



# VIA TRANSIT POLICE DEPARTMENT

## Standard Operating Procedures



### Section 708 Threat Assessment and Violence Prevention

Office with Primary Responsibility:	COP	Effective Date: Prior Revision Date:	December 3, 2019 New
Office(s) with Secondary Responsibilities:		Number of Pages:	7
Forms Referenced in Procedure:	None	Related Procedures:	ALL

#### .01 INTRODUCTION

- A. The VIA Metropolitan Transit Authority is committed to providing employees and customers with an environment that is safe, secure and free from threats, intimidation and/or workplace violence. In order to promote an atmosphere that encourages productive and collaborative employment, VIA will not tolerate conduct or behavior on its properties including but not limited to:
1. Injuring another person physically;
  2. Engaging in threatening behavior that creates a reasonable fear of injury to another person;
  3. Engaging in threatening behavior that subjects another individual to undue emotional distress;
  4. Possessing, brandishing, or using a weapon that is not required by the individual's position while on any VIA premises or engaged in VIA business;
  5. Intentionally damaging property;
  6. Threatening to injure an individual or to damage property; or
  7. Committing injurious acts motivated by, or related to, domestic violence or sexual harassment.
- B. Threats are unacceptable regardless of whether the person communicating the threat has the ability to carry them out, whether the threat is made on a present, conditional or future basis, or whether the threat is made in person, through another person, in writing, over the phone, in the mail or electronically.
- C. For VIA employees, individuals found to engage in behavior in the workplace in violation of this policy will be subject to disciplinary action, up to and including termination and criminal prosecution using existing policies and procedures.

#### .02 TYPES OF PROHIBITED BEHAVIOR

- A. Threatening Behavior: Includes, but is not limited to the following:
1. Physical actions short of actual contact/injury (e.g., moving closer aggressively, waving arms or fists, yelling in an aggressive or threatening manner);
  2. General oral or written threats to people or property (e.g., "you better watch your back" or "I'll get you"), including the use of any electronic means;
  3. Threats made in a "joking" manner;
  4. Stalking behavior; or
  5. Implicit threats (e.g., "you'll be sorry" or "this isn't over yet").



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- B. Violent Behavior: Includes, but is not limited to the following:
1. Any physical assault, with or without weapons;
  2. Behavior that a reasonable person would interpret as being potentially violent (e.g., throwing things, pounding on a desk or door, or destroying property);
  3. Specific threats to inflict harm (e.g., a threat to shoot a named individual); or
  4. Use of any object to attack or intimidate another person.
- C. Any behavior and/or statements may be construed as threatening or violent if the behavior or statement is perceived by any witness or co-worker as threatening or violent regardless of the alleged intent of the person making the statement or demonstrating the behavior.

#### **.03 WORKPLACE SETTING**

Any location, either permanent or temporary, where VIA employees perform any work-related duty or are involved in VIA related activities. This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations and alternate work locations.

#### **.04 REPORTING THREATS AND VIOLENCE**

- A. All VIA employees and their supervisors are encouraged to be alert to the possibility of violence on the part of their employees, former employees, customers, contractors and strangers. VIA employee and supervisor responsibilities include:
1. Being familiar with the policy on *Threat Assessment and Violence Prevention*; and
  2. Reporting violations of the policy to the appropriate supervisor as delineated in this policy and to the Transit Police, including threats or perceived threats.
- B. Any report of violence or threats of violence will be handled in a confidential manner, with information released only on a need-to-know basis.
- C. VIA Employees and supervisors who act in good faith by reporting real or implied violent behavior or violations of this policy will not be retaliated against or subjected to harassment.
- D. Any VIA employee who is aware of intimidating conduct, a threat of violence or act of violence made by another VIA employee must report the incident to the employee's immediate supervisor as per the *VIA Salaried and Hourly Employee Manuals, Section II, Workplace Violence Prevention Program, 9.b*. Emergencies should be reported to the VIA Transit Police at 210-362-2439.
- E. Deliberately false or misleading reports of violence under this policy will be handled as incidents of unacceptable personal conduct and individuals making such false or misleading reports will be subject to disciplinary action under VIA policy.

#### **.05 THREAT ASSESSMENTS**

- A. The Transit Police Department will conduct an investigation into the reported incident of prohibited behavior by any VIA employee. The investigation will contain a Threat Assessment conducted by a sworn member of the Transit Police Department designated by the Chief of Transit Police. The designated sworn officer will be referred to as the Threat Assessment Investigator. The Threat Assessment Investigator is responsible for:



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1. Assessing and managing incidents involving danger or violence;
  2. Recommending appropriate action to the Chief of Transit Police for approval;
  3. Developing and implementing an action plan to respond to specific incidents.
  4. Briefing the Chief of Transit Police and VIA Division Vice Presidents on the findings of the investigation.
  5. Issuance of any Administrative Actions.
  6. Preparing the Threat Assessment Investigation Summary Report.
- B. All Threat Assessment Investigations contain a concurrent law enforcement component and an Administrative component. The Law Enforcement component determines whether the employee will face criminal charges based on whether the investigator determines probable cause for a criminal offense exists. The Administrative component determines whether the employee will face any possible employment ramifications.

#### ***.06 THREAT ASSESSMENT ADMINISTRATIVE ACTIONS***

- A. The Threat Assessment Investigator shall report their preliminary investigation findings to the Chief of Transit Police, the Vice President of Safety, Training and System Security, the Vice President of Human Resources and The Vice President of the employee under investigation.
- B. At the direction and concurrence of the above Vice Presidents, the Chief of Transit Police or the Threat Assessment Investigator shall notify the subject employee of the following:
1. The employee is to be placed on Administrative Leave.
  2. The employee is advised to not return to VIA property in any manner while on Administrative Leave. The employee's proximity card will be de-activated, and their VIA ID is surrendered to the Investigator.
  3. The employee is warned not to contact any alleged victims or witness for any purpose until the conclusion of the investigation and/or any final administrative actions. The employee is provided an official contact person with VIA administration should they have any questions.
  4. The employee will be contact by HR personnel at the conclusion of the Threat Assessment process.
  5. The employee will be escorted to retrieve any personal items from their work area and then escorted off the property by The Chief of Transit Police or designee.

#### ***.07 THREAT ASSESSMENT INVESTIGATOR LAW ENFORCEMENT DUTIES***

- A. When notified of a threat or violent incident, the Threat Assessment Investigator should respond in a prompt and effective fashion. Effective response includes:
1. A full and prompt investigation,
  2. A determination if any Law Enforcement Action is warranted,
  3. A determining whether or not a violation of existing policies and procedures has occurred and



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4. A follow-up with any affected VIA employee.
- B. When the Threat Assessment Investigator receives notice that an act of violence or a threat of violence has occurred involving a VIA employee, the Threat Assessment Investigator's first responsibility is to prevent violence. This may be accomplished by:
1. Making an arrest for any criminal offense, if warranted
  2. Making a recommendation to VIA executive staff as to the plausibility of a threat and what administrative actions could be taken to prevent the occurrence of violence.
- C. When an act of violence or threat of violence has occurred, the Threat Assessment Investigator will determine if a criminal offense has occurred and if probable cause exists to arrest the actor. The Threat Assessment Investigator will:
1. gather facts and evidence,
  2. take written statements,
  3. photograph injuries or damages,
  4. prepare and present the case file to the District Attorney's office for prosecution of the actor.
- D. The Chief of Transit Police is notified of the Investigator's findings as soon as possible when it is determined an employee may be subject to arrest and/or prosecution for a criminal offense related to the investigation.
- E. The Chief of Transit Police must approve any custodial arrest, criminal prosecution or at-large filing of a criminal charge of a VIA employee.
- F. The Chief of Transit Police shall notify the appropriate Vice President of the employee under investigation and the Vice President of Safety, Training and System Security.

#### ***.08 THREAT ASSESSMENT INVESTIGATOR ADMINISTRATIVE DUTIES***

- A. If it is determined that no criminal offense has occurred, the Threat Assessment Investigator shall shift their focus to an administrative investigation to determine if any VIA policies have been violated. The Threat Assessment Investigator will:
1. Gather facts and evidence,
  2. Take written statements
  3. Photograph injuries or damages,
  4. Prepare and present a summary report to VIA executive staff of the findings and make suggestions as to any administrative actions that could be taken to prevent the occurrence of violence and / or to restore peace in the workplace.
- B. Administrative Investigation Checklist: The following questions (1-4) will be answered by the Threat Assessment Investigator in the summary report by documenting the data that formed the Investigator's opinion related to workplace safety and any potential administrative actions. The Investigator's actions, opinions and



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recommendations in the summation report are dependent on whether the subject employee's actions or statements are detrimental to the workplace.

1. An individual should fall into 1 of 4 categories overall. Which category does the Threat Assessment Investigator believe the employee fits into as determined by the facts of the case?
  - a. Employee is deemed threatening or not safe to return to the workplace
  - b. Employee is deemed threatening and/or disruptive to the workplace (due to lasting effect of the act(s) / statement(s) to the work environment or staff)
  - c. Employee is deemed a clear degree of concern upon returning to the workplace (requires satisfying specific conditions – legal, HR, Etc.)
  - d. Employee is deemed no immediate or predictive evidence preventing the return of the employee to the workplace (may still include satisfying conditions before return, i.e.; Anger Management, Conflict resolution, Etc.)
2. What was the collateral impact to employees and the work environment?
  - a. how did the act(s) or statement(s) change the demeanor of the workplace (Define in what way)
  - b. did any employee(s) state that they perceived the act or statement as threatening or real concern?
  - c. did the act or statement cause staff to seek or utilize EAP services
  - d. did the act or statement cause staff to take days off from work
  - e. was more than one employee directly affected by the act or statement? (Define in what way)
  - f. Were there any concerning or troubling statements made by the individual during the threat assessment investigation?
3. What was the benefit or intended/desired perception created by the statement(s) made by the individual?
  - a. Did the act or statement enable the person to appear powerful, threatening or bullying to others?
  - b. Was the act or statement made intended to distance the person from the rest of the staff?
  - c. Was the act or statement a demonstration of aggression toward a single individual, a designated group, the entire department or the organization?
4. What was the comfort level in their ability to make such an impactful statement?
  - a. Were there prior statements similar in nature made by the individual before this incident?
  - b. Does the individual clearly understand that their actions negatively impacted working relationships and team cohesion?
  - c. Does the individual believe their act or statement(s) were just jokes that are/were misunderstood?
  - d. Can the individual clearly identify any missed opportunities they had to demonstrate the ability and use of better judgment?



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#### **.09 THREAT ASSESSMENT SUMMARY REPORT DISPOSITION**

- A. The Threat Assessment Summary Report shall include:
1. The nature and facts of the original complaint(s) made,
  2. Any supplemental claims made by the victim(s) and witness(es),
  3. All actions taken by the Threat Assessment Investigator,
  4. Any directives issued by VIA Administration,
  5. All written statements made by the Victim(s), Witness(es), suspect(s),
  6. Photographs of any physical damages or injuries;
  7. Any other pertinent information not listed above which should be taken into account by executive staff when determining the appropriate administrative action(s).
  8. Any criminal enforcement action(s) taken during the course of the investigation (i.e. arrest(s), search warrant(s), etc.)
  9. Any administrative action(s) taken by executive staff prior to the conclusion of the investigation (i.e. employee placed on administrative leave pending the investigation)
  10. The Investigator's opinion and recommendation of any criminal prosecution and/or administrative actions against the employee as based on the facts of the total incident and the findings of the Checklist in subsection .08B. The opinion and recommendation of the investigator may be based on, but not limited to, the following factors:
    - a. The Investigator's training and experience;
    - b. The facts gathered from all involved parties, (i.e. statements/ evidence)
    - c. The demeanor of the suspect employee as observed by the investigator through actions and comments observed during the investigative interview.
- B. The final report shall be submitted to the Chief of Transit Police for approval, then forwarded to the Vice President of Safety, Training and System Security, the Vice President of Human Resources and the Vice President of the Division of the employee under investigation.