
Office of Law Enforcement Support**607.1 PURPOSE AND SCOPE**

This policy sets forth the reporting requirements for the incidents which require reporting to the California Health and Human Services Agency (CHHSA) Office of Law Enforcement Support (OLES) pursuant to the California Welfare and Institutions Code.

607.1.1 PRIORITY 1 AND 2 REPORTING REQUIREMENTS

[See attachment: OLES Facility Reporting Guidelines - March 2020.pdf](#) [See attachment: OneTemplateNotification Form - March 2020.pdf](#)

607.2 OLES OVERSIGHT AND ACCESS

OLES is legislatively mandated to conduct designated investigations and to provide independent monitoring of Priority 1 and Priority 2 investigations that are conducted by OPS. OLES staff shall be provided full access to all California Department of State Hospitals (DSH) facility areas and grounds in order to conduct investigations and provide oversight functions. In addition, OLES staff are to be provided full access to patient health information, facility personnel, and patients/clients for investigative and oversight activities.

607.2.1 CONTEMPORANEOUS MONITORING BY OLES

When OLES determines it will assign a staff member to provide contemporaneous monitoring of an OPS investigation, the Hospital Police chief will receive a notice from OLES via email. When this occurs, in order to avoid any delays in the investigation, the assigned investigator shall draft an investigative plan to include clearly identifying the alleged law and/or policy violations. The investigative plan shall list the necessary interviews to be conducted along with the required documentation to be gathered. The assigned investigator should start gathering the documentation and be ready to review both the investigative plan and documents with the assigned monitor. The investigator shall be prepared to coordinate the scheduling of interviews with the monitor during the initial case conference.

In situations where interviews must be initiated immediately based upon the seriousness of the allegations, the investigator shall contact the assigned monitor prior to conducting the interviews. If the investigator has not been advised that OLES has decided it will assign a monitor, or does not know who will be monitoring the case, the investigator shall call the OLES hotline at (916) 651-7074 to give OLES the opportunity to have a monitor respond immediately.

Additionally, upon completion of an investigation, the assigned investigator shall afford

the assigned OLES monitor the opportunity to review a draft copy of the investigation and provide recommendations or feedback before the investigation is finalized.

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Office of Law Enforcement Support - 1

Policy Manual

Attachments

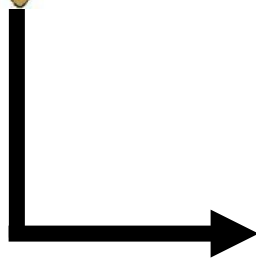
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Attachments - 2

OLES Facility Reporting Guidelines - March 2020.pdf

Office of Law Enforcement Support

Facility Reporting Guidelines



Updated 03/2020



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Introduction

This manual provides guidelines for reporting to the Office of Law Enforcement Support (OLES) all incidents meeting OLES criteria that occurred at Department of State Hospitals (DSH) and Department of Developmental Services (DDS) facilities.

California Welfare and Institutions Code section [4023.6](#) provides in pertinent part:

(a) The Office of Law Enforcement Support within the California Health and Human Services Agency shall investigate both of the following:

(1) Any incident at a developmental center or state hospital that involves developmental center or state hospital law enforcement personnel and that meet the criteria in Section [4023](#) or [4427.5](#) or alleges serious misconduct by law enforcement personnel.

(2) Any incident at a developmental center or state hospital that the Chief of the Office of Law Enforcement Support, the Secretary of the California Health and Human Services Agency, or the Undersecretary of the California Health and Human Services Agency directs the office to investigate.

(b) All incidents that meet the criteria of Section 4023 or 4427.5 shall be reported immediately to the Chief of the Office of Law Enforcement Support by the Chief of the facility's Office of Protective Services.

OLES Incident Classifications

The Department of State Hospitals (DSH) and the Department of Developmental Services (DDS) shall notify the Office of Law Enforcement Support (OLES) of any incident identified in Welfare & Institutions Code Sections 4023 and 4427.5, regardless that the two sections are differentiated between DSH and DDS in the statute. There are two classifications of incidents that shall be reported to OLES (Priority 1 and Priority 2), as described below. For purposes of this document, DSH patients and DDS residents will be referred to as “patient(s)”.

PRIORITY 1	
1. ADW	An assault with a deadly weapon (ADW) against a patient by a non-patient.
2. Assault with GBI	An assault with force likely to produce great bodily injury (GBI) of a patient.
3. Broken Bone (U)	A broken bone of a patient when the cause of the break is undetermined.
4. Deadly Force	Any use of deadly force by staff (including a strike to the head/neck).
5. Death	Any death of a patient.
6. Genital Injury (U)	An injury to the genitals of a patient when the cause of injury is undetermined.
7. Physical Abuse	Any report of physical abuse of a patient implicating staff.
8. Sexual Assault	Any allegation of sexual assault of a patient.

PRIORITY 1 REPORTING

- 1) Priority 1 incidents shall be reported telephonically to OLES via the AOD Hotline (see below) no later than two (2) hours following the discovery of the incident; **AND** 2) A fully-completed Notification Template describing the incident shall be emailed to the OLES within 24 hours of the time and date of OPS discovery of the incident.

PRIORITY 2	
1. Broken Bone (K)	A broken bone of a patient when the cause of the break is known by staff.
2. Burn	Any burn of a patient. This does not include sunburns or mouth burns caused by consuming hot food or liquid unless blistering occurs.
3. Genital Injury (K)	An injury to the genitals of a patient when the cause of injury is known by staff.
4. Head/Neck Injury	Any injury to the head or neck of a patient requiring treatment beyond first aid that is not caused by staff or law enforcement. Or any tooth injuries, including but not limited to, chipped, cracked, broken, loosened or displaced tooth that resulted from a forceful impact, regardless of treatment.
5. Neglect	Any staff action or inaction that resulted in, or reasonably could have resulted in a patient death, or injury requiring treatment beyond first aid.
6. Peace Officer Misconduct	Any allegations of peace officer misconduct, whether on or off-duty. This does not include routine traffic infractions outside of the peace officer’s official duties.
7. Pregnancy	A patient pregnancy.
8. Significant Interest	Any incident of significant interest to the public, including, but not limited to: AWOL, patient arrest, suicide attempt (requiring treatment beyond first aid), commission of serious crimes by patient(s) or staff, child pornography, riot (as defined for OLES reporting purposes), over-familiarity between staff and patients or any incident which may potentially draw media attention.

PRIORITY 2 REPORTING

- 1) Priority 2 Incidents shall be reported through submission of a fully-completed Notification Template describing the incident, emailed to the OLES within 24 hours of the time and date of OPS discovery of the incident. If at any time during an investigation into a priority 2 incident, it is discovered a priority 1 incident may have also occurred, the newly discovered priority 1 incident must be reported in line

with the priority 1 procedures and timelines.

2) Daily Logs must be emailed to the OLES by 9:00 a.m.

OLES 24-hour AOD Hotline: (916) 651-7074

**OLES Email: oles@chhs.ca.gov OLES
Confidential Fax: (916) 654-9831**

Priority 1 and 2 Pocket Cards

OLES Facility Reporting Guide

PRIORITY 1

1. ADW	PC 245 of a patient by a non-patient
2. Assault with GBI	Any assault of a patient with force likely to produce GBI
3. Broken Bone (U)	Any patient broken bone - cause undetermined
4. Deadly Force	Used on a patient incl. strike to head/neck
5. Death	Any patient death
6. Genital Injury (U)	Any patient genital injury - cause undetermined
7. Physical Abuse	Staff or LEO on a patient
8. Sexual Assault	Any allegation of sexual assault on a patient

PRIORITY 2

1. Broken Bone (K)	Any patient broken bone cause known
2. Burn	Any burn of a patient, except sunburns and mouth burns unless blistering occurs
3. Genital Injury (K)	Any patient genital injury cause known
4. Head/Neck Injury	Req. Treatment > 1st Aid (not caused by staff or LEO) or any tooth injuries, including but not limited to, chipped, cracked, broken, loosened or displaced tooth that resulted from a forceful impact, regardless of treatment.
5. Neglect	Staff action/ inaction resulting in, or reasonably could have resulted in patient death or injury req. treatment>1st aid
6. LEO Misconduct	Allegations on or off duty
7. Pregnancy	Patient pregnancy
8. Significant Int.	AWOL, Att. Suicide req. treatment>1st aid, Serious Crime, Child Pornography, Patient Arrest, Riot (as defined for OLES reporting purposes), over-familiarity.

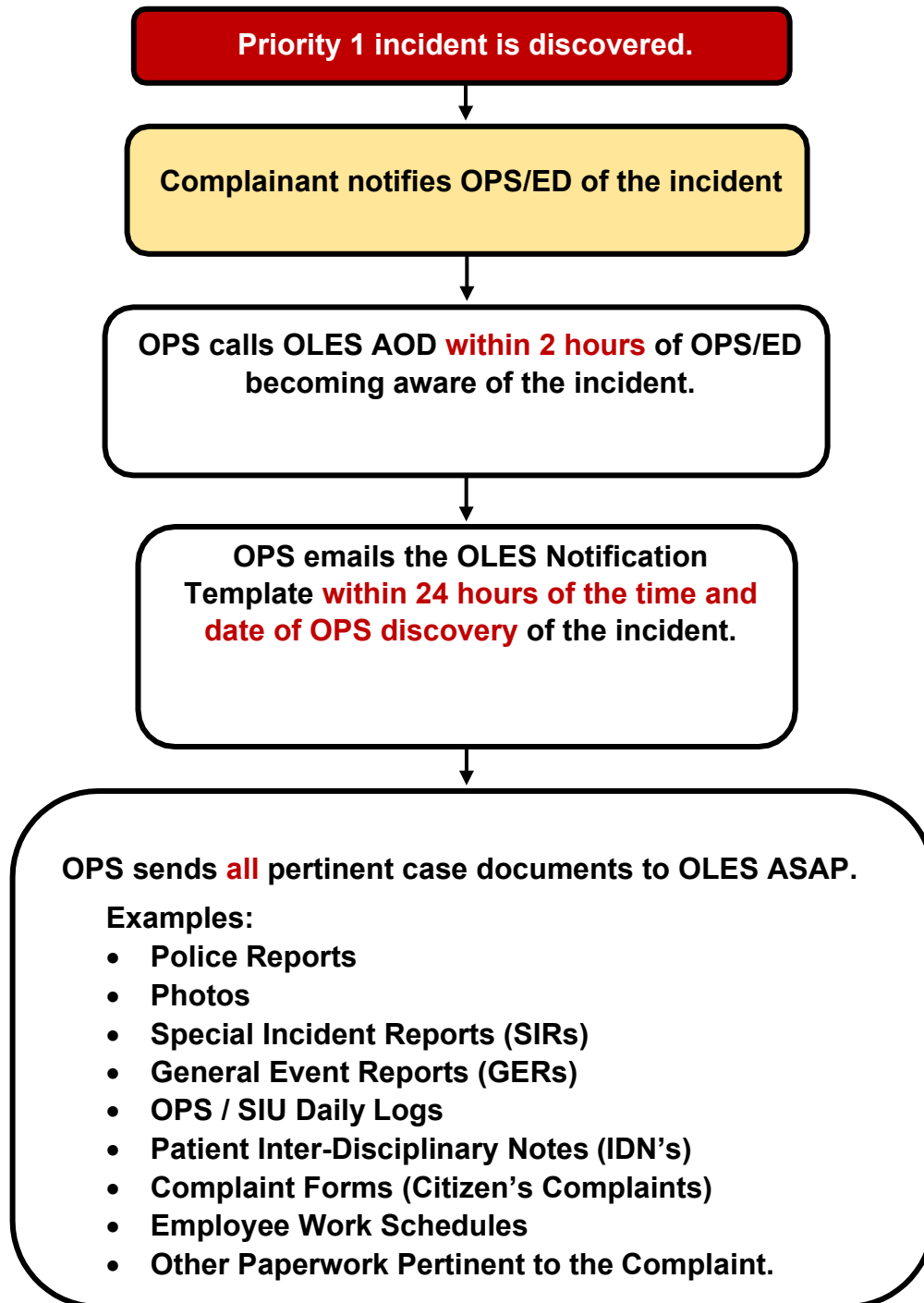
NOTE: This card is designed as an aid to memory only. For further information regarding notification, refer to the OLES Facility Reporting Guidelines.

Priority 1 AOD Questions	
CALLER	
<input type="checkbox"/> Name/Rank of Caller	<input type="checkbox"/> Phone #
INCIDENT	
<input type="checkbox"/> Facility / Case #	<input type="checkbox"/> Type of Incident
VICTIM(S)	
<input type="checkbox"/> Name <input type="checkbox"/> ID # <input type="checkbox"/> Age IQ	<input type="checkbox"/> Commitment Type <input type="checkbox"/> Housing <input type="checkbox"/> Transported? <input type="checkbox"/> To where?
SUSPECTS	
<input type="checkbox"/> Patient or Staff? <input type="checkbox"/> Name <input type="checkbox"/> Age <input type="checkbox"/> ID #	<input type="checkbox"/> Commitment Type <input type="checkbox"/> Housing <input type="checkbox"/> Arrested? <input type="checkbox"/> By Which Agency?
REPORTING PERSON TO OPS	
<input type="checkbox"/> Name/Title <input type="checkbox"/> ID #	<input type="checkbox"/> Date / Time of Call <input type="checkbox"/> Phone #
GENERAL QUESTIONS	
<input type="checkbox"/> Abuse Suspected? <input type="checkbox"/> Sexual Activity? <input type="checkbox"/> Can Pt give consent? <input type="checkbox"/> S.A.R.T? <input type="checkbox"/> If "No", why not.	<input type="checkbox"/> LE Agency Contact? <input type="checkbox"/> LE Agency / Phone # <input type="checkbox"/> LE Contact name <input type="checkbox"/> LE Case number <input type="checkbox"/> Media Inquiries
INCIDENT	
<input type="checkbox"/> Explain Incident, and OPS / Facility Response.	
AOD Hotline: (916) 651-7074 Template Email: OLES@CHHS.CA.GOV Confidential Fax: (916) 654-9831	

Priority 1 Notification Process

PRIORITY 1

When a Priority 1 Incident is reported to the OPS or Executive Director (ED), the following process should occur:



Priority 2 Notification Process

PRIORITY 2

When a Priority 2 Incident is reported to the OPS or Executive Director (ED) the following process should occur:

Priority 2 incident is discovered.

Complainant notifies OPS/ED of the incident

OPS emails Notification Template to OLES within 24 hours of the time and date of OPS discovery of the incident.

OPS sends all pertinent case documents to the OLES ASAP.

Examples:

- **Police Reports**
- **Photos**
- **Special Incident Reports (SIRs)**
- **General Event Reports (GERs)**
- **OPS / SIU Daily Logs**
- **Patient Inter-Disciplinary Notes (IDN's)**
- **Complaint Forms (Citizen's Complaints)**
- **Employee Work Schedules**
- **Other Paperwork Pertinent to the Complaint.**

If OPS discovers a priority 1 incident also occurred while investigating the priority 2 incident, OPS calls OLES AOD within 2 hours of becoming aware of the incident

OPS emails Notification Template to OLES, within 24 hours of the time and date of OPS discovery of incident and sends pertinent case documents to OLES ASAP.

Definitions

The definitions in this guide are specific to the interactions between the Department of Developmental Services (DDS), the Department of State Hospitals (DSH) and the Office of Law Enforcement Support (OLES).

Absent Without Leave - AWOL

AWOL - A patient is AWOL when they have left an assigned area, or the supervision of assigned staff without staff permission, resulting in police intervention to recover the patient.

For OLES reporting purposes, it is not necessary to report a patient who is out of their assigned area (“out of bounds”), when the patient responds to staff verbal commands to return to their assigned area without the need for police intervention.

Escapes - For patients residing in a secure treatment area, escape occurs when the chain of custody is broken, and the individual is outside the secure treatment area.

Walk-away - Occurs when a non-forensic patient leaves the hospital grounds without permission.

Assault with a Deadly Weapon- ADW (see CA Code Section Reference)

Assault with a Deadly Weapon (ADW) or force likely to produce great bodily injury (GBI), as defined in Section 245 of the California Penal Code.

Broken Bone

Any broken bone of a patient.

Burn

Any burn of a patient. This does not include sunburns and mouth burns caused by consuming hot food or liquid unless blistering occurs.

Daily Log

A daily log consists of the following: a DSH Daily Press Log, DDS-Canyon Springs and DDS-Fairview’s OPS Police Daily Activity Log, DDS-Porterville’s Daily Activity Report or similar facility log.

Date of Discovery

The date of discovery refers to the point in time when the Office of Protective Services (OPS) personnel or ED is notified or becomes aware of the incident, whichever comes first. Although an officer may later discover the incident does not rise to the level of a reportable incident, the time for notification starts when OPS is notified, so the OLES detailed template should be sent, and AOD notified. This timely notification allows the OLES attorney to begin making plans for a roll-out, should that become necessary.

Deadly Force

Deadly Force is defined as any force used, which is likely to cause death or serious bodily injury.

ED

The facility executive director.

Expected Death

The patient’s death was anticipated due to a known illness or apparent injury in which death was anticipated.

Facility

A facility is defined as any location under the control of the Department of State Hospital or Department of Developmental Services.

First Aid

The OLES considers first aid, to be the same as CalOSHA's definition: "First aid refers to medical attention that is usually administered immediately after the injury occurs and at the location where it occurred. It often consists of one-time, short-term treatment and requires little technology or training to administer. First aid can include cleaning minor cuts, scrapes, or scratches; treating a minor burn; applying bandages, Steri-Strips and dressings; the use of non-prescription medicine; draining blisters; removing debris from the eyes; massage; and drinking fluids to relieve heat stress."

For OLES reporting purposes, injuries that are beyond treatment of first aid include physical trauma resulting in an Altered Level of Consciousness (ALOC) or Loss of Consciousness (LOC) and the use of sutures, staples or dermabond.

Genital Injury

An injury to the sexual organ, anus, groin, or buttocks of any person, and breasts of a female.

Great Bodily Injury (GBI)

Great bodily injury means a significant or substantial physical injury.

Head/Neck Injury

Any injury to the head or neck of a patient which required treatment beyond first aid that is not caused by staff or law enforcement. Any tooth injuries, including but not limited to, chipped, cracked, broken, loosened or displaced tooth that resulted from a forceful impact, regardless of treatment.

For OLES reporting purposes, head or neck injuries that did not result in the patient receiving treatment beyond first aid are not reportable (e.g., a medical evaluation of a patient's head or neck at an outside hospital which did not require treatment beyond first aid). Transportation alone, to an outside facility, is not considered treatment beyond first aid.

Intimate Part

Intimate part means the sexual organ, anus, groin, or buttocks of any person, and breasts of a female.

Known

To have knowledge or clear and certain perception, as fact.

For OLES reporting purposes, an injury of "Known" origin would be an incident witnessed by a staff member or law enforcement personnel.

Law Enforcement Officer (LEO) Misconduct

Any allegation of LEO (*i.e.*, peace officer, hospital police officer) misconduct whether on-duty or off-duty.

For OLES reporting purposes, this does not include moving traffic violations (e.g., speeding or running a red light or a stop sign).

Local Law Enforcement Agency (see CA Code Section Reference)

Local law enforcement agency is defined as the agency (*i.e.*, a police department or sheriff's office) having jurisdiction surrounding the area where the state hospital, developmental center or STAR facility is located, as defined in 15610.45 Welfare and Institutions Code.

For OLES reporting purposes, OPS is not considered a local (or outside) law enforcement agency, as they are assigned to the hospital/DDS facility.

Neglect

Any staff action or inaction that resulted in, or reasonably could have resulted in a patient's death or injury requiring treatment beyond first aid.

For OLES reporting purposes, if there was no patient death or injury requiring treatment beyond first aid, the report must include a description of the potential of injury or death as a result of the staff neglect.

Over-Familiarity

Conduct between a staff member and a patient that extends beyond authorized treatment or is contrary to the treatment plan and treatment success of the patient. This may include, but is not limited to, providing special treatment, gifts, or favors not offered all patients, discussions of sex or flirtatious behavior, or any other activity intended to instill intimacy or emotional attachment. Over-familiarity brings the likelihood for patient harm, negative impact on the patients' treatment plan and disruption to facility operations. These types of illicit relationships have the real potential to evolve into scenarios that can include sexual activity, sexual abuse, trafficking of contraband and physical harm at the expense of patient care.

Patient

In this manual, "patient" is a general term, which includes DDS residents and DSH patients.

Peace Officer (see CA Code Section Reference)

Peace Officer (*i.e.*, chief, deputy chief, and supervising investigators, and investigators of the Office of Protective Services) as defined in section 830.3 (v) of the California Penal Code.

Hospital Police Officer (*DSH and DDS officers*) as defined in section 830.38 (a) of the California Penal Code.

Physical Abuse (ADW, GBI, and Sexual Assault) (see CA Code Section Reference)

Any staff, including law enforcement (peace officer/hospital police officer), who is alleged to have physically abused a patient. "Physical abuse" includes assault, battery, assault with a deadly weapon or force likely to produce great bodily injury, unreasonable physical constraint, sexual assault, or use of a physical or chemical restraint or psychotropic medication for punishment, for a period beyond physician's orders, or for any purpose not authorized by the physician and surgeon. Physical abuse is defined in 15610.63 of the California Welfare and Institutions Code.

Pregnancy

A patient pregnancy.

Riot (see CA Code Section Reference)

Riot is any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law in any place of confinement (*i.e., state prison, county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp, or any juvenile hall, juvenile camp, juvenile ranch, or juvenile forestry camp*).

Riot is defined in section 404 of the California Penal Code.

For purposes of reporting to the OLES, a riot disrupts normal operations; has the potential for growth and expansion; requires a response outside normal resources.

Serious Crimes

Serious crimes consist of felonies as enumerated in California Penal Codes 1192.7 (c) and 1192.8 (a). (e.g., murder or voluntary manslaughter; rape; mayhem, etc.)

Serious Bodily Injury (see CA Code Section Reference)

A serious impairment of physical condition, including, but not limited to, loss of consciousness; concussion; bone fracture; protracted loss or impairment of the function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

Serious bodily injury is defined in section 243(f)(4) of the California Penal Code.

Sexual Assault / Battery (see CA Code Section

Reference) Any allegation that a patient was sexually assaulted.

Sexual Assault is defined in section 243.4 of the California Penal Code.

For purposes of reporting to the OLES, all alleged sexual assaults are to be reported, including instances when the patient recanted.

Significant Interest

Any incident of significant interest to the public, including, but not limited to: AWOL, suicide attempt (requiring treatment beyond first aid), commission of serious crimes by patient(s) or staff, patient arrest, riot (as defined for OLES reporting purposes), and any incident which may potentially draw media attention.

Staff

A staff member is defined as a person hired by and currently, or formerly employed by the California Health and Human Services, Department of Developmental Services or Department of State Hospitals, who are responsible for patients.

For purposes of reporting to the OLES, this definition extends to volunteers and contractors hired to work with, or for, the above-listed employers.

Suicide Attempt

A suicide attempt occurs when the patient engages in self-inflicted injuries or ingestion of foreign bodies or potentially toxic substances with suicidal intent or with a potentially lethal outcome.

For OLES reporting purposes, a suicide attempt that did not result in the patient receiving treatment beyond first aid are not reportable (e.g., a medical evaluation of a patient at an outside hospital which did not require treatment beyond first aid). Transportation alone, to an outside facility, is not considered treatment beyond first aid.

Template

A template refers to the official OLES Notification Template used by facilities to report Priority 1 and Priority 2 incidents. This template is completed to provide pertinent information on what occurred during the alleged incident.

OLES Notification templates which have been modified or templates which have been created by facility staff will not be accepted by OLES.

Touches

Touches (*as used in **Sexual Assault/Battery***) means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

Undetermined

Undetermined (*as used when reporting **Genital Injury or Broken Bone***) means the mechanism of injury or break or the events surrounding the injury or break are not definitively known.

Unexpected (or Suspicious) Death

Unexpected death means facility staff did not anticipate the patient's death as there were no known terminal illness, injuries, or the patient's death occurred in a manner which generates suspicion.

California Statute Section Reference

The California Welfare and Institutions Code (W&I) and Penal Code (PC) sections in this guide pertain to reporting requirements under W&I 4023 and W&I 4427.5. **Language pertaining to sentencing guidelines, and, seldom used sections in reporting to OLES have been omitted for brevity.** Law enforcement personnel should refer to the most recent California Codes, before taking enforcement actions, as laws are subject to change.

Great Bodily Injury (GBI)

Great bodily injury (GBI) is defined in section 12022.7 of the California Penal Code as follows:

- a) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three years.
- (b) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony which causes the victim to become comatose due to brain injury or to suffer paralysis of a permanent nature shall be punished by an additional and consecutive term of imprisonment in the state prison for five years. As used in this subdivision, "paralysis" means a major or complete loss of motor function resulting from injury to the nervous system or to a muscular mechanism.
- (c) Any person who personally inflicts great bodily injury on a person who is 70 years of age or older, other than an accomplice, in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for five years.
- (d) Any person who personally inflicts great bodily injury on a child under the age of five years in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for four, five, or six years.
- (e) Any person who personally inflicts great bodily injury under circumstances involving domestic violence in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three, four, or five years. As used in this subdivision, "domestic violence" has the meaning provided in subdivision (b) of Section 13700.
- (f) As used in this section, "**great bodily injury**" means a significant or substantial physical injury.
- (g) This section shall not apply to murder or manslaughter or a violation of Section 451 or 452. Subdivisions (a), (b), (c), and (d) shall not apply if infliction of great bodily injury is an element of the offense.
- (h) The court shall impose the additional terms of imprisonment under either subdivision (a), (b), (c), or (d), but may not impose more than one of those terms for the same offense.

Local Law Enforcement Agency (Outside Law Enforcement Agency)

Local Law Enforcement Agency is defined in section 15610.45 of the California Welfare and Institutions Code as follows:

Local law enforcement agency means a city police or county sheriff's department, or a county probation department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Peace Officer

Peace Officer is defined in section 830.3 (v) of the California Penal Code, as follows:

The Chief, Deputy Chief, supervising investigators, and investigators of the Office of Protective Services of the State Department of Developmental Services, the Office of Protective Services of the State Department of State Hospitals, and the Office of Law Enforcement Support of the California Health and Human Services Agency, provided that the primary duty of each of those persons shall be the enforcement of the law relating to the duties of his or her department or office.

Hospital Police Officer is defined in section 830.38 (a) of the California Penal Code, as follows:

The officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services appointed pursuant to Section 4313 or 4493 of the Welfare and Institutions Code, are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code provided that the primary duty of the peace officers shall be the enforcement of the law as set forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and Institutions Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

For clarify, the Department of State Hospitals refers to their Peace Officers as “Hospital Police Officers” or “HPO’s”. The Department of Developmental Services refers to their Peace Officers as “Police Officer 1’s or “PO1’s”.

Physical Abuse (Statute Includes ADW, GBI, and Sexual Assault)

Physical abuse is defined in 15610.63 of the California Welfare and Institutions Code, as follows: **“Physical abuse”** means any of the following:

- (a) **Assault**, as defined in Section 240 of the Penal Code.
- (b) **Battery**, as defined in Section 242 of the Penal Code.
A battery is any willful and unlawful use of force or violence upon the person of another.
- (c) **Assault with a deadly weapon or force likely to produce great bodily injury**, as defined in Section 245 of the Penal Code.

Penal Code Section 245 provides in pertinent part:

- (a) (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm...[omitted].*
- (2) Any person who commits an assault upon the person of another with a firearm...[omitted].*
- (3) Any person who commits an assault upon the person of another with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530...[omitted].*
- (4) Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury...[omitted].*
- (b) Any person who commits an assault upon the person of another with a semiautomatic firearm...[omitted].*
- (c) Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties...[omitted].*
- (d) (1) Any person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties...[omitted].*

(2) Any person who commits an assault upon the person of a peace officer or firefighter with a semiautomatic firearm and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties...[omitted].

(3) Any person who commits an assault with a machinegun, as defined in Section 16880, or an assault weapon, as defined in Section 30510 or 30515, or a .50 BMG rifle, as defined in Section 30530, upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties...[omitted].

(e) [omitted].

(f) As used in this section, "**peace officer**" refers to any person designated as a peace officer in Chapter

4.5 (commencing with Section 830) of Title 3 of Part 2.

(d) **Unreasonable physical constraint, or prolonged or continual deprivation of food or water.**

(e) **Sexual assault**, that means any of the following:

(1) **Sexual battery**, as defined in Section 243.4 of the Penal Code.

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery...[omitted].

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery...[omitted].

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery...[omitted].

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery...[omitted].

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery...[omitted].

(2) As used in this subdivision, "**touches**" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

- (1) “**Intimate part**” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
- (2) “**Sexual battery**” does not include the crimes defined in Section 261 or 289.
- (3) “**Seriously disabled**” means a person with severe physical or sensory disabilities.
- (4) “**Medically incapacitated**” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
- (5) “**Institutionalized**” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
- (6) “**Minor**” means a person under 18 years of age.

- (h) [omitted].
- (i) [omitted].
- (j) [omitted].

(2) **Rape**, as defined in Section 261 of the Penal Code.

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act...[omitted].
- (2) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “**unconscious of the nature of the act**” means incapable of resisting because the victim meets any one of the following conditions:
 - (A) Was unconscious or asleep.
 - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
 - (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- (6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "**public official**" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "**duress**" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "**menace**" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

(3) **Rape in concert**, as described in Section 264.1 of the Penal Code [omitted]. (4) **Spousal rape**, as defined in Section 262 of the Penal Code [omitted].

(5) **Incest**, as defined in Section 285 of the Penal Code [omitted].

(6) **Sodomy**, as defined in Section 286 of the Penal Code.

(a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age...[omitted].

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age ...[omitted].

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she...[omitted].

(2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat...[omitted].

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat...[omitted].

(2) Any person who, while voluntarily acting in concert with another person, either personally

or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(4) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4...[omitted].

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act...[omitted]. As used in this subdivision, "**unconscious of the nature of the act**" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director...[omitted].

Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused...[omitted].

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief...[omitted].

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official...[omitted].

As used in this subdivision, "**public official**" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "**threatening to retaliate**" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

(m) [omitted].

(7) **Oral copulation**, as defined in Section 287 or former Section 288a of the Penal Code.

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child...[omitted].

(b) (1) A person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a)...[omitted].

(c) (1) A person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child...[omitted]. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child.

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a)...[omitted].

(d) [omitted].

(e) (1)[omitted

]. (2)[omitted].

(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply:

(1) **“Caretaker”** means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons:

(A) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(B) Clinics.

(C) Home health agencies.

(D) Adult day health care centers.

(E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders.

(F) Sheltered workshops.

(G) Camps.

(H) Community care facilities, as defined by Section 1402 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code.

(I) Respite care facilities.

(J) Foster homes.

(K) **Regional centers for persons with developmental disabilities.**

(L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.

(M) An agency that supplies in-home supportive services.

(N) Board and care facilities.

(O) **Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services, as defined in Section 14005.14 of the Welfare and Institutions Code.**

(P) Private residences.

(2) “Board and care facilities” means licensed or unlicensed facilities that provide assistance with one or more of the following activities:

- (A) Bathing.
- (B) Dressing.
- (C) Grooming.
- (D) Medication storage.
- (E) Medical dispensation.
- (F) Money management.

(3) “**Dependent person**” means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. “Dependent person” includes a person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c).

(h) [omitted].

(i) [omitted].

(2) [omitted].

(3) As used in this subdivision, “**bodily harm**” means any substantial physical injury resulting from the use of force that is more than the force necessary to commit the offense.

(8) **Sexual penetration**, as defined in Section 289 of the Penal Code.

(a)(1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person...[omitted].

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat...[omitted].

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed...[omitted]. As used in this subdivision, “**unconscious of the nature of the act**” means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused...[omitted].

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief...[omitted].

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official...[omitted].

As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment...[omitted].

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished...[omitted].

(k) As used in this section:

(1) “**Sexual penetration**” is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant’s or another person’s genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) “**Foreign object, substance, instrument, or device**” shall include any part of the body, except a sexual organ.

(3) “**Unknown object**” shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), “**threatening to retaliate**” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, “**victim**” includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

(9) **Lewd or lascivious acts** as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child...[omitted].

(b) (1)[omitted].

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony...[omitted]. (c)[omitted].

(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a), is guilty of a public offense...[omitted]. (d)[omitted].

(e) (1)[omitted].

(2) [omitted].

(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply:

(1) “**Caretaker**” means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons:

(A) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

- (B) Clinics.
- (C) Home health agencies.
- (D) Adult day health care centers.
- (E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders.
- (F) Sheltered workshops.
- (G) Camps.
- (H) Community care facilities, as defined by Section 1402 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code.
- (I) Respite care facilities.
- (J) Foster homes.
- (K) **Regional centers for persons with developmental disabilities.**
- (L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.
- (M) An agency that supplies in-home supportive services.
- (N) Board and care facilities.
- (O) **Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services, as defined in Section 14005.14 of the Welfare and Institutions Code.**
- (P) Private residences.

(2) "Board and care facilities" means licensed or unlicensed facilities that provide assistance with one or more of the following activities:

- (A) Bathing.
- (B) Dressing.
- (C) Grooming.
- (D) Medication storage.
- (E) Medical dispensation.
- (F) Money management.

(3) "**Dependent person**" means a person, regardless of whether the person lives independently, who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. "Dependent person" includes a person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c).

(h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the dependent person under care.

(i) (1) [omitted].

(2) [omitted].

(3) [omitted].

(f) **Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:**

- (1) For punishment.
- (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
- (3) For any purpose not authorized by the physician and surgeon.

Riot

Riot is defined in section 404 of the California Penal Code, as follows:

(a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.

(b) As used in this section, disturbing the public peace may occur in any place of confinement. Place of confinement means any state prison, county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp, or any juvenile hall, juvenile camp, juvenile ranch, or juvenile forestry camp.

Serious Crimes

Serious crimes consist of felonies as enumerated in California Penal Codes 1192.7 (c) and 1192.8 (a). California Penal Code 1192.7, as follows:

(a)(1) [omitted].

(2) [omitted].

(3) [omitted].

(b) [omitted].

(c) As used in this section, “**serious felony**” means any of the following:

- (1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under 14 years of age; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder;
- (10) assault with intent to commit rape or robbery...[omitted].

California Penal Code 1192.8 (a), as follows:

(a) For purposes of subdivision (c) of Section 1192.7 , “**serious felony**” also means any violation of Section 191.5 , paragraph (1) of subdivision (c) of Section 192 , subdivision (a) , (b) , or (c) of Section

192.5 of this code, or Section 2800.3, subdivision (b) of Section 23104 , or Section 23153 of the Vehicle Code , when any of these offenses involve the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous or deadly weapon, within the meaning of paragraph (8) or (23) of subdivision (c) of Section 1192.7 .

Serious Bodily Injury

Serious bodily injury is defined in section 243 (f)(4) of the California Penal Code, as follows:
A serious impairment of physical condition, including, but not limited to, the following:
loss of consciousness; concussion; bone fracture; protracted loss or impairment of
function of any bodily member or organ; a wound requiring extensive suturing; and
serious disfigurement.