

HARBOR-UCLA MEDICAL CENTER

SUBJECT: THREAT MANAGEMENT "ZERO TOLERANCE"

POLICY NO. 430

**PURPOSE:**

All workforce members, patients, or visitors who witness any threatening or violent behavior are responsible for reporting the incident in accordance with the procedures described in this policy.

**POLICY:**

Harbor-UCLA prohibits any threats, threatening behavior, or acts of violence against workforce members, patients, visitors or other individuals by anyone on County property or any area where all workforce members are engaged in County-related business.

Examples of threatening or violent behavior include, but are not limited to:

- Verbal and/or written threats toward a workforce member, a supervisor or manager and/or members of that person's family.
- Psychological violence, such as verbal and/or written threats against any property of the persons listed above, bullying employees, punishing others by constant criticism or by removing their responsibilities.
- Items left anonymously in an employee's work area or personal property that are meant to threaten or intimidate that person.
- Off-duty harassment of employees, such as phone calls, stalking or any of other above-defined behaviors that could reasonably be construed as threatening or intimidating and could affect workplace safety.
- Physical actions taken against another employee that could cause harm.

Violations of this policy may result in any or all of the following:

- Arrest and prosecution for violations of pertinent laws.
- Immediate removal of the threatening individual from the premises pending investigation.
- Disciplinary action, up to and including, discharge from County employment.

Harbor has established procedures to protect its workforce members, in accordance with Penal Code Section 422, if any workforce member threatens violence or in some way gives legitimate cause for others in the workplace to fear for their safety and security.

**EFFECTIVE DATE:** 9/93

**SUPERSEDES:**

**REVIEWED:** 9/93, 3/96, 12/98, 9/01, 10/04, 1/08, 3/13, 10/16, 8/19

**REVISED:** 12/98, 9/01, 8/06, 10/16, 8/19

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**BACKGROUND:**

**A. Penal Code Section 422**

Penal Code Section 422 provides a specific tool for law enforcement to employ in situations in which one person threatens violence to another. In summary, the code 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.

Specifically, the code provides that:

- Any person who willfully threatens to commit a crime that 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 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 to be in sustained fear for his/her own safety or for his/her immediate family's safety, shall be punished by imprisonment in the County jail not to exceed one year, or by imprisonment in the state prison.

For the purposes of this section, "immediate family" means any spouse -- whether by marriage or not -- parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

It is important to recognize that Penal Code Section 422 is designated as an optional misdemeanor or felony.

**PROCEDURE:**

**I. WHEN TO ENACT PROCEDURES**

Every set of circumstances that may present itself when dealing with a disgruntled employee cannot be anticipated. As such, the procedures set forth below can only be viewed as a "guide." Supervisors/managers and others should use their best judgment as to when and how the procedures apply to situations as they develop.

Circumstances that trigger consideration of enacting these procedures include:

- A workforce member physically attacks another workforce member at the job site.
- A workforce member threatens violence towards other workforce members either in person, via telephone, or by written correspondence.
- A workforce member threatens violence towards a County facility by any means.
- A workforce member acts or makes gestures in such a manner that it is clearly an act of violence that is being implied.

**II. HOW TO ENACT PROCEDURES**

When any of the above conditions are manifested and workforce members form the opinion that the totality of the circumstances creates a danger to their safety or that of other staff members they shall:

- Immediately contact the Los Angeles County Sheriff's Department (LASD) (ext. 3311).

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**III. HOSPITAL RESPONSE**

**A. Los Angeles County Sheriff Department**

1. Upon notification of an act or threat of violence by a workforce member, LASD shall:
  - a. Ensure that appropriate staff such as Service Directors/Department Chairs, are immediately informed of the threat/act of violence, and are provided with a complete description, including a picture, if possible, of the threatening workforce member.
  - b. Instruct appropriate personnel to contact the LASD Office on ext. 3311, if the person who made the threat/act of violence is seen at the facility.
    - Should this occur, LASD will take appropriate action by removing that individual from the facility and immediately notifying the appropriate Service Director/Department Chair, and Hospital Administration.
  - c. Immediately inform Human Resources Administration (ext. 64900).
  - d. Increase patrol/security checks at the work site for at least the subsequent (10) days, if necessary.
  - e. If other facilities or persons are affected or are the object of the threats, ensure appropriate personnel at the facility are notified.
  - f. Make a timely telephonic notification to the Los Angeles County Security Operations Unit at (213) 893-2069 or (213) 974-7926. At the discretion of Administration, LASD will consult with the Office of Security Management on the amount and type of security at the facility. The Office of Security Management is available for an on-site evaluation of an incident.
    - The Office of Security Management shall make a timely notification of the incident and the circumstances surrounding it to the office of the Chief Administrative Officer.
  - g. Complete and fax a Security Incident Report and detailed description of the incident to the Office of Security Management (213) 613-0848.
  - h. Provide a copy of the Security Incident Report and detailed description of the incident to Human Resources Administration.
  - i. Initiate a log of events, notifications and contacts whenever an incident occurs that causes the provisions of this policy to be implemented. LASD shall maintain the records for three (3) years.
  
2. Because Penal Code Section 422 is designated as an optional misdemeanor or felony, under some circumstances law enforcement may treat the incident as a misdemeanor.

If LASD officers determine a particular incident is a misdemeanor and the actual crime, or threat, was committed outside their presence, by law the officers cannot on their own arrest the suspect. In such an instance, if the victim of the threat desires an immediate arrest:

- a. The victim must make a citizen's arrest of the person who made the threats. A citizen's arrest merely means the victim must inform the person being arrested that hs/he is under arrest.
  - b. LASD then will list the victim as the "arresting officer" and take appropriate action, including immediately informing Human Resources Administration (ext. 64900).
3. If the threat was made indirectly and not in the presence of the stated target of the threat, depending on the exact circumstances, there may not be enough cause to allow a physical arrest at the time of the report.
    - a. The supervisor/manager or victim should insist that LASD prepare a crime report, which will trigger additional follow-up by LASD, and/or the District Attorney's Office, if appropriate.

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trigger additional follow-up by LASD, and/or the District Attorney's Office, if appropriate.

**Note:** If the LASD Officer is reluctant to take a crime report, ask to speak with the Los Angeles County Sheriff's Lieutenant on duty or the LASD Captain.

**B. Human Resources**

1. Human Resources Administration shall:

- a. Consult with the Los Angeles County Sheriff's Department, the appropriate Service Director/Department Chair and Administration.
- b. Investigate the act/threat of violence by the employee.
- c. Take appropriate disciplinary action, which may include suspension or discharge from County service.