
DEPUTY DIRECTOR, BAMS

DIRECTOR

DEPUTY DIRECTOR, BPPCD

MANAGEMENT DIRECTIVE

SUBJECT: ACTS/THREATS OF VIOLENCE AGAINST EMPLOYEES IN THE
WORKPLACE

POLICY #: MD 95-06

EFFECTIVE DATE: IMMEDIATELY

CANCEL DATE:

Cancels MD 94-06 on Acts/Threats of Violence by Employees

In August of 1994, the State of California Division of Occupational Safety and Health Agency (CAL/OSHA) advised that assault and violent acts have become the leading cause of occupational fatalities in California and assaults and violent acts resulting in nonfatal injury or in the threat of injury are becoming increasingly more common and cause a substantial and widespread problem in the workplace.

CAL/OSHA expressed particular concern regarding the increase in assaults/threats against service providers, including those employees in child welfare agencies.

The policy contained in this directive pertains to threats or acts of workplace violence by: (1) a client, caregiver, other person involved in a DCFS case, (2) a job applicant, employee or previous employee, (3) a person, associated with a current employee, whose relationship with that employee poses a potential threat to that employee and/or other employees at the workplace or (4) a person whose non-specific rage appears to endanger any one or more employees and/or the workplace.

This policy is issued in concert with the CAO directive issued January 16, 1992, requiring all County Departments to enact procedures to protect employees/supervisors from acts or threats of violence. It complies with California Labor Code 6400 which requires the employer to provide a safe and healthy place of employment for employees.

Note that Section 12020 through 12400 of the California State Penal Code informs that "weapons" include, but are not limited to, firearms, knives, darts, metal knuckles and nunchaku as well as "liquid, gaseous, or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized."

1. **DEFINITIONS**

A. *Acts/Threats of Violence*

Acts of harassment which imply physical threat, verbal statements and gestures which imply threat, and all specifically threatening statements and physical acts of violence.

B. *Penal Code Section 422*

That section of the California Penal Code which, in summary, states that if a person threatens violence to another, or their immediate family, and the person being threatened believes the threats to be genuine, the person making the threats has committed a crime. Penal Code Section 422 provides a specific tool for law enforcement to employ in situations where one person threatens violence to another.

C. *Client, caregiver, or other person involved in a DCFS case*

“Client”: a person directly receiving DCFS services. “Caregiver”: a relative, foster parent, institutional worker, or other individual caring for the child/children in a DCFS case; “Other person involved in a DCFS case”: any individual involved with the parties to or particulars of a specific case, to include clients’ friends, relatives and associates as well as therapists, teachers, attorneys and other peripherally involved persons.

D. *A person, associated with a current employee, whose relationship with that employee poses a potential threat to that employee and/or other employees at the workplace.*

A person who could be an employee’s relative, lover, significant other, or acknowledged acquaintance (friend, enemy, neighbor, etc.) who has done violence, has threatened violence, or who, by virtue of his/her suspected mental or emotional distress and known actions or innuendos, could pose a danger to the known employee or possible other employees in the workplace; this could include a stalker or “hired-gun” type individual with no known background and little if any formal relationship with the employee other than a nebulous threat or some form of harassment.

E. *A person whose non-specific rage appears to endanger any one or more employees or the workplace itself.*

A person who may not have direct knowledge of DCFS or any one employee, but whose rage against other bodies of authority, persons or situations is turned irrationally towards government offices, agencies dealing with children, etc.

F. *Office of Security Management (OSM)*

The County Administrative Office section which will assist DCFS when anyone threatens violence or enacts violence upon any employee. OSM will not investigate the incident when law enforcement is involved, but will assist the employee (victim) in obtaining a police response and report.

When law enforcement is not involved, and depending on the level of threat, OSM will also: (1) determine whether the acts/threats constitute criminal acts; (2) assist Management and victim in developing a personal safety plan; (3) assist in obtaining a restraining order; (4) assist Management

with any law enforcement follow-up; and (5) contact the suspect party in cases suggesting enactment of the threat.

G. *Security Incident Report (SIR)*

The form used by the Office Head to document and report to the County Office of Security Management all incidents of physical assault, overt threat, or implied threat to an employee in the workplace.

H. *Office of Risk Management and Prevention (ORMP)*

The section which, when requested by Office Heads and deemed appropriate, will investigate workplace situations involving employees who act violently or threaten to act violently against other employees.

I. *Security Incident Log of Events (DCFS 15)*

The form sent by Office Heads to DCFS Office of Risk Management and Prevention in order to request internal investigation as regards incidents of physical assault, overt threat, or implied threat to an employee or employees in the workplace.

2. POLICY AND STANDARDS

- A. Threats of violence or violent acts by one employee against another employee will not be tolerated in the workplace and will be subject to disciplinary action as well as possible criminal filings.
- B. Managers, Supervisors and all employees shall consider response and reporting measures in instances such as:
 - 1. A physical attack upon an employee at the job site.
 - 2. Overt threats of violence towards an employee, whether made in person, via telephone, by written correspondence, or as overheard in conversation.
 - 3. Acts or gestures made in such a manner that a clear act of violence toward an employee or the workplace is being implied.
 - 4. Overt or implied threats of violence towards any employee or County facility via any means; this could include subtly implied threats made by an individual who, by virtue of his/her mental or emotional distress or other specific actions and/or innuendos, appears to pose a legitimate threat.
 - 5. The presence of an illegally carried weapon or incendiary device in a County facility or a loaded weapon illegally kept in a car parked in a lot leased or owned by the County.
- C. Departmental policy precludes unauthorized use or possession of firearms and other weapons in County buildings and does not allow for unauthorized loaded weapons in automobiles parked in lots leased or owned by the County.

- D. County employees, except for specified peace officers, may not carry weapons on their persons while performing the duties of a County employee: “weapons” includes mace and pepper spray, regardless of whether the employee does or does not have a legal permit.
- E. Under Penal Code Section 422, a threat of violence made against an employee or his/her immediate family is considered a crime if the person threatened perceives the threat to be genuine.
- F. Threats of violence perceived as real (as defined under P.C. 422) may be criminal actions and, like acts of violence, should be reported to local law enforcement. (Knowledge of P.C. 422 should assist the reporter in overcoming any law enforcement reluctance to become involved in office “threats” which may otherwise be perceived as issues for employee relations.)
- G. If a criminal filing is made, reporting parties and other witnesses/victims may be required to testify.
- H. All parties involved in or witness to an event of violence or threat shall complete written documentation of the event in an immediate, accurate and thorough manner.
- I. Cases involving an act/threat of violence by a client or person involved in the case shall be “flagged.” The case-carrying employee shall document the incident of violence in the Title XX case log and, upon transfer, the Supervisor shall write in red either “Threat of Violence” or “Act of Violence” on the transfer sheet, indicating the date of the offense and the name of the offender.
- J. Reporting Responsibility

Employees

1. Employees shall verbally report to Supervisors/Managers any acts/threats of violence against either themselves or other employees.

When dealing with discord, anger or threat, not every set of circumstances can be anticipated. However, upon hearing or reading threats or implied threats, seeing threatening gestures, or upon being attacked by or viewing an attack of an employee, the employee should immediately inform his/her Supervisor or Manager,

2. When sensing any possibility of attack or violence by an individual known outside the workplace, the employee should immediately discuss with his/her Supervisor or Manager the potential danger to the workplace.

Supervisors/Managers

Supervisors and Managers shall use their best judgment in deciding when and how the established safety procedures may be required as situations develop. However, any suggestion of danger to employee(s) or to the workplace must be immediately reported to the Office Head, both verbally and in writing.

Office Heads

Office Heads or designees must judge the severity of the acts/threats of violence against employees and report accordingly by:

1. Immediately informing the Director, when a major act/threat occurs.
2. Immediately contacting law enforcement, when a major act/threat occurs (Note: Knowledge of Penal Code Section 422 may assist in overcoming law enforcement's reluctance to become involved in what it may otherwise perceive as an employee relations matter).
3. On all acts/threats, completing the "Security Incident Report" for the County Administrative Office of Security Management.
4. On all acts/threats against employees by other employees, contacting the Personnel Officer by telephone as soon as possible regarding discipline and, if appropriate, contacting ORMP for possible investigation.

****Extreme Emergency**

When a threat of imminent and urgent consequence is heard or a violent action has occurred or appears about to occur (such as an employee/individual brandishing a weapon), an employee at any level must act immediately. If an immediate report can be made to a Supervisor, Manager or Office Head, the employee must do so at once. However, in the absence of this immediate chain of command--and recognizing the extreme nature of the act/threat--the employee should contact the security patrol in the office and/or "911" or the police agency responsible for the work location.

Following the above action, the employee must make every attempt to contact the Office Head or his/her designee regarding both the incident and the report made.

K. Response Responsibility

Office Heads

1. Priorities and responses will vary on the less than "major" acts/threats, but in all cases the Office Head or designee must assume responsibility for the immediate safety and security of employees and the workplace. This includes the County building and adjacent County structures (such as parking facilities) under his/her control.
2. The Office Head or designee shall coordinate ongoing law enforcement response either through direct communication with law enforcement or via communication with and direction from OSM. If both ORMP and law enforcement have been contacted, the Office Head shall inform each as to the other's involvement and possible plan.
3. Each Office Head shall maintain documentation and pertinent statistical data on a yearly basis regarding all threats and acts of violence reported by employees via use of the information contained in the completed SIR.

Building Security Guards

Security Guards at the major offices carry mace, pepper spray, batons, handcuffs, and loaded guns. They are prepared to curtail problems at various levels of threat or action. They are also trained in restraint and ready to call local enforcement should a criminal act occur or should an action escalate beyond their control. Security guards may not “strip search” but, when requested to do so by an employee, they may ask an individual to empty the contents of purse or pockets. Should that individual refuse to comply, commence a disturbance, or suggest acts of violence, the Security Guard has every right to deny access to the building and, in some cases, to detain the person and call law enforcement.

Security Guards provide written reports of all acts/threats of violence in which they are involved to both their immediate employer, Intercom, and to the Office Head.

Office of Risk Management and Prevention (ORMP)

Per Office Head request, ORMP may be responsible for conducting a thorough investigation of acts/threats of violence against employees, usually those made by other employees. Should an employee be the party accused of perpetrating or threatening violence, ORMP shall work closely with the Personnel Officer and the offending employee’s Office Head in determining culpability.

3. PROCEDURES

A. Employee

1. Employees shall report to their Supervisors or Managers all known threats/acts or violence against themselves or other employees as well as any suspicion of danger to any employee in the workplace, or to the workplace in general, from an individual known to them outside the workplace or from a fellow employee.
2. Both case-carrying and non case-carrying employees shall immediately document acts/threats or violence seen or heard. Case-carrying employees shall also enter such documentation into the case recordings when such acts/threats are initiated by clients or persons involved in a specific case.

B. Supervisor/Manager

When it has been determined that the totality of circumstances in a situation suggests a danger to the safety of an employee, other employees, or the workplace, Supervisors and Managers shall immediately inform the Office Head or designee.

****Note:** The Security Guards will be particularly vigilant when warned ahead regarding individuals who could be dangerous and might carry weapons, or who are under restraining orders not to approach the employee/the workplace. Descriptions, pictures, and pertinent information concerning these individuals and any potentially difficult situations will help the Security Guards to best protect employees and workplace

C. Office Head

When it appears that a potentially or currently dangerous situation exists, the Office Head or designee must respond as follows:

1. Ensure that the receptionist, security personnel, and other appropriate employees are immediately made aware of the potential threat and provided with complete description (picture, if possible) of the threatening individual(s). If a threat has been made against an employee, of which the employee may not be aware, make sure the threatened employee is informed immediately as to the nature of the threat and the part(s) making the threat.
2. Immediately inform the Director of any major threats or actions of violence. To access the Director, use the chain of command. If within one hour either the Division Chief or Deputy Director cannot be reached, contact the Director directly.
3. Instruct appropriate personnel to immediately notify him/her or another specifically designated person at the facility in the event the threatening party is seen at the facility.
4. If any other facilities are affected or are the object of the threats, ensure that appropriate personnel at those facilities are notified.
5. When appropriate, contact local law enforcement. If a violent act has occurred, or if a serious threat has been made, request that a crime report be taken on the incident. (See definition of "Penal Code 442," page 2, in order to assess the seriousness of the threat.) If appropriate to the situation, consider requesting that a patrol/security check be made at the facility for at least the following (10) days.
6. In the case of threatening employee, consider temporary placement of that employee to another location, pending either de-escalation of the threat/fear or the establishment of stronger security measures.
7. In the case of threatening employee, and to remove any impending physical threat, apply immediate discipline based on the severity of the employee's actions and the context therein. In conjunction with discipline, and where appropriate, consider sending the employee home (with pay) and temporarily withholding his/her DCFS employee I.D. card pending completion of the investigation.

Discuss matter with the Personnel Officer or designee for appropriate disciplinary action to include: reprimand, suspension, or discharge. Consider the appropriateness of requesting an investigation by ORMP.

In conjunction with discipline, consider:

- a. Transferring the employee to a different work unit or office location.
 - b. Referring the employee to counseling through the County Employee Assistance Program (213) 887-5300, and/or requesting a psychological evaluation of the employee through the Personnel Office.
8. In the case of a threatening client, or a person connected with a DCFS case, consider:
- a. Immediate safety of the child/children.

- b. Notification to Juvenile Court and possible Juvenile Court actions to ensure protection.
9. In the case of a threatening caretaker, consider:
 - a. Immediate replacement of child/children placed with caretaker.
 - b. Report to State Licensing regarding a foster parent, CIH caretaker, FFA home or an employee in a State licensed group home; also, a report to OHCEU regarding any such employee in a County licensed institution or FFA home. The report should be telephoned immediately to State Licensing and/or OHCEU, with a written follow-up within three (3) working days.
10. Make a timely telephone notification to the CAO, Office of Security Management (213) 893-2060 or (213) 893-2069. Consult with the Office of Security Management regarding the amount and type of security at the facility, if such consultation is deemed necessary.
11. Complete a "Security Incident Report" (SIR). Fax the SIR to the Office of Security Management: Fax # (213) 613-0848. This report should be completed and sent no later than the end of the business day following the incident.
12. If a request to ORMP is deemed appropriate, complete the "Security Incident Log of Events." Attach to this Log a copy of the SIR. Fax the SIR, the memo and the Log to ORMP. These reports should be completed and sent no later than the end of the business day following the incident.
13. Initiate and maintain a journal of events, notifications and contacts regarding the incident and any follow-up. Include staff documentation, as well as the reports from Security Guard and/or police.
14. Until disposition of the matter by OSM, law enforcement and/or ORMP, maintain cooperative channels with the respective parties still investigating the situation.
15. If appropriate, contact the County Employee Assistance Program (213) 887-5300, in order to make either individual or group counseling available to employees in the office.
16. Upon disposition of an incident involving employee threat or act of violence place a copy of the SIR (and when relevant, the Log) and a letter explaining the outcome of the incident in the employee's personnel file, first notifying said employee of the intended action.
17. Maintain a copy of the Log and the letter of explanation for at least three years if the employee is not terminated or at least one year if the employee is terminated.
18. Maintain yearly statistics from all SIR reports regarding acts/threats of violence reported by employees, to include:
 - Region or Office involved
 - Date the act/threat was made
 - Nature of act/threat

- Name(s) of victims/ considered victims
- Names(s) of perpetrator(s) of act/threat
- Classification of perpetrator (client, person involved in case, employee, acquaintance of employee etc.)
- Outcome
- Date of conclusion of matter

D. Office of Risk Management and Prevention (ORMP)

ORMP receives a request for investigation of an act/threat of violence against an employee/employees (usually by another employee) and acts as follows:

1. Determines context of investigation and extent of investigation resources required.
2. Coordinates between requesting Office Head and Personnel regarding determination of investigation conducted.

4. OTHER

None

5. FORMS

A. FORMS REQUIRED

1. "Security Incident Report" (SIR)
2. "Security Incident Log of Events" (DCFS 15)

B. FORMS CANCELLED

None

**OFFICE OF SECURITY MANAGEMENT / CHIEF ADMINISTRATIVE OFFICE
SECURITY INCIDENT REPORT**

This report should be completed by the person reporting or involved in the incident, the building manager or his/her designee no later than the end of the business day following the incident. The report shall be delivered to the Office of Security Management, 785 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012, or sent FAX (213) 613-0848.

For this report, a SECURITY INCIDENT is defined as:

An incident placing a person or property at risk that requires action by law enforcement authorities, County Safety Police or security guards at a County facility whether they were summoned or not, OR,

An incident placing a person at risk involving an ON-DUTY County employee (including lunch periods) while on County property. This classification includes parking facilities, or while walking to or from an off-site parking facility to start or end a work day, OR,

An incident of a suspicious or unusual nature on County Property that places people or property at risk.

DATE OCCURRED: _____ DAY OF WEEK: _____
_____ TIME: _____

COUNTY DEPT. REPORTING INCIDENT: _____

ADDRESS OF INCIDENT: _____

Is the suspect a County Employee? Yes() No()
Is this incident gang related? Yes() No()
Was an arrest made? Yes() No()

Charge: _____

The law enforcement agency that handled the incident: (Circle appropriate number)

- | | Department | Report Number |
|----|-----------------------|---------------|
| 1. | L.A. Sheriff's Dept. | _____ |
| 2. | L.A. Police Dept. | _____ |
| 3. | Local Police Dept. | _____ |
| 4. | L.A. County Police | _____ |
| 5. | Contract Security Co. | _____ |
| 6. | None. | _____ |

CODE FOR TYPE OF INCIDENT REPORTED:
(IE., A-1 = Burglary of a County building) _____

REPORTED BY: _____ Phone: _____ Day

APPROVED BY: _____ Phone: _____ Day

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