

Facial Coverings

1023.1 PURPOSE AND SCOPE

State MODIFIED

The purpose of this policy is to provide guidelines for all Office of Protective Services (OPS) sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the California Department of State Hospitals (DSH) is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

1023.1.1 DEFINITIONS

State MODIFIED

Definitions related to this policy include:

DSH law enforcement personnel - Uniformed officers of the Office of Protective Services and investigators of the Office of Special Investigations. This includes supervisory law enforcement personnel.

Facial covering - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by an officer utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

1023.2 POLICY

State MODIFIED

It is the policy of OPS that facial coverings shall not be worn by DSH law enforcement officers in the performance of their duties except as set forth in this policy.

Facial Coverings

Generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.

1023.3 FACIAL COVERINGS

State **MODIFIED**

Facial coverings shall not be worn by officers when performing their duties except under the following conditions:

- (a) Active undercover operations or assignments authorized by a supervisor or court order
- (b) Tactical operations where protective gear is required for physical safety
- (c) Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
- (d) Protection of identity during a prosecution proceeding
- (e) Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor. The supervisor shall document the necessity of facial coverings in the appropriate report.

A supervisor shall not knowingly allow an officer to violate state law or OPS policy limiting the use of a facial covering.

1023.4 POSTING OF POLICY

State **MODIFIED**

The Chief of Law Enforcement or the authorized designee shall make this policy publicly available on the Department of State Hospitals website.

A written challenge regarding this policy shall be forwarded to the Chief of Law Enforcement or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.