

## **Reporting of Employee Convictions**

### **1004.1 PURPOSE AND SCOPE**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Hospital Police Chief of any criminal convictions. The Hospital Police Chief will provide timely notification to the Chief of Law Enforcement (CLE).

The CLE shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, communication operator and records supervisor employed by the Department of State Hospitals (DSH). (11 C.C.R. § 1003.)

The CLE shall submit in a timely manner a notice to POST of a felony conviction or Government Code section 1029 reason that disqualifies any current peace officer employed by DSH or any former peace officer if DSH was responsible for the investigation. (11 C.C.R. § 1003.)

### **1004.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS**

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child). (18 U.S.C. § 922, Pen. Code, § 29805.)

All employees are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to the Hospital Police Chief, as provided in this policy.

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### **1004.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS**

Government Code section 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job. Outstanding warrants as provided in Penal Code section 29805 also placed restrictions on an employee's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by employees of DSH may be inherently in conflict with law enforcement duties and the public trust.

### **1004.4 REPORTING PROCEDURE**

All employees of DSH and all retired officers with an identification card issued by DSH shall promptly notify their immediate supervisor (or the Hospital Police Chief in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All employees and all retired officers with an identification card issued by DSH shall further promptly notify their immediate supervisor (or the Hospital Police Chief in the case of retired officers) in writing if the employee or retiree becomes the subject of a domestic violence restraining order, similar court order, or becomes the subject of an outstanding warrant.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the employee on his/her own time and expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

#### **1004.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code section 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code section 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code section 6389, subdivision (h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. DSH may, but is not required to, return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

#### 1004.5.1 NOTIFICATION REQUIREMENTS

The Chief of Law Enforcement (CLE) or designee shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this OPS or any former peace officer if this OPS was responsible for the investigation (11 CCR 1003).

The CLE or designee shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this OPS (11 CCR 1003).