

PATIENT RESTRICTED

Coalinga State Hospital

OPERATING MANUAL

SECTION – SECURITY
ADMINISTRATIVE DIRECTIVE NO. 835
(Replaces A.D. No. 835 dated 7/10/06)

Effective Date: June 14, 2007

SUBJECT: DNA SAMPLE COLLECTION REQUIREMENTS

I. PURPOSE

To assist federal, state and local criminal justice and law enforcement agencies in the expeditious and accurate detection of suspects who are being investigated of sexual offenses and exonerate the innocent.

II. AUTHORITY

Department of Mental Health, Special Order 335 and California Penal Code (PC) Sections 290, and 295 – 300.2 as amended by Proposition 69.

III. POLICY

Coalinga State Hospital (CSH) Police Services shall provide the California Department of Justice (DOJ) with DNA samples, specimens, and print impressions from all Individuals admitted to CSH with crimes registered as sex and arson offenders (felonies and misdemeanors); housed in sex offender treatment program for felony offenses; adults arrested for a murder and/or voluntary manslaughter; and persons arrested for any PC 290 felony sex offense or attempt to commit any of these crimes.

IV. METHOD

A. Procedure for Newly Admitted Individuals:

CSH Admits Individuals via transfer from Atascadero State Hospital (ASH) and by direct admit from the County Courts/Jails. The Communications Operator and Admission Suite staff shall be notified by the Clinical Administrator's office of all Individuals scheduled to be transferred from ASH to CSH prior to their arrival. The Health Information Management Department (HIMD) shall notify the Communications operator and Admission Suite of all direct-admit Individuals received by the County Courts/Jails prior to their arrival.

1. Prior to the Individual's arrival, the Communications Operators will run a criminal history check (CLETS) on each Individual scheduled to be admitted.
 - a. The criminal history will indicate that DNA collection requirements have not been met, or that DNA collection is already on file. The "Collect DNA"/"Do Not Collect DNA" message as well as the "Qualifying Offense" will be highlighted on the hard copy of the Criminal History.

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- b. Inquiries pertaining to DNA Sampling may be addressed by contacting the DOJ. DNA Verification phone numbers are: Automated – (510) 620-3300 and Direct – (510) 620-3309
 - c. If the criminal history indicates that DNA does not need to be done, the hard copy will be forwarded to the Police Classification Officer.
 - d. The “Arrivals Form” for the Police Photo Lab Officer will be annotated to reflect if DNA samples need to be collected upon admission of the Individual.
2. The Hospital Police Officers’ (HPO) assigned to the Admissions Suite will prepare the DNA Sample Collection Card and forward the entire DNA Sample Collection Kit and Criminal History to the Photo Lab.
 3. The Hospital Police Photo Lab Officer will perform the DNA/Print collection during the admission process.
 - a. Collection instructions for buccal samples are contained in the DNA Collection Kit.
 - b. Fingerprints and Palmprints will be submitted via Livescan if possible. Otherwise, applicable directions from DOJ will be followed.
 - c. If an Individual refuses to provide a buccal sample, the Photo Lab Officer will notify the Admissions Suite Sergeant who will confer with the Watch Commander to determine measures to be taken to obtain the sample.
- B. Procedure for Established Individuals:
1. Biannually, the Communications Operator shall review the current Midnight Census (patient roster) located on the I-Drive. The Communications Operator shall cross-reference the list of names with the CLETS and identify any Individuals who still require testing. The Communications Operator shall then provide the HPOs assigned to the Admission Suite with the list of Individual’s names who are considered out of compliance. The Admission Suite HPOs shall then make arrangements with the Level of Care (LOC) staff to have the Individual tested.
 2. Prior to an Individual being discharged, the LOC staff will ensure that this test has been completed and the individual’s chart contains the appropriate documentation verifying its completion.

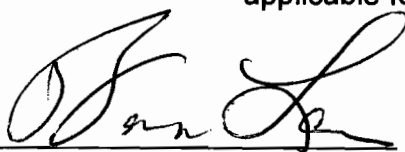
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C. Individual Refusal to Participate:

1. Any Individual, who refuses to participate in this procedure, shall be informed by the HPO that their release will be delayed. The HPO shall then provide the Individual with written notice indicating that pursuant to PC 295 et seq., the Individual is required to participate. This notice shall also indicate that any Individual refusing or failing to give the required samples and impressions is guilty of a misdemeanor offense that is punishable by both a fine of five hundred dollars (\$500.00) and imprisonment of up to one year in a county jail. Should the individual continue to refuse, the hospital police will begin arrest proceedings. Once the Individual has been taken into custody by the HPO, the HPO shall provide the Individual with another opportunity to voluntarily provide the sample and/or print to avoid charges being pressed.
2. Should the Individual continue to refuse/resist, authorization to utilize reasonable force to facilitate this procedure will be sought. All cases involving arrest shall be reviewed and approved by the Executive Director prior to the Individual being referred the District Attorney's Office/transferred to the County Jail.

D. Reasonable Use of Force:

1. California law authorizes CSH peace officers to use reasonable force to collect DNA samples, specimens and print impressions from a refusing Individual. Although the use of force is an available option, it shall be considered a collection method of last resort. The use of reasonable force shall be considered on a case-by-case basis, and carried out only after consultation and concurrence among appropriate headquarter and hospital staff (including, but not limited to, the Deputy Director and Assistant Deputy Director of Long Term Care Services, Legal, and the hospital's Executive Director, Hospital Administrator and Chief of Protective Services).
2. Should the use of force be approved, the appropriate documentation shall occur identifying the least to most restrictive measures utilized, any injuries sustained by patient or employees and the completion of a Hospital Police Report and a Special Incident Report (SIR). The Individual shall then be immediately assessed by a physician and/or nurse for possible injuries and applicable follow-up treatment.



BEN MCLAIN
Executive Director (Acting)