

DATE SUBMITTED 3/11/20
 SUBMITTED BY Imperial Police Dept.
 DATE ACTION REQUIRED 3/18/20

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS g

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: APPROVAL OF IMPERIAL COUNTY SCHOOL THREAT PROTOCOLS	
DEPARTMENT INVOLVED: Police Dept.	
BACKGROUND/SUMMARY: The Imperial County Office of Education along with local stakeholders have participated in round table discussions regarding procedures and protocols to follow in the event a threat is made at a campus within Imperial County. This resulted the creation of the Imperial County School Threat Protocol which is the formalization of a comprehensive protocol on how to address these issues.	
FISCAL IMPACT: None	ADMIN SERVICES SIGN INITIALS <u>KB</u>
STAFF RECOMMENDATION: Staff recommends council approve the Imperial County School Threat Protocol.	DEPT. INITIALS <u>ML</u>
MANAGER'S RECOMMENDATION:	CITY MANAGER'S INITIALS <u>Ab</u>
MOTION: SECONDED: APPROVED () REJECTED () AYES: DISAPPROVED () DEFERRED () NAYES: ABSENT: REFERRED TO:	



IMPERIAL COUNTY SCHOOL THREAT PROTOCOL



An Imperial County Collaborative Effort – January, 2020

I. INTRODUCTION

GOAL

To reduce the risk of an incident of targeted violence in Imperial County Schools through the formalization of a comprehensive protocol for Imperial County School Districts, law enforcement, and mental health professionals that helps identify individuals whose behavior causes concern and facilitates communication of those concerns to the involved parties. Once identified and communicated, the involved parties will collaborate to conduct a threat assessment and refer the individual to appropriate services.

PURPOSE

The overriding objective of this countywide protocol is risk reduction and violence prevention to promote the safety of students, parents/guardians, staff, and community members. Partners will take any additional actions they deem necessary to ensure safety regardless of the involvement or availability of other community partners.

All community partners will commit to ongoing participation, staff development in threat assessment training, and program review. Partners agreeing to this protocol share a vision of schools as safe and caring environments. Partners agree to work together for the common goal of threat and risk reduction and school community safety by pro-actively sharing information, advice and support to assist in the prevention of traumatic events.

HISTORY

From April 1999 through February 2018, acts of targeted violence committed by individuals under the age of twenty-one on elementary, middle, and high school campuses have caused the death of ninety-five students and staff members across the nation. On April 20, 1999, a 17-year-old student and an 18-year-old student killed 12 students and 1 teacher at Columbine High School in Littleton, Colorado. Thirteen years later, on December 14, 2012, 20 first graders and 6 staff members were murdered at Sandy Hook Elementary School. On February 14, 2018, a 19-year-old killed 14 students and 3 staff members at Marjory Stoneman Douglas High School in Parkland, Florida.

Following the Columbine massacre in 1999, the United States Secret Service and the United States Department of Education launched a collaborative effort to determine what could be done to prevent future attacks from occurring. After studying 37 incidents of targeted school shootings and school attacks that occurred between 1974-2000, the Safe School Initiative was created. The Safe School Initiative focused on identifying pre-attack behaviors and communications.

The Safe School Initiative included the following findings:

1. 90% of the attackers experienced or perceived a major loss prior to the attack.
2. 78% of the attackers had a history of suicide attempts or suicidal thoughts prior to the attack.
3. 71% of attackers felt persecuted, bullied, threatened, attacked or injured by others prior to the incident.
4. 73% of attackers had a grievance against at least one of their targets prior to the attack.
5. 93% of the attackers planned the attack in advance of carrying it out.
6. In 81% of the incidents, at least one person had information that the attacker was thinking about or planning the school attack.
7. In 59% of the incidents, more than one person had information about the attack before in occurred.
8. 95% of the attackers were current students where they carried out their attacks.
9. More than 50% of the attacks occurred during the school day.

NEED FOR A COUNTYWIDE PROTOCOL

Incidents of school shootings do not occur in isolation. The Safe School Initiative findings highlight the ability of the community to reduce such tragedies from occurring by working collaboratively. This protocol commits Imperial County to a coordinated community response to threats of targeted violence on school grounds. We are committed to a thorough, practical, and prompt response with the cooperation of law enforcement, the 17 school districts in Imperial County, and county mental health professionals. We will utilize best practices that include continuing education, rehabilitation, and open communication with other entities dedicated to preventing threats of targeted violence on school grounds.

II. SCHOOL RESPONSE

Include the following prevention, mitigation, response, and recovery strategies in Comprehensive School Safety Plans.

PREVENTION STRATEGIES

1. Designate a district safety coordinator to participate in quarterly coordination meetings with county stakeholders including but not limited to Imperial County Office of Education (ICOE), law enforcement representatives, Imperial County Behavioral Health, Office of Emergency Services and the Imperial County District Attorney's Office.
2. To facilitate access to student information in an emergency, designate three district employees who will serve as emergency after-hours contacts in the event they are needed by law enforcement. Provide the name, personal phone numbers (home and cell), and city of residence for each person.
 - a. Establish the definition of their responsibilities as after-hours contacts.
3. Establish articulation procedures and protocols to document events that could aid a threat assessment team in identifying potential warning signs. Below are examples that will be shared with Principals network, Counselor's Roundtable, School Psychologist Roundtable, and District Safety Leads to begin to put consistent procedures and protocols in place throughout Imperial County Schools.
 - a. Document in the student's discipline record, all reports of suspected warning signs or threats, and the school's response, including those determined to be transient. These incidents may reveal a pattern of escalation.
 - b. Document in the victim's student record the circumstances and the response of the school to any reports of bullying, harassment, or intimidation, regardless of the outcome. These incidents may reveal a real or perceived loss or wrong.
4. Districts will implement and develop a variety of systems to promote school safety. Safety programs should be research-based programs such as: Multi-Tiered Systems of Support framework, Circle of Friends, Conscience Discipline, Character Counts, Start with Hello, Say Something, SOS Signs of Suicide Prevention Program, Safety Assessment and Intervention, etc.). Currently, all Districts/schools have components of Positive Behavior Interventions to address student's social and emotional learning needs.

- a. **Culture Building Program:** Social isolation is the overwhelming feeling of being left out, lonely and treated as if you are invisible. Young people who are isolated can become victims of bullying, violence and/or depression. As a result, many pull away from society, struggle with learning and social development and/or choose to hurt themselves or others.
 - b. **Be aware:** Teach students how to look for warning signs, signals and threats, especially in social media, of an individual who may be a threat to themselves or others and to say something to a trusted adult to get help.
 - c. **Reporting system:** Implement a reporting system that is accessible to students, staff, parents, and community members. Many districts participate in We-Tip lines, Dropbox Email system for reporting, the Sure-Help Line, and Blackboarding as a parent link.
 - d. **Suicide Prevention Program:** Implement a universal, comprehensive and evidence-based suicide prevention program that addresses the following risk factors: behavioral health, personal characteristics, adverse life circumstances, family characteristics, environmental, etc. SB 972: Beginning in the 2019-2020 school year all student ID's will include a Suicide Prevention phone number (800-273-8255).
 - e. **Threat Assessment Protocols:** School Districts will implement districtwide threat assessment protocols that will assist in evaluating threats. An example of such protocols from Guidelines for Responding to Student Threats of Violence by Dr. Dewey G. Cornell and Pete Sheras are provided on pages 7 and 8. This program is being used in more than 1,000 schools and organizations in the United States.
5. Train all school employees to recognize and report the warning signs associated with an escalation toward violence, which are identified in Guidelines for Responding to Student Threats of Violence. This will be a joint training effort between school districts, law enforcement, and the District Attorney's Office. Once staff has been trained programs will be implemented schoolwide and countywide.
 - a. Train staff on the circumstances that warrant a report directly to 911.
 - b. Train staff to report all warning signs and threats to their school administrator.

MITIGATION STRATEGIES

1. Districts are in the process of developing a Technology Use Board Policy to incorporate the following in Acceptable Use of Technology policies and agreements: *“Users of the [school district name] network must be aware that information accessed, created, sent, received, or stored on the network or its school sites are the property of the [school district name]. Account users do not have any right to or expectation of privacy regarding such materials. [school district name] reserves the right to monitor all traffic on the [school district name] network.”*
2. Incorporate in all school site Comprehensive School Safety Plans the active shooter resources established by local law enforcement agencies.
3. Train all school employees in options-based responses (Run, Hide or Fight) to violent intruder situations. Districts may choose to use other programs such as ALICE (Alert Lockdown Inform Counter Evacuate). All programs implemented will be research-based in responding to violent intruder situations.
4. Adhere to the guidance provided by the National Association of School Psychologists and National Association of School Resource Officers in their paper “Best Practice Considerations in Active Shooter and Other Armed Assailant Drills” when planning training and drills on this topic.
5. Conduct the following drills with design input or observation feedback from a law enforcement or safety professional:
 - a. At least one active shooter drill annually on each campus. The drill may include evacuation and reunification procedures.
6. Implement a uniform building signage system.
7. To assist occupants in identifying their exact location in an emergency, label the interior of every room with the building number/letter and room number or name.

THREAT RESPONSE STRATEGIES

Work with Imperial County School Districts to adopt threat assessment protocols that can be implemented throughout the county. Below are basic steps that can be taken during a potential threat (pages 7 and 8).

RECOVERY STRATEGIES

1. Implement a means for mass communications (text, voice call, e-mail and social media) for use with parents and other stakeholders to aid in family reunification following a crisis event.
2. Train school-based mental health crisis intervention teams to support student and staff recovery needs following a traumatic event.

OVERVIEW OF THE SEVEN STEPS IN STUDENT THREAT ASSESSMENT

Step 1: Evaluate the threat. The principal investigates a reported threat by interviewing the student who made the threat and any witnesses to the threat. The principal considers the context and meaning of the threat, which are more important than the literal content of the threat.

Step 2: Decide whether the threat is transient or substantive. A transient threat is not a serious threat and can be easily resolved, but a substantive threat raises concern of potential injury to others. For transient threats go to Step 3 and for substantive threats skip to Step 4. *(For additional assistance in differentiating between a transitive and substantive threat please refer to Appendix A.)*

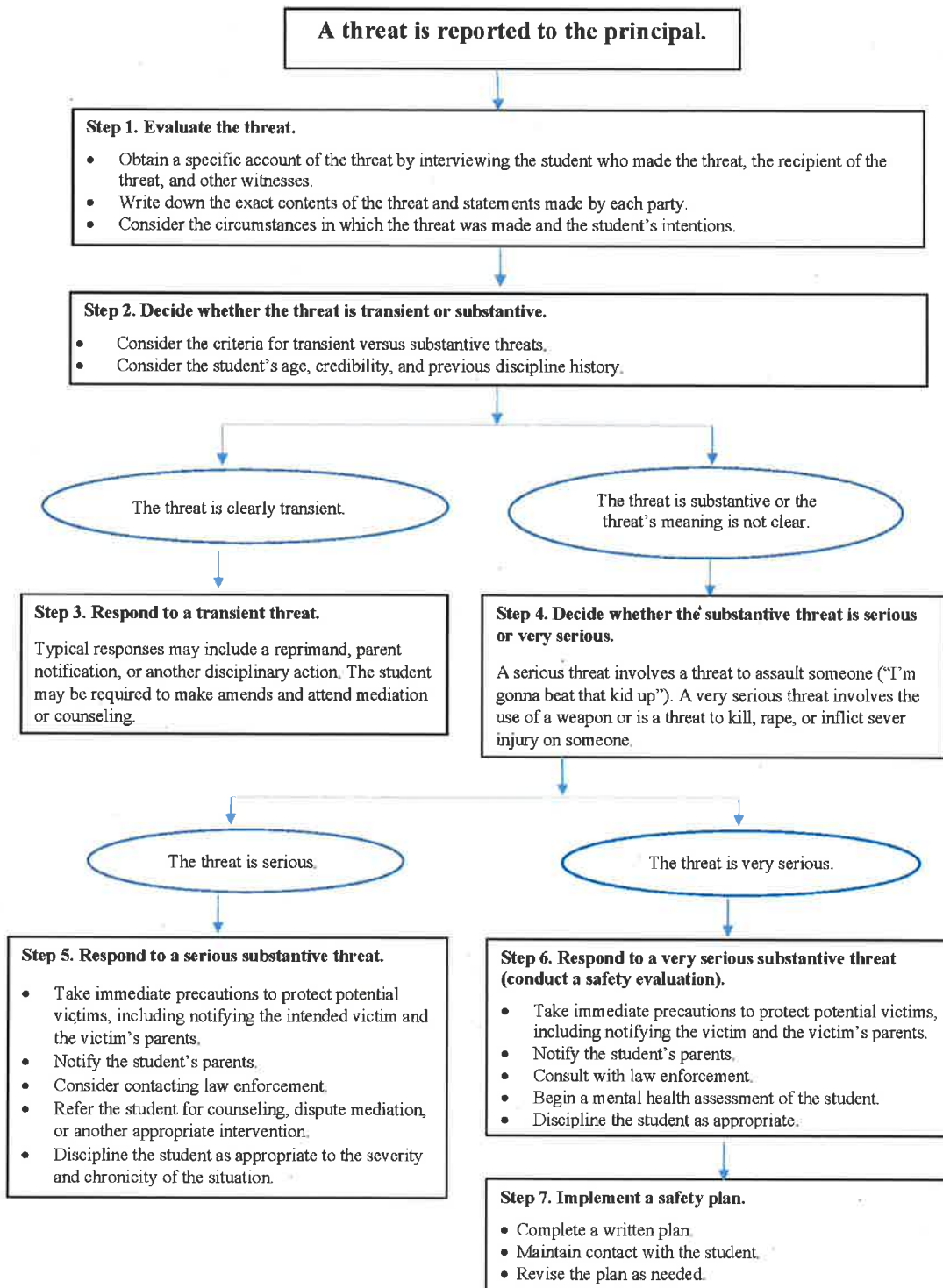
Step 3: Respond to the threat. If the threat is a transient threat, the principal may respond with a reprimand, parent notification, or other actions that are appropriate to the severity and chronicity of the situation. The incident is resolved, and no further action is needed.

Step 4: Decide whether the substantive threat is serious or very serious. If a threat is substantive, the principal must decide how serious the threat is and take appropriate action to protect potential victims. A threat to hit, assault, or beat up someone is serious, whereas a threat to kills, rape, use a weapon on, or severely injury someone is considered very serious. For serious threats go to Step 5 and for very serious threats, skip to Step 6.

Step 5: Respond to a serious substantive threat. A serious substantive threat requires proactive, protective action to prevent violence, including notification of potential victims and other actions to address the conflict or problem that generated the threat. The response to a serious substantive threat is completed at this step.

Step 6: Respond to a very serious substantive threat (conduct a safety evaluation). A very serious substantive threat requires immediate protective action, including contact with law enforcement followed by a comprehensive safety evaluation. The student is suspended from school pending completion of the safety evaluation, which includes a mental health assessment to determine referral and support needs. (Additional information and example forms can be found at <https://www.schoolta.com/manual>.)

Step 7: Implement a safety plan. The threat assessment team develops and implements a plan that is designed both to protect potential victims and to meet the student's educational needs. The plan includes a provision for monitoring the student and revising the plan as needed.



THREATS MADE BY STUDENTS

1. If a threat is determined to be a very serious substantive threat, or imminent danger is present (an immediate risk of serious physical harm or death), the school administrator or a school staff member will call 911 immediately. If the identity of the person making the threat is known, school staff will request assistance from local law enforcement. If school staff are uncertain if the person presents an imminent danger to themselves or others, they will contact their law enforcement agency's non-emergency line and request local law enforcement participate in the threat assessment team.
2. All threats will be reported to a school site administrator (usually the school principal or his or her designee). In all cases, the school administrator will attempt to get a written account from the student who made the threat and any witnesses.
3. The school administrator will follow the seven-step decision-making process described in the Guidelines for Responding to Student Threats of Violence (as outlined in pages 7 and 8).

NOTE: The school administrator will document in the student's discipline record information all threats made by a student (including transient threats and substantive threats that are serious and very serious) and the school's response.

4. If the school administrator determines that a threat is "very serious" (a substantive threat to cause serious injury or death) the school administrator will activate the school site threat assessment team and brief the team on the facts.
5. The school administrator will, as part of the school's investigation, determine if a search of the student's possessions is appropriate.
 - a. Prior to authorizing a search, the school administrator will document the threat and the purpose of the search, making a clear connection between the suspected violation, and the scope of the search. More specifically:
 - Is there reasonable suspicion that the search will turn up evidence that the student has violated the law or a school rule?
 - Is the extent of the search reasonably related to the suspected infraction?
 - Is the search not "excessively intrusive" in light of the student's age, sex, and the nature of the infraction?

- b. If the school administrator determines a search is appropriate, the administrator will:
 - Direct technology staff to search all school-owned technology resources for warning signs that could indicate an escalation toward violence.
 - Search any personal technology devices the student is carrying and the contents of the student's binder, backpack, lockers and vehicle if it is on school property.
 - Search personal belongings as appropriate depending on the nature of the threat.
6. If the school is not supported by a school resource officer (SRO) the school administrator will contact the law enforcement agency with jurisdiction and request that they dispatch an officer/deputy to participate as a member of the threat assessment team.
7. The site threat assessment team will conduct a comprehensive safety evaluation (for additional information, guidance, and sample forms, refer to <https://www.schoolta.com/manual>). The student may be suspended pending the completion of the evaluation to ensure the safety of all parties involved. Expulsion may also be recommended.
8. The site administrator will summarize the evaluation and threat management plan in a Safety Evaluation Report (for additional information, guidance, and a sample form referred to as case plan, refer to <https://www.schoolta.com/manual>)
9. The site administrator will act as a case navigator for all students who have a threat management plan. The site administrator will convene the site threat assessment team (may excuse some participants as warranted by the case) monthly to review student progress and modify threat management plans as needed. Modifications will be documented as addendums to the Safety Evaluation Report.
10. The site administrator will convene the school site threat assessment team whenever he/she suspects that the threat management plan is not adequate to ensure safety.
11. If the student moves to a new school, the site administrator will contact the school administrator at the new school to review the Safety Evaluation Report, and to share updates on the student's threat management plan. When possible, this contact will take place before the student enrolls in the new school. The school administrator will provide a copy of the Safety Evaluation Report as a part of this contact.

THREATS MADE BY ADULTS OR UNIDENTIFIED PARTIES

1. If imminent danger is present (an immediate risk of serious physical harm or death), school staff will call 911 immediately and notify an administrator. In all other instances, the school administrator will contact the law enforcement agency's dispatch number to report the threat.
2. The school administrator will report the threat to the district office.
3. In cases in which it is unclear whether the person poses a threat to the school, the district will collaborate with outside entities (law enforcement, behavioral health services, etc...) as needed to evaluate the threat.

CHARACTERIZING THREATS IN PUBLIC COMMUNICATIONS

Schools will avoid characterizing threats as "lacking credibility." Such characterization has the potential to undermine the prosecution of the person who made the threat. In communications designed to reassure, schools should emphasize their partnership with law enforcement and the determination that it is safe for students to attend school. For example:

"We take every threat seriously and work closely with our law enforcement partners to be certain that our schools are safe for students. We have been in close contact with the [name of law enforcement agency] throughout the course of this investigation and have been assured that it is safe to operate our schools and that our students are not in danger."

III. LAW ENFORCEMENT RESPONSE

RECOMMENDATIONS FOR LAW ENFORCEMENT

The law enforcement response to school threats is a matter of concern for agencies across the nation. One of the fundamental challenges to these investigations is that there is no single formula that will adequately cover the myriad of different circumstances that may be encountered. At the same time, an investigation into threats, particularly within the school environment, is something that could involve a number of different officers, detectives and investigators from a variety of agencies throughout Imperial County.

THREAT INVESTIGATIONS

1. Whenever possible, agencies are encouraged to identify a consistent initial reporting process followed by the identification of the investigative unit primarily responsible for the investigative follow-up for these threats. The goal of this effort is to develop some level of consistency in how these threats are reported and investigated.
2. Similar to a domestic violence investigation, an investigation into school threats should be considered an opportunity to identify risks, behaviors, and criminal conduct in an effort to respond proactively and disrupt more serious future potential events.
3. A threat should be considered credible until we can reasonably articulate reasons why it is not. This determination should come through interviews and evidence collection where we gather specific plausible details that either support an increased concern for threat potential, or a lessening of concern.

UNIT RESPONSIBILITIES

Those units tasked with the response to, and investigation of school related threats when feasible should do the following:

1. Become familiar with best practices for threats of targeted violence on school grounds, including Dr. Dewey Cornell & Dr. Peter Sheras “Guidelines for Responding to Student Threats of Violence” and the Safe School Initiative Findings by the United States Secret Service and the United States Department of Education (2004 & 2008).
2. Participate in ongoing training and education in the field of threats of targeted violence on school grounds.

3. Participate in outreach to raise awareness and education in the community about threats of targeted violence on school grounds.
4. Participate in preventative efforts by raising awareness for parents, students, and members of the community about bullying and cyberbullying.
5. Have a process in place to ensure that patrol or school resource officers responding to a call of a threat at a school have a basic plan to conduct an initial assessment of the threats and to be able to complete a thorough preliminary investigation. (*See appendix B for Patrol Addendum*)
 - a. The plan should consider the number of different methods where reporting might occur such as a citizen contact, radio call, SD-LECC tip, online tip, other agency referral, or crimes stoppers tip.
 - b. The plan should also consider night and day reporting
6. Have an identified investigator(s) or investigative unit capable of assisting with a field response to a threat investigation. This unit will most likely be the same one charged with completing the subsequent investigative follow-up and preparation of a case for review by the District Attorney's Office. (*See appendix C for Investigative Addendum*)
7. Submit criminal cases for review or prosecution as appropriate after a thorough case-by-case analysis.
8. Assist in monitoring persons of interest brought to the attention of law enforcement.
9. Have a process in place to make mental health assessments or referrals for psychiatric emergency assessments. These assessments should be consistent with the requirements of W&I Sections 5150 and 5150.05, including credible third-party statements. They should include:
 - a. In-progress field assessments where officers or detectives are evaluating an identified subject.
 - b. A follow-up referral for known subjects who are not presently detained and might not have committed a crime but present some potential need for a mental health evaluation.

10. Have a process for the notification of potential victims that were threatened so they can make efforts to ensure their own safety.
 - a. Based on individual department policies and procedures
 - b. Per *Tarasoff*, notification is obligatory whether initiated as a result of a psychiatric emergency assessment or another mental health provider
11. Request Gun Violence Restraining Orders (GVRO) with the assistance of the Imperial County District Attorney's Office.
12. In the event that the threat investigation involves schools after hours, the SD-LECC will maintain a list of after-hours contacts to help locate school personnel who can assist with information.
13. If the investigation occurs during school hours, administrators should notify the Safety and Emergency Preparedness Coordinator (760-312-6552) at Imperial County Office of Education to ensure information is cross-reported.
14. Achieve consistency and uniformity when possible in case investigation, handling, and resolution.
15. Ensure that public safety as well as rehabilitative diversion efforts are considered in all cases brought to the attention of a law enforcement agency.

IV. PROSECUTION RESPONSE

RECOMMENDATIONS FOR PROSECUTION

The Imperial County District Attorney's Office will dedicate specially trained prosecutors to handle threats of targeted violence on school grounds. Prosecutors are strongly encouraged to do the following where legally appropriate:

1. Become familiar with best practices for threats of targeted violence on school grounds, including Dr. Dewey Cornel & Dr. Peter Sheras "Guidelines for Responding to Student Threats of Violence" and the Safe School Initiative Findings by the United States Secret Service and United States Department of Education.
2. Participate in outreach to raise awareness and education in the community about threats of targeted violence on school grounds.
3. Participate in preventative efforts by raising awareness for parents, students, and members of the community about bullying and cyberbullying.
4. After a thorough case-by-case analysis, file appropriate criminal charges to bring the youth under the jurisdiction of the juvenile courts for rehabilitative efforts if evaluation of the case requires a higher level of intervention. Those charges may include but are not limited to Penal Code section 422 felonies and Penal Code section 148.1(c) felonies.
5. Refer appropriate cases to restorative justice programs that afford strong community intervention to address the harm to the victims as well as the community at large.
6. Provide referrals to appropriate community services to assist in rehabilitating a minor and reduce the risk of future harm to the community.
7. Utilize the psychiatric emergency assessment and mental health referrals to facilitate connection appropriate mental health services. Request follow-up mental health services as needed.
8. Assist in monitoring persons of interest brought to the prosecutor's attention by law enforcement.
9. When reviewing a person of interest, prosecutors will comprehensively review the following: school records (including attendance, academic, and disciplinary), criminal

history, psychological evaluations, mental health issues including expressed suicidal or homicidal ideation and prior 5150 holds, access to firearms (including those registered to parents/guardians in the home or made available at a relative's home), and any fixation with weapons as evidenced on social media sites, electronic devices, or written documents such as journals and drawings.

10. Ensure the School Threat Assessment Team (STAT) worksheet is completed with the collaboration of the reporting school site and the responding law enforcement agency and submitted to the STAT team for follow up.
11. Convene the STAT on appropriate cases and consult with experts as needed in order to develop a detailed plan to ensure proper intervention is provided.
12. In every filed case, request a full psychological evaluation from a qualified evaluator, namely a forensic clinical psychologist with expertise in threat assessment, preferable a threat manager certified by the Association of Threat Assessment Professionals.
13. Review a psychological evaluation prior to addressing any change in detention status and prior to any disposition in the case. **Note-- a psychological evaluation provided by defense counsel that includes any redactions will not satisfy this requirement.**
14. Request stay away orders for all known victims and threatened school sites at the first court appearance in all filed cases.
15. Request the Court prohibit the use of all social media and/or use of an electronic device at the first court appearance in all filed cases where threats are made over social media or using an electronic device.
16. Ensure the responding law enforcement agency has requested a Gun Violence Restraining Order (GVRO) with the assistance of the Imperial County District Attorney's Office.
17. Ensure in all prosecuted cases where a person is alleged to have committed a violation of PC 422, is subsequently adjudged a ward pursuant to WIC 602 and admits, or is found guilty of PC 422, that the Court admonishes the Minor pursuant to PC 29820. This section prohibits any such person from owning/possessing/having custody or control of a firearm until the age of 30 years.

- a. Note for the Minor and the Court on the record that firearm restrictions pursuant to PC 29820 remain despite the court sealing a case under WIC 781 & 786 (See *In Re Joshua R.* (2017) 7 Cal.App5th 864).
18. Request restitution for schools that experienced a financial loss as a result of a threat of targeted violence on school grounds.
19. Acknowledge the legitimacy of the victim's fears and recognize that threats of violence on school property can be the precursor of a significant violent incident. Refer victims to the District Attorney Victim Witness Assistance Program as needed.
20. Participate in ongoing training and education in the field of threats of targeted violence on school grounds.
21. Achieve consistency and uniformity when possible in case issuance, handling and resolution.
22. Ensure that public safety as well as rehabilitative efforts are considered in all cases brought to the attention of the District Attorney's Office.

ELEMENTS OF CRIMINAL THREATS AND RELATED CRIMES

The District Attorney's Office will carefully review the cases submitted to our office for possible prosecution for the appropriate charging options. Those charging options that typically apply to school threat cases include but are not limited to the following:

Penal Code Section 422

Penal Code Section 422 defines the crime of criminal threats as:

- i. 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 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 reasonably to be in sustained fear for his or her own safety or his or her immediate family's safety.

- ii. Penal Code Section 422 does not require repeated conduct. One threat is legally sufficient. It does require, however, that the threat be of death or great bodily injury, that it is “unconditional” and “immediate” enough to convey a gravity of purpose, and that it causes “sustained” fear on the part of the victim.
- iii. Case law has helped define these terms. Several cases have held that a threat can violate PC 422 even though it is “conditional” (e.g. “If you testify, I’ll kill you.”) These cases hold that conditional threats are true threats (despite technically conditional language) if their context and the surrounding circumstances reasonably convey to the victim that they are intended. (*People v. Bolin* (1998) 18 Cal.4th 297; see also, *People v. Brooks* (1994) 26 Cal.App.4th 142; *People v. Stanfield* (1995) 32 Cal. App.4th 1152; *People v. Gudger* (1994) 29 Cal.App.4th 310; *People v. Melhado* (1998) 50 Cal. App.4th 1259.)
- iv. Further, it is clear that a threat can be implied from all of the surrounding circumstances and not just the words alone. (*People v. Mendoza* (1997) 59 Cal.App.4th 1333.) The parties’ history is a relevant circumstance, as is the context of the statement. In addition, the manner and tone in which the words were spoken are relevant considerations. (*People v. Martinez* (1997) 53 Cal.App.4th 1212; see also *People v. Butler* (2000) 85 Cal.App.4th 745.)
- v. *People v. Allen* (1995) 33 Cal.App.4th 1149, defines “sustained” fear as “a period of time that extends beyond what is momentary, fleeting, or transitory.” In that case, 15 minutes was sufficient. Some indicators to prove sustained fear are:
 - What caused the victim or reporting party to come forward
 - Is the threat interfering with class
 - Is the threat interfering with sleep
 - Is the victim/reporting party anxious due to the threat
 - Has the victim/reporting party altered their routine
 - Did the victim/reporting party obtain a restraining order
 - Did the victim/reporting party change schools
 - Did the victim/reporting party fail to attend school after the threat

- vi. In addition, a criminal threat can qualify under PC Section 422 even though it was made to a third party and not directly to the victim. It is sufficient if the suspect intended the third party to act as an intermediary. (*In re David L.* (1991) 234 Cal.App.3d 1655.)
- vii. *People v. Teal* (1998) 61 Cal.App.4th, held that PC 422 does not require certainty by the threatener that his or her threat has been received. If one broadcasts a threat intending to induce sustained fear, PC 422 is violated if the threat is actually received and induces sustained fear whether or not the threatener knows the threat has hit its mark.
- viii. In some cases where the victims recant fear or deny being afraid, in spite of circumstances that suggest they would have reason to be fearful, there is the ability to prosecute the threatener with attempt to make a criminal threat (PC 664/422). (*People v. Toledo* (2001) 26 Cal.4th 221)

Penal Code Section 71

Penal Code Section 71 defines the crime of threatening school officials as:

- i. Every person who, with intent to cause, attempts to cause, or causes, any officer or employee of any public or private educational institution...to do, or refrain from doing, any act in the performance of his duties, by means of a threat, directly communicated to such person, to inflict unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out, is guilty of a public offense.

Penal Code Section 653m

Penal Code Section 653m defines the crime of telephone calls or contact by electronic communication device with intent to annoy as:

- i. (a) Every person who, with the intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the

person addressed or any member of his or her family, is guilty of a misdemeanor.

- ii. (b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device...to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic device, guilty of a misdemeanor.

Penal Code Section 148.1

- i. (a) Any person who reports to any peace officer...news reporter...television station...occupants or a building..., that a bomb or other explosive has been or will be placed or secreted in any public or private place, knowing that the report is false, is guilty of a crime...
- ii. (c) any person who maliciously informs any other person that a bomb or other explosive has been or will be placed or secreted in any public or private place, knowing that the information is false, is guilty of a crime...

SCHOOL THREAT ASSESSMENT TEAM (STAT)

The School Threat Assessment Team (STAT) is comprised of members of law enforcement, the District Attorney's Office, mental health professionals, a representative from the involved school district, and the Imperial County Office of Education, who will convene to review and evaluate any threat of targeted violence on school grounds. The purpose of the review is to assess the risk presented and recommend appropriate monitoring and treatment options of the individual. Prior to convening STAT, the involved school district will complete the Threat Assessment Worksheet.

V. PROBATION RESPONSE

Upon a youth referral involving a new offense of targeted violence in Imperial County Schools, the referral may be referred to the District Attorney's Office for review and possible petition, pursuant to Welfare and Institutions Code Section 602. If the minor is in custody, careful consideration will be provided to the Detention Risk Assessment Instrument (DRAI), prior to the youth's release.

Upon the youth being adjudged a ward and placed on formal supervised probation, the probation officer will meet with the youth and family to develop an individualized case plan. This case plan will be based on a risks/needs assessment, which outlines the youth's criminogenic risk areas and needs in order to be successful. Such needs are characteristics, traits, problems, or issues of an individual that directly relate to the youth's likelihood to re-offend and commit another delinquent act. Examples are history of antisocial behavior/personality pattern/cognition/associates, family, school and/or work, leisure and/or recreation, and substance abuse.

The probation officer will work jointly with the youth, family and other collaborative/treatment partners to identify goals and steps needed for the youth to meet the case plan goals. Probation officers will refer youth and their family to a range of services, based on their needs and case plan. This can include family, individual therapy, substance abuse treatment, etc. The case plan will be monitored and reviewed regularly for updates and progress. Other supervision services may include anger management, cognitive behavioral therapy, CTE courses/employment opportunities, mentorship, restorative justice, mental health, substance abuse and residential facility treatment. Moreover, the probation officer will provide the victim(s) with an appropriate referral to a victim service program, e.g., the District Attorney's Victim Witness Assistance Program or the Imperial County Family Justice Center.

The probation officer will have the responsibility of holding the youth accountable in following the court ordered conditions of probation. The probation officer will utilize an evidence-based incentive and sanction model to monitor the youth's behavior, with community safety as a priority.

Within community probation supervision, a youth could be returned to custody for a probation violation. Based on the type of violation and youth's history of behavior, the probation officer may recommend sanctions such as home supervision, community service work, and other sanctions up to a short-term confinement or custodial commitment, including a referral for a psychiatric assessment and/or treatment with Imperial County Behavioral Health or a psychiatrist. If determined that the youth allegedly committed a new offense of targeted violence in the schools while being supervised on some form of court ordered probation supervision and

the terms and conditions include search and seizure, probation officers and local law enforcement agencies will conduct a compliance check at the minor's residence.

Custodial commitments within the probation juvenile facilities will also provide programming to address the youth's risks and needs, preparing them for transition from custody and back into the community.

The ultimate goal is to see the youth successfully complete their term of probation, reaching their case plan goals and becoming a productive member of the community.

Appendix A

What Are Transient Threats?

Transient threats are defined as statements that do not express a lasting intent to harm someone. Transient threats either are intended as figures of speech or reflect feelings that dissipate in a short period when the student thinks about the meaning of what he or she has said. All transient threats end in an apology or explanation that makes it clear the threat is over.

Ten Examples of Transient Threats

1. "I'm gonna kill you"- said as a joke.
2. "I'm gonna kill you"- said in the heat of competition during a basketball game.
3. Two students use their fingers to "shoot" one another while playing cops and robbers.
4. "I'm gonna bust you up"- said in anger but then retracted after the student calms down.
5. "I could break you in half"- said to intimidate someone but retracted after the student calms down.
6. "I'll get you next time"- said after a fight but retracted after the two students reconcile.
7. "Watch out or I'll hurt you"-said to intimidate someone but retracted after the student calms down.
8. "I oughta shoot that teacher:"-said in anger but retracted after the student calms down.
9. "There's a bomb in the building"- said in a phone call for the purpose of disrupting school, with there being no actual bomb.
10. A student is found with a pocket knife that he accidentally left in his backpack.

What are Substantive Threats?

Substantive threats are defined as statements that express a continuing intent to harm someone. Substantive threats may express emotion like transient threats, but they also indicate a desire to harm someone that extends beyond the immediate incident or argument when the threat was made. In other words, a substantive threat has substance. If there is doubt or uncertainty about whether or not a threat is substantive, it should be treated as substantive and evaluated further. Again, we emphasize that the context and meaning of the threat are more important than the verbal content of the threat.

Ten Examples of Substantive Threats

1. "I'm gonna kill you"- said with an intent to injure.
2. "I'm gonna kill you"- said while holding a weapon and not jokingly.
3. Two students exchange threats and then throw rocks at each other.
4. "I'm gonna bust you up"- said in anger and not retracted later.
5. "I could break you in half"- said to intimidating manner, followed by stony silence.
6. "I'll get you next time"- said after a fight and the student refuses mediation.
7. "Watch out or I'll hurt you"- said by a student with a history of bullying.
8. "I oughta shoot that teacher"- said by a student who later denies making the statement.
9. "There's a bomb in the building"- said in a phone call made by a student who later is found to have bomb-making materials and plans at home.
10. A student who threatened to stab a classmate is found to have a pocket knife in his back pack.

Presumptive Indicators

There are some presumptive indicators of a substantive threat. This means that, if any of these factors are present, the team leader should presume that the student has made a substantive threat unless there is clear and convincing evidence to the contrary. Therefore, these indicators are presumptive but not conclusive.

Presumptive Indicators of a Substantive Threat

- The threat contains specific, plausible details. (“I am going to shoot Mr. Smith with my shotgun,” rather than “I am going to set off an atomic bomb” or “I’ll get you for that.”)
- The threat has been repeated over time or the student has told multiple parties of the threat.
- The threat is reported to others as a plan, or there are suggestions that violent action has been planned. (“Wait and see what happens next Tuesday in the cafeteria!”)
- There are accomplices, or the student has sought out accomplices, in order to carry out the threat.
- The student has invited peers to observe the threat being carried out. (“Come and watch.”)
- There is physical evidence of intent to carry out the threat. Such evidence could include written plans, lists of victims, drawings, weapons, bomb materials, or literature encouraging or describing how to carry out acts of violence.

Factors to consider in distinguishing between transient and substantive threats. Consider the age, credibility, and discipline record of the student who made the threat. An older student is considered more likely to make a substantive threat than a younger student. A student who acknowledges his or her inappropriate behavior and gives a credible denial of intent to actually harm someone is less likely to have made a substantive threat than a student who doesn’t acknowledge his or her behavior. Judge credibility based on the student’s presentation of what happened as well as on all other information you have about this student, including personal knowledge. Be sure to compare the student’s account with accounts of other witnesses to identify any discrepancies or omissions. A student with a discipline record that indicates previous aggressive behavior, dishonesty, or both is considered more likely to make a substantive threat than a student whose discipline record is more favorable. If there is significant doubt whether a threat is transient or substantive, treat the threat as substantive.

Appendix B

LAW ENFORCEMENT PATROL ADDENDUM

1. When dispatching patrol officers or school resource officers to an incident involving a school threat, agencies may consider:
 - a. The method of dispatch. Is there an immediate risk to public safety or is this something less imminent?
 - i. Since the preservation of life is our first priority, in the event it is determined that there is a high degree of imminent risk, agencies should have and follow their procedures regarding the airing of an emergency or “hot call” and the rapid deployment of officers.
 1. During a developing emergency, supervisors shall consider notifying neighboring school sites in the event of an internal or external threat, so those sites may initiate safety precautions such as a lock-down, should they feel it is appropriate
 - ii. In cases where there is no indication of immediate risk to life, consideration should also be given to dispatching by use of a telephone or mobile computer system. Some departments refer to these as a “desk call” and they are a useful tool in the effort to contain information of a sensitive nature.
2. Notification should be made to the field supervisor and/or watch commander who will be responsible for managing the initial response and ensuring the notification of the appropriate investigative unit(s).
3. Patrol officers, or school resource officers, will generally have the primary responsibility for the preliminary investigation of threats at schools. Upon arrival at the school, officers should do the following:
 - a. Contact the school administrator to assess the threat and determine what actions the school has initiated and any evidence that has been obtained.
 - b. In the event the patrol officer determines there is a high degree of imminent risk, or that an active assailant is on the campus the officer will act to stop the threat.
 - i. Consider the options requiring a lock-down, student evacuations, building searches, etc.

- ii. Coordinate responding units to establish ICS.
 - iii. Officers should look for the presence of any evidence that the threat might be false.
- c. In the event the patrol officer determines there is not a high degree of imminent risk, or once the imminent risk has been addressed-
- i. Determine if a weapon was involved in the threat.
 - ii. Obtain witness statements from school staff, students, parents, and any other witnesses that might have relevant information.
 - iii. Identify whether the suspect is known and is present in the school, is detained, or is outstanding.
 - 1. If the suspect is known, officers should attempt to get a school information printout regarding the suspect, their address, phone numbers and parent contacts.
 - iv. Ascertain if the threats were made in person, by phone, or through social media. If possible, officers should determine the suspect's phone number and related social media sites as well as any identifying "call signs" or social media names.
 - v. Officers should consider whether early notification of investigative personnel would be helpful. If so:
 - 1. Officers should notify their supervisor of the need for additional support.
 - 2. The field supervisor should notify the investigative unit or the on-call investigative supervisor.
 - vi. Utilize psychologists or clinicians to assist with mental health evaluations whenever possible.
 - 1. Decisions and evaluations into the determination of whether to transport a subject for a mental health evaluation should be consistent with W&I 5150 and 5150.05 to include credible third-party information.
 - 2. Officers should be prepared to assist with the seizure and impounding of any firearms per W&I 8102.
 - 3. Assist as necessary with any identified Tarasoff notifications that might arise during an investigation and assessment.
 - vii. Prepare a crime report if the elements of 422 PC, 647.6 PC, 653m PC, or any other crimes exists. If the elements of a crime do not exist, have a

process to document the investigation on an incident report that will capture observations and actions taken.

- viii. Run any adults connected with the case, who might provide a juvenile access to firearms to determine firearm registration.
- ix. When preparing the probable cause declaration for booking of the minor into juvenile hall, ensure the gravity of the offense, including specific threats and numbers of persons affected is articulated in the declaration.
- x. If a minor is detained, they should be admonished, and parents should be notified consistent with current policies, procedures, and legal statutes regarding juvenile detentions and arrests.
- xi. Where possible, consideration should be given to the possibility of a consent search of the subject's home, room, vehicle, etc.
 - 1. If consent to search is denied, considerations should be given to obtaining a search warrant. This determination should be made by a field or investigative supervisor.
- xii. Upon completion of the booking process, placement on a 72-hour hold, or the submission of a crime or incident report, an officer should ensure a Suspicious Activity Report (SAR) on the San Diego Law Enforcement Coordination Center's (SD-LECC) website is submitted.
- xiii. In the event that a case is determined to belong to another jurisdiction, officers will ensure they have a contact from that agency to turn over information to and will document that contact prior to clearing so agencies can track this exchange.

Appendix C

LAW ENFORCEMENT INVESTIGATIVE ADDENDUM

1. Every effort should be made to make the investigative unit that will be responsible for the investigative follow-up aware of the case as early as possible. Threat investigations can require rapid coordination with multiple agencies in order to write search warrants and conduct priority checks into phone and social media records that might help identify a suspect.
2. Upon being assigned a school threat, the detective should:
 - a. Review initial reports to confirm whether or not a crime has occurred and whether or not it constitutes a felony.
 - i. If a report has not been written and the case is under active investigation in the field, this may require the detective to respond to the location and interview officers at the scene.
 - b. In the event the case involves a suspect who is a minor, the detective or detective sergeant, will contact the District Attorney's Office to advise them of the nature of the threat investigation so they can be prepared to assist with the preparation and review of search warrants and time-sensitive processing concerns.
 - c. When needed, contact victims and witnesses to confirm the content in the report is accurate and complete.
 - d. Contact school staff to determine any relevant discipline or history of issues in the school where a suspect might have been the victim.
 - e. Conduct computer background checks/criminal history into all victims, witnesses, and suspects. The detective will note any relevant information regarding 5150 holds.
 - f. Attempt to identify any other friends or family members that might be of assistance in assessing the threat potential.
 - g. Run any potential suspects, their parents, and any known adult family members who reside with the suspect, for firearms.
 - i. The detective should keep in mind that subjects may come from other states that do not have the same firearms registration requirements, or that firearms might have been possessed prior to registration requirements; therefore, not every firearm should be expected to show up in AFS.
 - h. Conduct an inquiry to the SD-LECC to see if the suspect and potentially family members have been the subject of a previous SAR, or are subject of any current investigation that might result in additional safety concerns.

- i. Review any known, open social media postings for content relevant to the case.
 - i. Go on-line and file a “Preservation Order” with all known social media and cellular providers as soon as possible, preferable before the end of the first day assigned to the case as this can often be time sensitive.
- j. If the suspect is known, not at the school, and presents ongoing risk, consideration should be given to the use of tracking tools such as the pinging of a telephone. This should be determined by the detective or a supervisor based on the necessity for a follow up warrant.
- k. Attempt to interview the suspect.
- l. Conduct a consent-search of the suspect’s school backpack, their vehicle, and their room at home for any indications of planning and any indicators of threat.
 - i. It is advisable to get a signed “Consent to Search” form.
 - ii. In the absence of consent, evaluate and prepare search warrants for any potential evidence such as a cell phone, notebooks, journals, tablets, flash drives, and computers.
 - iii. Note that all search warrants for juveniles should include sealing language and sealing orders.
 - iv. If necessary, warrants should include firearms, ammunition, safes, and storage areas such as vehicles that a minor might have access to, in, and around the home. (Language should be considered with regard to the presence of explosives, fireworks, or other materials that might be present as well.)
- m. Review social media and electronic devices for content that indicates threat planning, thoughts, preparation, other suspects, conspiratorial actions, or discussions.
 - i. Depending on the urgency involved in accessing and reviewing digital evidence, detectives should consider the need for involving experts, within their department or through task force units such as Internet Crimes Against Children (ICAC) teams.
- n. Seek a Gun Violence Restraining Order (GVRO) whenever possible.
- o. The detective will submit the completed package to the District Attorney’s Office with all relevant reports.
 - i. Ongoing coordination is to be expected since additional warrants might be necessary to complete the broader investigation. This information sharing will potentially be time sensitive.
- p. The detective will ensure that a Suspicious Activity Report (SAR) is submitted to the SD-LECC with a summary of findings.

VI. AGENCY COMMITMENT

The agencies listed below participated in the creation of these protocols and commit to continually collaborate in accordance with the agreed-upon listed provisions in an effort to ensure Imperial Valley schools are an environment entrusted by our community where students can learn and staff can teach while feeling safe.

Brawley Elementary School District



Superintendent Dr. Richard Rundhaug

Brawley Police Department



Chief Robert Sawyer

Brawley Union High School District



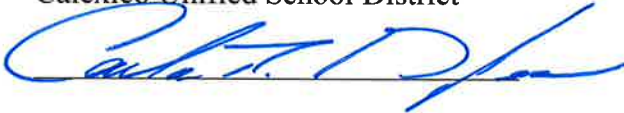
Superintendent Simon Canalez

Calexico Police Department



Chief Gonzalo Gerardo

Calexico Unified School District



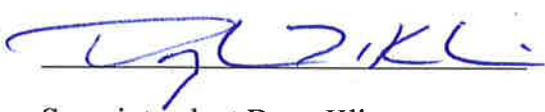
Superintendent Carlos Gonzalez

Calipatria Police Department



Chief Lynn Mara

Calipatria School District




Superintendent Doug Kline

Central Union High School District



Superintendent Dr. Ward Andrus

El Centro Elementary School District



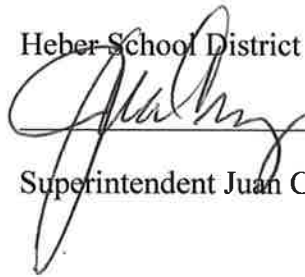
Superintendent Jon LeDoux

El Centro Police Department



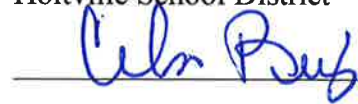
Chief Brian Johnson

Heber School District



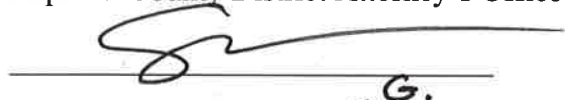
Superintendent Juan Cruz

Holtville School District




Superintendent Celso Ruiz

Imperial County District Attorney's Office




District Attorney Gilbert Otero

Imperial County Office of Education



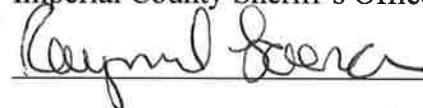
Superintendent Dr. Todd Finnell

Imperial County Probation Department



Chief Dan Prince

Imperial County Sheriff's Office

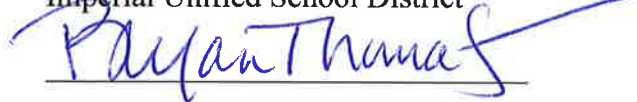


Sheriff Ray Loera

Imperial Police Department


Chief Leonard Barra

Imperial Unified School District



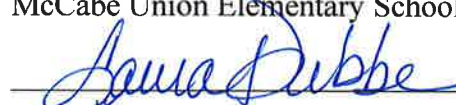
Superintendent Bryan Thomason

Magnolia School District



Superintendent Blaine Smith

McCabe Union Elementary School District

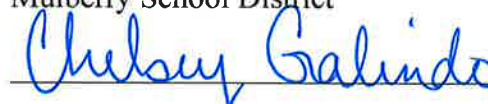


Superintendent Laura Dubbe

Meadows Union School District

Superintendent Keila Rodriguez

Mulberry School District



Superintendent Chelsey Galindo

San Pasqual Valley Unified School District



Superintendent Rauna Fox

Seeley Union School District



Superintendent Andrea Ellis

Westmorland Police Department



Chief Perry Monita

Westmorland Union School District



Superintendent Richard Cordero