

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

Reporting Criminal Threats

Department Procedure # 4.(1)

Authority:

Jerry L. Harper, Chief Probation Officer

Purpose:

A mission of the Probation Department is to safeguard public safety, which includes persons involved with probation casework or criminal prosecutions. Department personnel who witness or learn of criminal threats shall take immediate action to intervene by noting the circumstances that can later be used in assessing the credibility of the threat and report such threats. This procedure establishes a process for making these reports.

The intent of this procedure is to protect persons outside of the department. Threats involving probation employees shall be handled pursuant to County Policy #09-08 Violence and Threats in the Workplace and the Risk Management Employee Safety and Health Manual, Workplace Violence Section, by reporting such a threat to a Supervisor, Division Director/Manager, or The Office of County Safety, and completing a Workplace Threat Incident Report Form.

Definitions:

Criminal Threats:

Penal Code Section 422 "Criminal Threats," in part, is defined as, " Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement 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 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 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 members."

For the purposes of this procedure, "Criminal Threats" shall be further defined as any threat to commit a crime which will result in death or great bodily injury to a third party who is not present, when that threat is made to, overheard by, or witnessed by probation staff. "An immediate prospect of execution of the threat" shall be considered any reasonable time in the future. For instance, a detained minor who threatens an assault on his teacher upon his/her eventual release shall be considered to have made a threat reasonably immediate in its' execution and it shall be acted upon accordingly.

Third Party:

The subject of the threat, or potential victim, is not a probation department employee, but another third party. Examples of this may be another probationer or juvenile ward in custody, witness, family member of a witness, family member of a probationer, teacher, therapist, law enforcement officer, prosecutor, public defender or private attorney, judge, any other public official, a professional associated with a probation case, gang member, or any person in the community.

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Responsibilities:

- I. Probation Employee/Volunteer:
 - A. Shall take immediate action to intervene in such a threat by noting the circumstances that can later be used in assessing the relative credibility of the threat.
 - B. Shall report the threat to immediate Supervisor/Manager either in person or telephonically. Additional information may be provided via e-mail, however, the employee shall not make the initial report via e-mail or any other form of message other than outlined above.
 - C. In the event of a threat made after normal business hours (8:00 am to 5:00 pm), shall immediately notify the On-Call Division Director.
 - D. After notification has been made to the Supervisor/Manager, shall complete a CCB or DCB incident report. Administrative staff shall complete the CCB incident report. If the person making the threat is a probationer, one copy shall be retained in the minor's facility file and/or juvenile or adult probation file and one copy shall be forwarded to the Division Director.
 - E. An entry documenting the threat shall be placed in CE as a warning.
 - F. In the event of a threat made in a detention or treatment facility, a copy of the incident report shall be forwarded to the probation officer assigned to the case.

- II. Immediate Supervisor/Manager:
 - A. Shall cause notification to continue to the Watch Commander (if the event occurred in a JDAC or treatment facility) and/or to the Division Director/Superintendent/Manager.

- III. Division Director/Superintendent/Manager:
 - A. Shall take immediate action to notify parties of interest that may prevent any threat from being carried out. This may include Victim/Witness advocates, law enforcement, prosecutors or any potential victim.
 - B. Shall cause notification to any Probation Corrections Officer or Probation Officer that may be incidentally involved in the threat.
 - C. Shall document action taken and notifications on the incident report submitted by staff.
 - D. Shall notify the Human Resource Officer (HRO) no later than one (1) business day from initial notification by employee.

Guidelines:

1. Criminal threats may be made verbally, in writing, or by means of electronic communication.

2. Factors to consider when noting circumstances or information that can later be used for assessing the relative credibility of the threat include:
 - a. The gravity of the threat being made.
 - b. The social and criminal background of the person making the threat.
 - c. Whether the threat contains specific information as to how the crime or assault would be carried out.
 - d. What motivation the subject has to carry out the threat.
 - e. Whether the person making the threat has the means to carry out the threat.

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3. Employees should not attempt to determine or assess the relative credibility of the threat on their own.
4. In all instances where the potential victim was involved in a pending or previously adjudicated case, the Victim/Witness Advocate and the Prosecutor shall be advised.

Inspections:

Internal

An Incident Report Log shall be maintained in the administrative office containing the incident report and disposition.

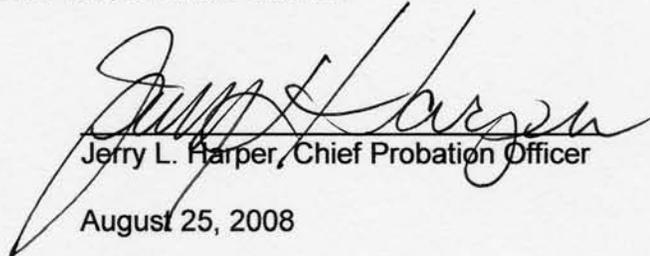
External

The Professional Standards Unit, or a designated representative, shall facilitate an inspection of this procedure no less than one time per year. A written report documenting compliance and/or recommending modifications to the procedure shall be forwarded to the Office of the Chief Probation Officer and kept on file in the Professional Standards Unit.

References:

County Policy, Violence and Threats in the Workplace, #09-08
Penal Code Section 422, Criminal Threats

Issued by:



Jerry L. Harper, Chief Probation Officer

Date:

August 25, 2008