



# **Fresno County Sheriff's Office**

Margaret Mims, Sheriff-Coroner

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News Release

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## **Rough Fire Causes Mandatory Evacuation Notices to be Issued**

Due to changing conditions of the Rough Fire, the Fresno County Sheriff's Office is informing the public that effective immediately, mandatory evacuation notices are being issued to certain residents near where the Rough Fire is burning. This is a fluid situation and there is no time table for when these mandatory evacuations will be lifted.

The impacted area is to the north of the Highway 180 / Millwood Road intersection in Dunlap. More specifically, we are focusing on the area of U.S. Forest Service Road 12S01 and Sampson Flat Road as the most southern point. The community of Crabtree is the most northern point. The western border is U.S. Forest Service Road 12S19 and the eastern border is Cherry Gap, which is near the intersection of U.S. Forest Service Road 13S03 / Hwy. 180.

The principle of evacuation is to move citizens from a place of relative danger to a place of relative safety, via a route that does not pose significant danger. Below is an explanation to common legal concerns during these circumstances.

According to Penal Code Section 409.5 (c), any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

This misdemeanor occurs only if a person both enters a closed disaster area knowing it to be closed and subsequently refuses to leave when ordered to do so.

No crime is committed by a person occupying his or her home prior to the closing of the area and subsequently refuses to leave when ordered to do so.

**While it is evident that PC 409.5 contains the authority to dissuade persons from entering an area designated as an emergency area, it cannot be used to mandate persons into leaving their residence. The overriding concern of the Fresno County Sheriff's Office is the safety of its citizens in the unincorporated areas.**

