

## THREATS, HARM OR DANGER TO EMPLOYEES AND OTHERS

<b>AUTHORITY:</b>	Administrative Directive
<b>RESCINDS:</b>	Procedure Manual Item 1-4-110, dated 10/26/18 (Major Revision)
<b>FORMS:</b>	Threat Assessment Action Plan Threats Against Employees-Supervisor Checklist
<b>PURPOSE:</b>	To provide guidelines for handling a job-related threat against an employee's life and safety and/or that of his or her family, and to outline an action plan in response to such threat.

### I. PROCEDURE

#### A. Notification and Response to Threat

If an employee or group of employees or a family member(s) is a victim of a crime or threatened as a result of employment with the Probation Department, the employee will make immediate and appropriate efforts to prevent further or prolonged attack or injury and will seek immediate and appropriate police/medical assistance for anyone injured or claiming injury. A threat may be made directly or indirectly to the employee, or received by the employee, family member or Probation staff.

Penal Code 422(a) defines criminal threats as “any threat to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family’s safety.” Any threat reasonably meeting this definition shall be immediately referred to the appropriate law enforcement agency for investigation and handling.

Incidents will be verbally reported to the Chief Deputy Probation Officer (CDPO) via the chain of command within 24 hours. Employees and/or family members who receive threats to themselves or their property will cooperate with the Department. A short-term plan of protection will be initiated immediately to minimize or eliminate the danger.

If any employee becomes aware of a serious threat against the life, safety or property of others, or of a threat being made by a client against any other person, the employee will immediately report the information to their immediate supervisor who will advise the CDPO via the chain of command.

B. Short-Term Plan

1. Within 24 hours of the notification of the initial threat, the immediate supervisor or designee will complete the following:
  - a. If the threat meets or could reasonably meet the definition of criminal threats as defined in PC 422(a), refer to local law enforcement for investigation and follow-up.
  - b. Investigate and evaluate the threat, harm or danger and develop an action plan with the threatened employee in order to provide the best available reasonable protection for the employee and/or their family. The plan shall be documented on the Threat Assessment Action Plan worksheet (available on Prob-Net→Home→Staff Helps→Threat Assessments→Threat Assessment Action Plan Worksheet) and signed by the employee (if available) and the supervisor, or designee. The immediate options that may be considered include but are not limited to the following:
    - (1) [REDACTED]
    - (2) [REDACTED]
    - (3) [REDACTED]
    - (4) [REDACTED]
    - (5) [REDACTED]
    - (6) [REDACTED]
    - (7) [REDACTED]
    - (8) [REDACTED]
  - c. Immediately refer the employee and/or family members to the Employee Assistance Program and/or Peer Support.
  - d. Verbally report the threat and action plan to the Chief Deputy Probation Officer (CDPO) via the chain of command. In the event an individual in the chain of command is unavailable, that individual can be temporarily bypassed in the notification process to ensure the CDPO is notified of the threat.
  - e. Assist the employee in implementing the plan for the protection of the employee and family, including notifying local law enforcement if necessary.
  - f. Notify the appropriate labor representation unit (Association of Orange County Deputy Sheriff's (AOCDS) at 714-285-2800, OCEA at 714-835-3355, or OCMA at 714-953-6262) with the employee's

name, date of threat, and nature of threat. If the labor representative requests any additional information, they should be referred to the respective CDPO.

2. Within two business days of the initial threat, the supervisor shall submit the following items to the CDPO via the chain of command:
  - a. Completed *Threat Assessment Action Plan Worksheet*
  - b. *Threats Against Employees Supervisor's Checklist* (available on Prob-Net→Home→Staff Helps→Threat Assessments→Threat Against Employees Supervisor's Checklist).
  - c. Special Incident Reports (SIRS) from the threatened employee and any witnesses.
3. If the employee is requesting authorization to carry a department issued firearm, the request shall be forwarded to the Chief Probation Officer (CPO) via the chain of command. Whenever possible, the entire request process should be complete within 72 hours of the initial threat. In the event an individual in the chain of command is unavailable, that individual can be temporarily bypassed in the notification process to ensure the CPO is notified of the threat. The request to be threat armed shall be assigned top priority by each supervisor/manager in the chain of command until received by the CPO. Please see PMI 1-4-107 *Authorization to Carry Firearms* for details regarding requests to carry a department issued firearm due to a threat.
4. The Threat Assessment Action Plan Worksheet shall be signed by each supervisor/manager indicating their concurrence with each recommended protocol with final approval required by the CDPO.
5. After review by the CDPO, the *Threat Assessment Action Plan Worksheet*, *Threat Assessment Supervisor's Checklist*, and related SIRs will be forwarded to the CPO Secretary.
6. The CPO's Secretary will electronically send a copy of the all documents to the following individuals:
  - a. Threatened employee's supervisor and chain of command up to an including the CDPO.
  - b. Division Director (DD) overseeing the Professional Standards Division (PSD).
  - c. The Supervising Probation Officer (SPO) assigned to PSD overseeing threat assessments.

C. Long-Term Plan

1. At a minimum of every 30 days from the date the threat was received, or more frequently if case dynamics dictate, the immediate supervisor shall submit a Threat Assessment Review Memo outlining the following:

- a. Original threat and any relevant updates.
  - b. The current threat assessment protocols.
  - c. A recommendation as to if the threat assessment protocols should remain, be modified, or terminated.
  - d. If the employee was approved by the CPO to carry a department issued firearm in response to the threat, the supervisor will provide information as to the arming status.
2. The Threat Assessment Review Memo shall be forwarded to the CDPO through the chain of command. Each manager reviewing the Threat Assessment Review Memo shall provide their input/recommendation on the Memo before forwarding through the chain of command.
  3. Upon receipt of the Threat Assessment Review Memo, the CDPO will review and approve or modify the recommendations on the Threat Assessment Review Memo. Subsequently, the CDPO will forward to the CPO Secretary.
  4. The CPO Secretary will electronically send a copy of the finalized Threat Assessment Review Memo to all individuals outlined in Section I.B.6.
  5. When threat assessment protocols are no longer recommended, this information must be documented on a Threat Assessment Review and approved by the CDPO.
- D. Documentation in Case File
1. Upon direction of the PSD DD, the PSD DD Secretary will make the an entry into ICMS-Chrono History for each Threat Assessment Action Plan received including the date the threat was received, the name of the threatened employee, and if threat assessment protocols were established. Further, the following notation shall be added to the entry: "Should further information be needed regarding this threat or threat assessment protocols, please contact the PSD DD".
  2. Upon direction of the PSD DD, the PSD DD Secretary will make an entry into ICMS-Chrono History for each Threat Assessment Review Memo received including the date the Threat Assessment Review Memo was approved by the CDPO and if the existing protocols were continued, revised, or terminated. Further, the following notation shall be added to the entry: "Should further information be needed regarding this threat or threat assessment protocols, please contact the PSD DD".
- E. Threats against an Employee Received After Hours by a Third Party
1. Employee who receives information regarding a threat to an employee or employee's family will immediately call the Juvenile Hall Duty Officer at 714-935-6660. The Juvenile Hall Duty Officer will collect all relevant information and contact the Administrator in Charge (AIC).

2. All Assistant Division Directors (ADDs) and DDs have access to the Confidential Phone List on Prob-Net (Prob-Net→AFD→Safety Information→Safety→Confidential Phone List) and will make all reasonable efforts to contact the impacted employee to create an action plan.
3. Efforts will be documented via an e-mail to the employee and the employee's chain of command up to and including the CDPO. The short-term plan shall be completed consistent with the timelines in section B.1. above.

**REFERENCES:**

Procedures:	1-3-304	Workers' Compensation (Employee Injuries, Accidents, Blood/Body Fluids Exposure)
	1-4-006	Accessing Employee Emergency Notification Information: After Hours)
	1-4-104	Threats: Staff Responsibilities Regarding Threats and Notice to Unsuspecting Victims
	1-4-106	Oleoresin Capsicum (OC) Spray – Field Services
	1-4-107	Authorization to Carry a Firearm
	1-4-128	Critical Incident Manager (CIM)
	2-1-104	Chronological History Sheet - Adult
	2-6-015	Juvenile Chronological History Sheet Entries
Policies:	A-4	Home Telephone and Address
	D-1	Threats, Harm, Danger to Employees and Others
	D-2	Use of Physical Restraint/Corporal Punishment
	D-8	Firearms
	D-9	Tear Gas

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**APPROVED BY:**