orders, and we can do it again."

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