

Policy Manual

105.1 PURPOSE AND SCOPE

The manual of the California Department of State Hospitals, Office of Protective Services (OPS) is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of DSH and OPS. All OPS employees are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

105.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of DSH under the circumstances reasonably available at the time of any incident.

105.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the OPS and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the State, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for DSH administrative action, training or discipline. The OPS reserves the right to revise any policy content, in whole or in part.

105.3 AUTHORITY

The Chief of Law Enforcement (CLE) shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The CLE or the authorized designee is authorized to issue OPS Directives, which shall modify those provisions of the manual to which they pertain. OPS Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

105.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CCR - California Code of Regulations (Example: 15 CCR 1151).

Policy Manual

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

CLE - Chief of Law Enforcement, DSH.

DSH- Department of State Hospitals.

DMV - The Department of Motor Vehicles.

Employee/personnel - Any person employed by the DSH.

HPC - Hospital Police Chief.

Investigator - Investigator assigned to the Office of Special Investigations/DSH, Sacramento.

Juvenile- Any person under the age of 18 years.

Manual - The California Department of State Hospitals, Office of Protective Services Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Non-Sworn - Employees and volunteers who are not sworn peace officers.

Office of Communications, DSH, Sacramento - DSH hospitals direct point of contact for media/legislative relations and inquires.

Officer - Those employees , regardless of rank, who are sworn peace officers of the California Department of State Hospitals.

On-duty - A OPS employee's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

OPS - The California Department of State Hospitals, Office of Protective Services.

Order - A written or verbal instruction issued by a superior.

POST - The California Commission on Peace Officer Standards and Training.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other DSH employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

Policy Manual

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one DSH employee on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the employee's off-duty supervisor or an on-call supervisor.

USC - United States Code.

105.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all employees on the DSH network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Law enforcement or the authorized designee.

Each employee shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and DSH Directives. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

105.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Law Enforcement will ensure that the Policy Manual is periodically reviewed and updated as necessary.

105.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

Each Hospital Police Chief will ensure that OPS employees under his/her command are aware of any Policy Manual revision.

All DSH employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions through their chain of command to the Chief of Law Enforcement, who will consider the recommendations and forward them to executive management as appropriate.