

THREATS: STAFF RESPONSIBILITIES REGARDING THREATS AND NOTICE TO UNSUSPECTING VICTIMS

- AUTHORITY:** Welfare and Institution Code Section 202
Penal Code Section 1203
- RESCINDS:** Procedure Manual Item 1-4-104, dated 12/04/18
- FORMS:** Modification Petition Adult (F057-2078)
Petition for Modification Juvenile (F057-5120)
Special Incident Report (SIR) (F057-9162)
Probation Department Memo
- PURPOSE:**
1. To outline the procedure issues to be considered when an employee learns of a threat against an unsuspecting victim.
 2. To delineate the duties and responsibilities of the assigned Deputy Probation Officers regarding serious threats or serious implied threats against unsuspecting victims or victims unlikely to be aware of the threat.
 3. To delineate basic expectations for employees to apply, as appropriate.

I. GENERAL INFORMATION

When a probation employee learns of a threat against an unsuspecting victim, the following guidelines are to be applied as appropriate:

- A. Intervene in an emergency crisis.
- B. Immediately report all threats to the appropriate Deputy Probation Officer **and/or applicable law enforcement agency**.
- C. Immediately notify unsuspecting victims of impending danger or threats.
- D. Assist potential victims and appropriately intervene to defuse or eliminate the threat
- E. Complete and distribute appropriate documentation, case recording, and information to the court as per procedure. **Further document any efforts or resources provided to the victim via a Special Incident Report.**
- F. It is the practice of this department to provide all unsuspecting victims with all the appropriate, available information relevant to the threats, and to assist them whenever practical. **This may involve actions including but not limited to, assisting the victim in contacting local law enforcement, providing resources to pursue a restraining order, or linkage to county-based resources such as 211oc or OC Links.**

- G. Staff members who perceive or overhear, direct or indirect information indicating that a legitimate threat to the life, safety, or property of an identifiable person has been made by any probationer, adult, or juvenile, or any person of whom the employee has knowledge and acquaintance due to the employee's position with the probation department, must take immediate action.
1. In general, the employee's action must be designed to eliminate or decrease the danger in a timely and legal manner.
 2. All information and actions must be documented per departmental procedure.

II. PROCEDURE

- A. Aggressive activity or threats in the presence of the employee:
1. The employee shall take whatever immediate and appropriate steps are available to diffuse the situation, halt the aggression or prevent the threat from being carried out, in the safest available manner.
 - a. Seek assistance from other staff, the supervisor, family/friends of the offender, **law enforcement** or others.
 - b. Direct the potential victim to leave.
 - c. Defuse the situation through crisis intervention techniques, counseling, and discussion.
 - d. Routine procedures related to individual job assignments should be followed as appropriate.
 2. The employee shall cooperate with any law enforcement agency that may have become involved in the process.
 3. Once the crisis has passed, and calm and control has been restored, notify the assigned Deputy Probation Officer of the matter via telephone or e-mail.
 - a. Every Deputy Probation Officer who may have direct interest in, or involvement with the incident, should be notified.
 - b. This includes the Deputy Probation Officer of the victim, aggressor, or the probationer whose friend or family was involved in the incident, if such participants are not active probationers.
 4. After the incident is under control, the employee will document the incident via a memo, a checklist for attacks or threats against victims, a **serious incident report (SIR)**, or as directed by their immediate supervisor:
 - a. Describe the details of the situation.
 - b. Indicate the action taken.

- c. Submit the report via the chain of command to the appropriate Chief Deputy Probation Officer.
 5. Ensure that copies of subsequent reports of the incident are sent to the assigned officers and other appropriate staff.
- B. Threats which are likely to be carried out in the future, and/or in another location:
 1. If, in the course of employment, any employee should learn of, overhear, or become aware of a viable, serious threat to the life, safety, or property of a potential victim, the employee shall attempt to ascertain specific details of the threat, including the time and location, if this can be readily and quickly accomplished.
 2. The employee will:
 - a. Ascertain the identity of the assigned Deputy Probation Officer of the victim and/or the aggressor, or the most closely involved Deputy Probation Officer.
 - b. Immediately contact the officer(s), typically by telephone, cell phone, or e-mail, to notify **them** of all the available information regarding the threat.
 3. If the Deputy Probation Officer cannot be contacted immediately, the employee will contact the following people in this order:
 - a. The supervisor of the Deputy Probation Officer.
 - b. Another Supervising Probation Officer, if one is providing backup coverage.
 - c. The Division Director or Assistant Division Director, if the supervisor is unavailable.
 - d. The Chief Deputy Probation Officer, if the Division Director is unavailable.
 4. The employee shall notify his own immediate supervisor verbally as soon as possible.
 5. The employee shall write a detailed and comprehensive memo, or SIR, as appropriate, according to job assignment and situation, and forward it to the immediate supervisor as soon as possible.
 6. The employee shall ensure that a copy of the report, as described above, is made available to the assigned Deputy Probation Officer(s) as soon as possible.
- C. Basic responsibilities of the assigned Deputy Probation Officers:
 1. Immediately upon being notified by anyone that an assigned probationer, or another person directly related to an assigned case, has made what

appears to be a viable, serious threat to the life, safety, or property of any identifiable victim or his family, the Deputy Probation Officer will consider taking any or all appropriate steps outlined below, in order to determine:

- a. The severity of the threat
- b. The likelihood that it will be carried out
- c. The immediacy or timing of the threat
- d. Whether or not the intended victim is aware of the impending threat or danger

2. If the threat is severe, immediate, and the victim is unlikely to be aware of the impending danger, the Deputy Probation Officer must act swiftly to provide notice of the danger to the unsuspecting victim. The Deputy Probation Officer shall:

- a. Give local law enforcement all the necessary details to follow up and investigate the incident.
- b. Take any other steps that seem necessary, legal, and appropriate.
- c. The immediate supervisor is to be notified as soon as possible and kept informed as changes occur.
- d. As the issues above are evaluated, the Deputy Probation Officer will develop a plan and take steps to halt, prevent, and/or warn of the danger and threat as appropriate.
- e. The Deputy Probation Officer shall follow the steps below as relevant to the given situation.
 - (1) Review rapidly the available documented information such as institutional files, probation files, field book notes, or any other readily available, written or verbal, source of information regarding either the person making the threat or the intended victim.
 - (2) Consider the threatener's known capability of physically carrying out the threat.
 - (3) Consider the relevant history of the threatener.
 - (4) Consider the credibility and honesty of the source of the information regarding the threat.
 - (5) Consider the state of agitation or emotional climate of the situation.
 - (6) Ascertain the physical location of the threatener and the physical location of the intended victim.

- (7) Attempt to determine the timing, and hence the immediacy or emergency status of the situation.

For example: is this a threat being made by someone who is in the community and known to have weapons readily available to him against a victim that he can easily find, or are one or both of the parties presently in custodial confinement where they are likely to remain, separated from each other, for a substantial period of time, etc.

- (8) Consult with the immediate supervisor, or if the immediate supervisor is unavailable, the Supervising Probation Officer providing coverage, or the appropriate Division Director, regarding other steps to be taken and actions being considered, if time and circumstances allow.
- (9) Contact the assigned probationer if he/she is the threatened party, and if this can be done safely. In the case of juvenile probationers, contact with the responsible parents or **caregivers** will generally also be appropriate.
- (10) Confer with the local law enforcement agency and jurisdiction in which the threatener resides to determine whether a law violation has occurred.
- (11) Contact the local law enforcement agency in the jurisdiction where the victim resides to warn them of the potential danger.
- (12) Confer, if time permits, with the unit supervisor and/or the District Attorney, to determine whether a probation violation or a violation of a court order has occurred. If so, follow proper procedures to bring the matter to the attention of the Court. This may include effecting an arrest, either directly or via law enforcement.
- (13) Record the incident, the follow-up action and results in the Probation Department case file, pursuant to the procedures for special incident chronos.

D. Additional responsibilities of the employee toward unsuspecting victims:

1. It is the obligation of the assigned Deputy Probation Officer to take rapid steps to provide sufficient knowledge and information regarding the impending danger to the victim or victims so that victim(s) can take reasonable steps to ensure his own safety or protect himself if:
 - a. The threat could be immediately carried out, or put into effect in the near future.

- b. It is likely that the threat could be immediately carried out, and it appears likely that the intended victim or victims are unaware or unsuspecting of the impending danger.
- (1) At all times, the Deputy Probation Officer is to place a high priority on the safety of the specifically intended victim and of the community in general, and secondarily on the procedural steps to secure permission to notify the victim.
 - (2) If possible, the assigned Deputy Probation Officer should notify the victim with prior consent of his Supervising Probation Officer and/or with prior authorization from the appropriate court.
 - (3) If time permits, the assigned Deputy Probation Officer will always secure authority from the Court to release what would otherwise be confidential information to a potential or intended victim. To do this, the assigned Deputy Probation Officer will:
 - (a) Prepare a modification petition for the appropriate court, pursuant to normal procedures.
 - (b) Outline the circumstances and information available, and request authorization to release information from the Probation Department's files or resources, in order to provide adequate warning to a potential, unsuspecting victim.
 - (4) The **Deputy** Probation Officer should contact the intended victim:
 - (a) In person, if possible.
 - (b) Provide the victim with sufficient information, and no more information than that, in order to make **the victim** fully aware of the nature and danger inherent in the current threat.
 - (c) In contacting the intended victim, the assigned Deputy Probation Officer should place priority on speed as necessitated by the circumstances of the situation, rather than on a personal contact.
 - (d) If necessary, an initial telephone contact can always be followed up by a personal contact.
 - (5) In a situation where an intended victim has been given such notice, a summary of the entire situation or subsequent summary, as needed, must be entered into the probation case file as soon as possible.

- (a) This special incident chrono shall contain complete and specific details as to who was contacted, when, where, and what information was given.
 - (b) The chrono should include the nature and quality of the response from the intended victim.
 - (6) If an unsuspecting victim has been given notice of a threat and the notice involved the release of confidential information and the information was released without prior authorization of the Court, the assigned Deputy Probation Officer shall:
 - (a) Notify the Court of the release of information by letter.
 - (b) This should be done as soon as possible after the release of the information.
 2. If the danger of the threat being carried out is not immediate, the Deputy Probation Officer will:
 - a. Continue to pursue other avenues to defuse or eliminate the threat.
 - b. The Deputy Probation Officer must continue to be aware of the timeliness or immediacy with which the threat could be carried out, and continually review the possibility of notifying the unsuspecting victim.
 - c. The Deputy Probation Officer is to keep the Supervising Probation Officer informed of the status of the situation.
- E. Additional responsibilities of the Deputy Probation Officer regarding threats made against probationers:
1. When the assigned Deputy Probation Officer becomes aware of a threat made by either another probationer or another member of the community against a probationer assigned to that officer, the officer has the same responsibilities as described **in section II, C, 1, and 2.**
 2. In reviewing the appropriate steps as outlined above, the Deputy Probation Officer will consider whether there are relevant restrictions regarding release of confidential or case file information to the assigned probationer.
 3. The assigned Deputy Probation Officer may:
 - a. Assist or advise **the** probationer regarding reasonable and appropriate steps that may be taken to ensure the safety of the probationer in a legal manner.
 - b. If appropriate, assist the probationer in establishing a new temporary residence in a new location in Orange County, perhaps with family or friends.

- c. If necessary, assist the probationer in securing special permission from the court or an alteration in the conditions of **their** probation grant via the use of a modification petition to the Court, in order for the probationer to arrange for his/her own safety and protection in a lawful manner.

REFERENCES:

Procedures:	1-1-101	Access to and Release of Criminal Offender Record Information (CORI)
	1-4-110	Threats, Harm or Danger to Employees and Others
	2-1-104	Chronological History Sheet-Adult
	2-6-015	Juvenile Chronological History Sheet Entries
Policies:	B-1	Case Confidentiality-Client's Right to Privacy
	D-1	Threats, Harm, Danger to Employees and Others

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APPROVED BY: