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Staff Safety and Responses to Threats

Purpose

To provide safety guidelines and actions to take when responding to threats made against staff.

Approved

This policy was approved by Mike Ryan, Director of CFS on January 26, 2010. *Signature on file*.

Background

The safety of Children and Family Services (CFS) staff is an ongoing concern. In 1991, CFS developed a procedure for identifying cases where parents represent a serious threat of causing harm. At the same time, SSA sponsored legislation to permit Juvenile Court to issue orders restraining parents from threatening the social worker, or any member of the social worker's family, with physical harm. Welfare and Institutions Code (WIC) Section 340.5 was a result of this action. Subsequent legislation also added social workers to the Department of Motor Vehicles (DMV) eligible list for the confidential home address program.

In 1998, CFS requested the state CWS/CMS system be revised to add a field for safety alert information so that any staff member opening the case could immediately be alerted to the safety issues.

Legal Mandates

- Welfare and Institutions Code Section 340.5
- Welfare and Institutions Code Section 213.5
- Code of Civil Procedure Section 527.8
- Vehicle Code Section 1808.4
- *Tarasoff v. Regents of the University of California* (1976) 17 Cal.3d 425
- County Counsel Opinion No. 2001-142, 84-83, and 84-165
- *Ewing v. Goldstein* (2004) 120 Cal. App.4th 807

- *Ewing v. Northridge Hospital Medical Center* (2004)120 Cal. App.4th 1289

Definitions

None.

POLICY

Staff Safety

CFS staff is not expected to place themself in danger or risk life or health while performing child welfare services. Staff is expected to:

A. Apply reasonable precaution in balancing job requirements and safety issues as well as preventive efforts to reduce potential for danger.

B. Place alert information on the referral/case as it becomes known.

C. Seek help in emergency situations from other staff or police/sheriff departments, as appropriate.

D. Report threats to the assigned supervisor that involve bodily harm or property damage to self or family.

E. Develop and implement a protective plan for the threatened staff.

F. Assess the "duty to warn" others when threats are made regarding an identified individual or group.

Safety Guidelines

Following some general safety guidelines will help in reducing vulnerability to potentially dangerous situations:

A. Consider requesting a DMV confidential home address and unlisted home phone number.

B. Consider minimizing the amount of personal identifying information disclosed on social networking sites.

C. Consider requesting an SSA parking placard for use if conducting home visits within the restricted street parking areas of Anaheim, Garden Grove and Santa Ana.

D. Follow agency guidelines for security measures provided within county buildings. Use the identification badge provided only for entry of self and other known employees into secured buildings. Clients, unknown individuals or non-county employees should not be given access to employee office areas.

E. Notify the Sheriff Special Officer (SSO) if suspicious persons, circumstances or material is observed on the premises.

F. Prior to meeting or interviewing clients, review the case for any case alert and safety issues.

G. Assess need to team with police on emergency response visits when the referral indicates potential safety issues.

H. Avoid on-site interviews with clients after business hours or on weekends when less staff is available for assistance.

I. Use designated interview rooms near Reception, equipped with viewing windows for visual monitoring. Choose a seat with easy access to the door.

J. Give clients their personal space. During interviews, sit at an angle rather than face to face.

K. Know the plan of action for responding to a violent client on-site. Share information with the SSO, if known, prior to the interview and use a room with a buzzer to notify the SSO, if needed.

L. Consult with the SSO about potential safety issues outside the building, when needed. When a safety risk is suspected, request an escort to the parking lot (714-704-8001).

M. Carry a cell phone.

N. Do not give home, cell, or pager numbers to clients.

O. For home visits, dress practically, limiting jewelry and items carried. Leave purse under the passenger front seat (or other concealed area) in a locked car.

P. Park where there is a clear path to exit when leaving the visit, not facing the end of a cul-de-sac, and not directly in front of the residence.

Q. Be alert to people in the neighborhood, driving by the visit site first and observing surroundings, if needed.

R. Avoid looking lost by walking with a sense of purpose.

S. Carry keys when returning to the car and be ready to unlock the door without delay. Examine the car and contents before entering.

T. For cases with a "*Red Flag" Safety Alert (F063-25-343),* consider arranging an office visit or having a second staff person attend the home visit.

U. Observe clients' non-verbal communication during interactions to help determine any safety risk, including:

- Voice (raised volume, negative tones, nervous pitch)
- Clenched fists or jaws
- Fidgeting; inability to be still
- Sudden change in behavior
- Invasion of personal space
- Agitated behavior (pacing, getting up and down, etc.)
- An active state of substance abuse or mental illness
- The presence of weapons or items within reach that can be used as weapons
- Staring eyes
- Rapid mood swings

V. Avoid complacency in repeated field visits; stay aware of the surroundings so changes can be quickly noticed.

W. Be aware of distinctions between "hot" and "cold" threats. Hot threats are usually verbalized in the heat of the moment and are general statements that are not likely to be followed with actions. Cold threats are communicated in a cold, calculating style with more detail and an underlying message of "payback." Cold threats need to be taken very seriously.

Note: When staff are in the field and identify imminent danger or feel unsafe, they should leave immediately.

Case Safety Alerts

Case alerts will be placed in the child's file when information becomes known that raises a safety concern for CFS staff working with the family.

A. The alert information is placed on a *Red Flag Safety Alert Acco (F063-25-1121)* in the child's service file, identifying the reason(s) for the alert so any staff opening the case file will be aware of the information. *"Red Flag" Safety Alert (F063-25-343)* is used to document the information. List information such as:

- Previous threats made to staff
- History of client violence
- Mental health instability
- Client lives in dangerous area
- Weapons in the home
- Gang affiliation
- Any other known risk factor

B. The above information is also entered in the child's:

1. CWS/CMS Referral: Referral Management section (green), ID page, Screener Alert field.

2. CWS/CMS Case: Case Management section (green), ID page, Case Alert field.

See CWS/CMS Data Entry Standards—Creation of a Safety Alert in CWS/CMS.

C. Additionally, the outside cover of child's service file and blue legal file, if applicable, will be stamped with the *"red flag" stamp* (available in each program with the secretary) with the appropriate red flag indicated.

D. The completed *"Red Flag" Safety Alert (F063-25-343)* form is distributed, as indicated on the form.

Response to Threats

When CFS staff is threatened directly by a client, the following action is to be taken:

A. **Immediate Threat:**
The social worker will:

1. Dial 911.

2. At the earliest opportunity, make a police report, notify the assigned supervisor, and complete a *Special Incident Report (F063-03-48).* Submit the completed *Special Incident Report (F063-03-48)* to the supervisor for routing to the Program Manager. See SSA Administrative P&P Special Incident Report (F 13) for more information.

B. **Notification of Threat By Telephone, Letter, Email, or Other:**
The social worker will:

1. Re-record telephone messages, if left on voice mail, using a cassette recorder. Request clerical staff to type a transcript of the message and save both message and transcript as evidence.

2. Make a police report, notify the assigned supervisor, complete a *Special Incident Report (F063-03-48),* and submit the form to the supervisor for routing to the Program Manager.

3. If the immediate supervisor is unavailable, report to the person who is providing coverage for the supervisor or to the Program Manager.

4. With the supervisor, assess the immediate and long-term danger, developing a plan for protection of self and/or family members. *Threats Against Staff—Supervisor Checklist (F063-25-309)* is completed to assess the seriousness of the threat. *Threats Against Staff—Action Plan (F063-25-310)* is used for developing and recommending a protective plan for the staff member.

C. **Threats Received After Hours by a Third Party:**
The recipient of the phone call will:

1. Immediately contact the staff member at home and advise of the threat.

2. Contact the assigned supervisor at home if the staff member cannot be contacted immediately.

3. Contact the assigned Program Manager or Deputy Director if the supervisor is unavailable.

4. Notify the appropriate local police department.

D. **Follow-up Action of Threats:**
The supervisor will:

1. Investigate and evaluate the threat, providing the best available and reasonable protection for the staff/family member of staff. The SSO assigned to the facility or a local police officer/sheriff deputy may be consulted.

2. Notify the Program Manager of the threat against staff and/or family. If the assigned Program Manager is unavailable due to flex, vacation, or training attendance, another Program Manager or Deputy Director will be notified.

3. Submit completed *Special Incident Report (F063-03-48), Threats Against Staff—Supervisor Checklist (F063-25-309),* and *Threats Against Staff—Action Plan (F063-25-310).*

4. Assist staff in implementing the protective plan for the worker and family.

5. Continue to update the assigned Program Manager (or another Program Manager/Deputy Director, if unavailable) as to circumstances and seek assistance from the Manager/Director regarding the protective action plan, as needed.

E. The Program Manager will:

1. Notify the Deputy Director/Division Director. Either the Deputy Director or Division Director will notify the SSA Director of immediate threats, real or perceived.

2. Support the supervisor in formulating and implementing the plan to protect staff.

3. Assess “duty to warn” individuals and agencies (see “Duty to Warn” section below).

4. Evaluate the situation and notify SSA Human Resources (HR), if appropriate, by sending a copy of *Threats Against Staff—Supervisor Checklist* (F063-25-309) and *Threats Against Staff—Action Plan (F063-25-310)* to HR. **Note:** Blank out the case number and case name before sending copies of completed forms.

Protective Plan

In planning for the protection of an employee, the following options will be considered, as well as any other reasonable and appropriate alternatives:

A. Maintain the status quo with increased caution.

B. Assign a parking space close to entrance.

C. Assign a cell phone to employee during fieldwork.

D. Modify work hours.

E. Transfer the assigned case to another social worker and/or program. The following applies when this option is used:

1. The sending program will advise the receiving program of threats made prior to case transfer.

2. When a case is transferred within a program, a case conference will be scheduled by the supervisor of the sending worker and will include the sending supervisor and social worker and the receiving supervisor and social worker. The Program Manager is to be notified of date and time of the case conference. Other concerned agency staff may also be included.

3. After the case has been transferred, it is important that the receiving supervisor and social worker keep the prior assigned supervisor and social worker informed as to future developments in the case, especially as it relates to threats or threatening behavior. This includes keeping threatened staff informed of court hearing dates and recommendations. This notice will allow staff to take extra precautions during those times, as scheduled court hearings can set off additional threatening behavior by a client.

F. Modify job assignment.

G. Modify duties.

H. Modify job location.

I. Authorize vacation time or comp time if requested by the threatened employee.

J. Authorize short-term Administrative Leave (with pay).

K. Make a referral to Employee Assistance Program (EAP). EAP provides confidential individual counseling, makes referrals, and conducts group debriefings when a traumatic incident occurs. See CFS Resources/Desk Guides, Traumatic Event Response Guidelines to assess other available assistance that may be appropriate.

L. Notify local law enforcement to seek protection of the threatened staff and/or family during non-working hours.

M. Distribute a description (and photo, if possible) to CFS reception sites and other appropriate personnel at the agency with directions to notify the assigned supervisor if person appears.

N. Distribute a description (and photo, if possible) to all SSA divisions (e.g., Family Self Sufficiency, Adult Services and Assistance Project) and contracted agencies that have open cases and serve the same client.

O. Notify Court Officer, if a court case, of parent behaviors prior to court date. Notify Courtroom Bailiff if attending the hearing, and request an escort out of the building and to the car, if needed.

P. Track in-custody status of client making the threat and keep the staff member informed.

Q. Consider requesting a court-issued restraining order. Consult with County Counsel if considering this action.

Two options are available for restraining orders:

1. WIC § 340.5 provides that a social worker giving child welfare services, FR, or other services to a dependent child may seek an order restraining the parents from threatening the social worker, or any member of the social worker's family, with physical harm. At least one threat of physical harm and the apparent ability to carry out the threat must be shown.

   Note: This action is available only to workers providing services in cases where a Section 300 petition has been filed. Juvenile Court has the ability to issue restraining orders at any time up until the petition is dismissed or dependency is terminated.

2. Code of Civil Procedure § 527.8 provides that an employer may seek a restraining order and/or injunction on behalf of any employee who suffers unlawful violence or a credible threat of violence from any individual. A course of conduct such as stalking or harassing is considered a credible threat of violence. The threat must be reasonably construed to be carried out, or to have been carried out, at the workplace. Court has the discretion to include other named family members or household members who reside with the employee in the restraining order.

In both cases, Court can issue a temporary restraining order for good cause and on an ex parte (without notice) basis. Upon expiration of the temporary restraining order (usually 15 days), a hearing on a more permanent restraining order (up to three years) may be held. This requires that the restrained party be given proper notice of the proceedings and an opportunity to have a hearing.

See CFS P&P Restraining Orders (G-0205) for details on requesting a restraining order.

All recommended actions by social worker, supervisor, and program manager are to be indicated on *Threats Against Staff—Action Plan,* signed, and submitted to assigned Deputy Director and CFS Director.

Types of Red Flag Alerts

Red Flag alerts are used in any case with known risk factors presenting a potential danger to anyone working with the family.

Red Flag placements are limited to out-of-home placement cases when the parent/guardian behavior is problematic and threatening to the placement safety.

Some cases will need both types of red flagging. If so, staff will follow guidelines in each respective policy. For safety issues related to red flag placements, see CFS P&P Red Flag Placement Cases (B-0209).

Duty to Warn

When CFS staff or contracted staff receive a threat of serious harm or violence to an identifiable third person or group, an assessment must be made as to whether the Tarasoff "duty to warn" the foreseeable victim of the harm has been triggered (see SSA Administrative P&P Duty to Warn [D 1]).

Factors to consider when determining whether a "duty to warn" applies to a particular circumstance include:

A. Existence of a “special relationship” with the person making the threats or with the identifiable victim of the threats.

B. Foreseeable risk of harm to an identifiable victim.

Staff will follow the guidelines set forth in the SSA Administrative P&P Duty to Warn (D 1).

Other Safety Issues

A. When a staff member or anyone on the premises appears to be having a medical emergency, staff will call 911. Atrium in-house calls to 911 will be routed to the SSO on duty.

B. Eckhoff Reception staff will routinely alert SSOs on or about the premises via audio paging when assistance is required anywhere on the premises. Reception staff will also call 911 for medical issues or other emergency situations as directed to do so by the SSO or as necessary.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- CWS/CMS Data Entry Standards—Creation of a Safety Alert in CWS/CMS

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Red Flag Placement Cases (B-0209)
- CFS P&P Parking Placards (B-0208)
- CFS P&P Restraining Orders (G-0205)
- CFS Resources/Desk Guides, Traumatic Event Response Guidelines
- SSA Administrative P&P Special Incident Report (F 13)
- SSA Administrative P&P Duty to Warn (D 1)

Other Sources

Other printed references include the following:

None.

REQUIRED FORMS

Online Forms

Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the links provided.

Form Name	Form Number
Special Incident Report	F063-03-48
"Red Flag" Safety Alert	F063-25-343
Threats Against Staff—Supervisor Checklist	F063-25-309
Threats Against Staff—Action Plan	F063-25-310

Hard Copy Forms

Forms listed below must be completed in hard copy (including multi-copy NCR forms). ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

Form Name	Form Number
Red Flag Safety Alert Acco	F063-25-1121

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	