

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT  THREAT MANAGEMENT POLICY	Number 97.10	Issue 3	Page 1 of 6
	Effective Date March 7, 2011		

1. Purpose

- 1.1 The City of San Diego has initiated a 100% response policy for any threat of violence made in the workplace, either implied or direct. This includes jokes about physical acts of violence because intent may not always be known or understood by others. The City will not tolerate any threat of violence made toward anyone in the workplace at any time. It is inappropriate to use a threat in an attempt to intimidate, prevent work from being completed, or in any way interfere with a safe workplace.

This policy provides guidelines for City employees on how to proceed if and when an allegation of a threat is received, or an alleged threat is made in the workplace. The guidelines will clarify the roles and responsibilities of all parties involved with the handling of an alleged threat.

2. Scope

- 2.1 This regulation applies to all City employees, volunteers, and contractors of the City.
- 2.2 It is not necessary for only the alleged victim of an alleged threat to bring it to the attention of the appropriate supervisor. Witnesses should immediately report any threatening behavior whether it is generally or specifically directed toward others.

3. Definitions

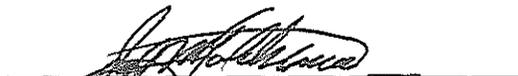
- 3.1 *Threat* means a direct or implied expression of intent to inflict physical harm, intimidate or induce fear, and/or actions that a reasonable person would perceive as a threat to physical safety or property. A threat may be oral, written (including electronic), or physical. (A good faith non-discriminatory personnel action does not qualify as a threat under this policy.)

(Supersedes Administrative Regulation 97.10, Issue 2, effective August 1, 2002)

Authorized

  
Personnel Director

  
City Attorney

  
Chief Operating Officer

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THE FOLLOWING ARE SOME EXAMPLES OF BEHAVIORS THAT MAY BE CONSIDERED A THREAT:

An oral or written statement that includes a description of what the person who made the statement says what he or she might do.

Threatening conduct, such as intimidating others, showing or alluding to possession of a weapon, raising a fist, looming over someone, or making menacing looks.

A statement or action that threatens physical harm or alludes to other acts of violence.

Acting out on a grudge against, or obsession over a co-worker, supervisor, or other person.

Harassing an employee by:

- Leaving a threatening message on a home or work voice-mail or e-mail
- Violating a restraining order
- Vandalizing property such as a car, home or personal possessions
- Stalking, by making repeated and unwanted contacts, letters, notes, flowers, gifts, repeated phone calls
- Intentionally driving or passing by a home, workplace, or area frequented by an employee
- Contacting co-workers, family or friends, to obtain personal information about an employee or threatening harm to an employee
- Entering a workspace to rearrange or remove personal items

THE ABOVE EXAMPLES BY THEMSELVES DO NOT NECESSARILY CONSTITUTE A VIOLATION OF THIS POLICY. AN INVESTIGATION REQUIRES THAT ALL FACTORS SURROUNDING THE INCIDENT BE TAKEN INTO CONSIDERATION.

- 3.2 The 100% response policy means the City will investigate every report of an alleged *threat*, as defined in this policy, made in the workplace and will take necessary action. That action may range from informal counseling to disciplinary action, up to and including termination. NOTE: The level of discipline should be commensurate with the level of the threat. Discipline may not be warranted in every case.

#### 4. Policy

- 4.1 Employees shall not make a direct or implied threat of violence toward others in the workplace at any time. Employees shall not use a threat in an attempt to intimidate, prevent work from being completed, or in any way interfere with providing a safe workplace. All perceived threats, even those made in a joking manner, will be taken seriously and will be investigated.

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5. Procedure

5.1 If a City employee becomes aware of an alleged threat to self or others, the employee SHALL IMMEDIATELY notify his or her supervisor or division management. Employees may also directly report a threat to the Human Resources Department at (619) 236-6313 or Employee Assistance Program at (619) 236-6373.

5.2 In the event of an alleged direct or implied threat, the supervisor or division management shall:

- Evaluate all known facts and circumstances surrounding the incident, including the tone of voice, body language, and behavior of the employee who allegedly made the threat, and any history of prior incidents, when determining what course of action should be taken.
- Contact the Police Department, if the incident warrants it. There are two different numbers to call depending upon the seriousness and immediacy of the threat.
  - Call 911 for emergency assistance
  - Call (619) 531-2000 for non-emergency assistance

Contact the Human Resources Department or any member of the Threat Assessment Team (see section 5.4) to discuss and evaluate the incident and they will recommend appropriate action.

- Immediately inform the employee who allegedly was threatened that threats are not tolerated, that an investigation will take place and that the employee will be notified of the results of the investigation. Specific disciplinary action shall not be disclosed. Inform the employee of the services available from the Employee Assistance Program.
- Evaluate the need for immediate suspension from the workplace of the employee who allegedly made the threat (Refer to Personnel Manual Section L-2, Discipline), OR evaluate relocating either the employee who allegedly made the threat, or the alleged victim, to a different worksite until the investigation is completed.
- Immediately inform the employee who allegedly made the threat that any threat will not be tolerated and that a thorough investigation into the allegation will be

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conducted. Specific disciplinary action shall not be disclosed to the employee who made the complaint. Inform the employee of the services available from the Employee Assistance Program.

- If appropriate and approved by the Appointing Authority, give notice to the employee who allegedly made the threat, of a suspension for the remainder of the day.
- For a thirty day suspension pending investigation, the Appointing Authority must receive approval from the Human Resources Department (619) 236-6313 prior to issuing the Notice of Suspension (Refer to Personnel Manual Section L-2, Discipline and Attachment B for sample Notice of Suspension).
- Before an employee is permitted to return to work, Appointing Authorities should contact the Human Resources Department at (619) 236-6313.
- The situation should never be addressed by making a counter-threat or by humiliating the employee who allegedly made the threat.

5.3 Fact Finding/Investigation

- Through regular fact-finding procedures, document what was said and what was heard when the alleged threat was made. Include the five “W’s”: Who, What, When, Where and Why.
  - Who allegedly made the threat and who else was present?
  - What was the alleged threat and what exactly happened?
  - When did the incident happen?
  - Where did the incident occur?
  - Why was the alleged threat made?

Keep the documentation factual; do not provide editorial comments. (Refer to the appropriate Memorandum of Understanding for employee representation rights and the Fact Finding Section in the Dimensions in Discipline Manual.)

After the fact-finding has been completed, if warranted, recommend appropriate level of disciplinary action or other measures to prevent further incidents. The Dimensions in Discipline Manual may also be a valuable resource.

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5.4 If you have questions regarding an alleged threat, you may contact a member of the Threat Assessment Team:

Human Resources Department	(619) 236-6313
Human Resource Director	(619) 980-7010
Human Resource Deputy Director	(619) 980-3753
City Attorney, Employment Unit	(619) 533-5800
Police Department, Assistant Chief	(619) 531-2740
Personnel Director	(619) 236-6155
Personnel Department, Assistant Director	(619) 236-7125
Risk Management, Deputy Director	(619) 236-6785
Employee Assistance Manager	(619) 236-6385

Note: For specific information on Domestic Violence, contact the City Attorney's Child Abuse and Domestic Violence Unit at (619) 533-6095.

6. Responsibility

- 6.1 Comments or behavior that are or could be perceived as a threat shall be reported and taken seriously. Employees who become aware of such a comment or behavior shall promptly notify department management of the details of the incident.
- 6.2 When any employee informs the department of difficulties related to work, relationships with co-workers, supervisors, managers, family members, domestic partners or other personal relationships, or members of the public, management should refer the affected employee(s) to the Employee Assistance Program.
- 6.3 The Appointing Authority shall debrief any employee who was allegedly threatened. Employee Assistance personnel will also be available to meet with impacted employees if necessary. If an employee has been suspended or moved to another work location as a result of an alleged threat, the Appointing Authority should also meet with those impacted prior to the employee being permitted to return to the worksite.
- 6.4 Information pertaining to employee discipline (if any) and information discussed during any appeal of discipline shall be kept confidential, except as required by law or if management or others have a bona fide need to know. However, it is appropriate to inform the employee who was allegedly threatened that the incident is being investigated and appropriate action will be taken.
- 6.5 In the event an employee obtains a restraining order against another person and the restraining order includes no contact at the workplace, the employee is strongly

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encouraged to report this information, and provide a copy of the restraining order to department management to ensure a safe workplace for both the employee and his or her co-workers. A description and/or photograph of the individual whom the restraining order is filed against should be provided to department management. If such information is provided, department management shall inform the Human Resources Department at (619) 236-6313, who may seek the assistance of the Police Department or other appropriate resources.

- If an individual who has been restricted from the workplace arrives unexpectedly at the workplace, the employee who sees this person shall notify his or her supervisor, department or division management and call the Police Department for assistance, if necessary, at (619) 531-2000 for a non-emergency, or 911 in case of an emergency.

7. Additional Information

- 7.1 The City also offers the grievance process (for classified employees and members of the Deputy City Attorneys Association) and the Equal Employment Investigations Office if the difficulties are due to issues of harassment, discrimination, or other unfair treatment in the workplace.

APPENDIX

References

City of San Diego Personnel Regulations, Section L-2 - "Discipline"  
Dimensions in Discipline, Fact Finding Section  
Memoranda of Understanding

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Threats  
Violence

Administering Department

Human Resources Department

Attachments

A - Timeline  
B - Notice of Suspension Pending Investigation

## ATTACHMENT A

### Timeline for 30 Day Suspension

Whenever it is necessary to immediately suspend an employee because of a threat, the investigation and any resulting disciplinary action should be completed within 30 calendar days from the beginning of the suspension. Since time is of the essence, the following timeline is recommended to ensure completion within the 30 days. Please refer to the following resources: Civil Service Rule XI, Personnel Manual Section L-2 (Discipline), and appropriate MOUs.

- Day 1            -Immediately provide a Notice of Suspension Pending Investigation. (See Attachment B)
- Day 1-5        -Arrange for fact finding panel and develop plan of action  
                  -Employee to arrange for representation in response to allegations  
                  -Notice all witnesses
- Day 6-20      -Conduct investigation of the incident  
                  -Complete fact finding report and provide to Appointing Authority  
                  -Appointing Authority to determine appropriate level of discipline if any and prepare related documents
- Day 21-30     -Appointing Authority to provide notice to subject employee of the results of the investigation and proposed discipline if any
- Appeal Process  
                  Refer to appropriate MOU

**SAMPLE**

**ATTACHMENT B**

CITY OF SAN DIEGO

MEMORANDUM

DATE:

TO: (Employee, Class)

FROM: (Department Director or Designee)

SUBJECT: Notice of Suspension Pending Investigation

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This is to notify you that effective immediately you are suspended without pay pending investigation according to the provisions outlined in the Personnel Manual, Section L-2, Section III, Paragraph E(1)(b). This suspension is necessary because your presence in the workplace would be disruptive and harmful to morale.

This suspension is based on the following:

*Provide a brief summary of the incident(s) or threat(s) that this suspension is based upon. Include dates, places, and other appropriate facts.*

This is a non-disciplinary removal from the workplace pending an investigation into charges of misconduct against you. As such, it cannot be appealed to the Civil Service Commission.

The investigation will be conducted as quickly as possible. If the allegations are not proved, you will be restored to work with back pay and benefits. If misconduct is proved, appropriate disciplinary action in accordance with the City's usual procedures, including any appeal rights, will be taken. The term of this suspension pending investigation will be considered when taking disciplinary action.

\_\_\_\_\_  
Department Director or Designee

\_\_\_\_\_  
Date

I have received a copy of this notice.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

*If the employee refuses to sign, note this in the signature space.*

**SAMPLE**

**ATTACHMENT B (con't)**

Notice of Suspension Pending Investigation  
Page 2

On \_\_\_\_\_, I witnessed the personal delivery of this notice to the employee.

\_\_\_\_\_  
Witness

*Note: Usually, the notice will be hand delivered to the employee. If the notice is mailed to the employee, prepare two copies of the notice in a letter format and mail them to him or her. Mail one copy by certified mail, return receipt requested; mail the other copy by regular first-class mail. Note this on the notice.*