



**OFFICE OF THE CITY ATTORNEY**  
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CITY ATTORNEY

**REPORT NO. R 05 - 0182**

MAY 27 2005

**REPORT RE:**

**EFFORTS AND ROLE OF THE CITYWIDE THREAT ASSESSMENT TEAM AND  
RECOMMENDED IMPROVEMENTS IN THE APPLICATION OF THE CITY  
WORKPLACE VIOLENCE POLICY**

The Personnel Committee  
of the Los Angeles City Council  
Room 395, City Hall  
200 North Main Street  
Los Angeles, CA 90012

Honorable Members:

At its March 18, 2005 meeting the City Council's Personnel Committee moved that the City Attorney and the Personnel Department, with assistance from all necessary departments, report to the Committee on the efforts of the Citywide Threat Assessment Team to detect and minimize workplace violence in all City departments, as well as make recommendations on ways to improve the Workplace Violence Policy. This responsive report is from the City Attorney's Office, with the input of the Citywide Threat Assessment Team.

This report discusses the efforts of the Citywide Threat Assessment Team to detect and minimize workplace violence in all City Departments, recommends the written City policy remain the same with slight modifications, and discusses ways to improve workplace violence safety in the City family. This report also recommends the appropriation of \$250,000 to the Personnel Department subject to a meeting between the Personnel Department, Los Angeles Police Department, City Attorney's Office, and the Citywide Threat Assessment Team to discuss the parameters of the workplace violence RFP proposal by Personnel, including what is contemplated by the request for "on site problematic behavioral intervention and resolution services". The City Attorney's Office has requested an increase in its budget for Fiscal Year 2005-06 of \$400,000 to form a Workplace Violence Unit within the City Attorney's Office Labor Relations Division specifically dedicated to City workplace violence issues. To date, the requested funding has not been included in the 2005-06 budget, but we once again emphasize how necessary this funding is.



HISTORY OF THE CITYWIDE THREAT ASSESSMENT TEAM

The Citywide Threat Assessment Team was created by the City's Workplace Violence (WV) Policy which was established in 1998 after the tragic Piper Tech incident, but no provisions in the Policy specified when the team was to meet or how the members of the team were to be chosen. The Policy specified only that the 5-member team consist of representatives of (1) the Personnel Department, (2) the LAPD Threat Management Unit, (3) the City Attorney's Office Labor Relations Division (formerly Employee Relations Division), (4) the Personnel Department's Medical Services Psychology Section (formerly Occupational Health Services), and (5) the LAPD Behavioral Science Services.

After the policy was established, the members of the team traditionally became (1) the Officer in Charge of LAPD Threat Management, (2) the LAPD Chief Psychologist, (3) a Labor Relations Division City Attorney chosen by the Division head, and (4) the Director of Personnel Department Medical Services Psychology Section. No person was designated for the fifth position, and the persons occupying these four positions changed periodically over the years.

In 1999, Deputy City Attorney Vivienne Swanigan was assigned to the City Attorney's Office (CA) position, as she had nine years experience as a criminal prosecutor and had received substantial workplace violence training. At that time, when workplace violence issues were reported to the CA's Labor Relations Division, calls were made to LAPD Threat Management and Personnel Psychology representatives, as needed. LAPD Threat Management Unit would also receive calls and contact the CA, and Personnel or LAPD Psychology, as needed. At that time, less than five (5) WV calls were received by the CA per year.

By 2002, the City Attorney's Office had noticed a significant and steady increase in the volume of reported WV issues, and in 2003 it logged in 58 cases. In 2004, with the increase in volume remaining steady, the City Attorney's Office took the initiative in establishing a fully staffed and regularly meeting Citywide Threat Assessment Team. With the support of the City Attorney, Deputy City Attorney Swanigan contacted the Personnel Department General Manager to have the fifth position filled and, thereafter, called a meeting of the Citywide Threat Assessment Team.

On June 10, 2004, the first in-person meeting of the now fully staffed CTAT took place. The following members were present and are the current members of the CTAT:

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|----|--|---|
| 1. | Vivienne A. Swanigan<br>Deputy City Attorney | City Attorney's Office<br>Labor Relations Division      |
| 2. | Jeff Dunn<br>Detective in Charge             | Los Angeles Police Department<br>Threat Management Unit |

- |    |  |  |
|----|--|--|
| 3. | Dr. Shirley St. Peter<br>Director              | Personnel Department Psychology Section<br>Medical Services Division |
| 4. | Dr. Debra Glaser<br>Chief Police Psychologist  | Los Angeles Police Department<br>Behavioral Science Services Section |
| 5. | Rhonda Sims-Lewis<br>Assistant General Manager | Personnel Department   |

The CTAT reviewed the City Policy, and updated the outdated telephone numbers and Department section titles contained in the Policy. Personnel Department would officially update the Policy on the City website. It was also decided the CTAT would begin compiling a list of WV Coordinators, and a memo would be sent out requesting coordinator names and Department policies (if any) from all Departments. The issue of WV training was also discussed, with a goal of having all Departments receive full training in WV issues. The decision was made to hold quarterly in-person meetings with a continuation of the as-needed telephonic consultation among members. Vivienne Swanigan was elected Chairperson of the CTAT. A continuing education component of the quarterly meetings was added later.

#### EFFORTS AND ROLE OF THE CTAT

The current CTAT represents a pioneering effort to establish and maintain the first fully staffed Citywide Threat Assessment Team in the City of Los Angeles, whose goal it is to protect City employees and the public from the danger, threat, and fear of workplace violence. The CTAT goal is prevention of workplace violence and ensuring the safety of employees, volunteers, contractors, and others in the City workplace, where ever that might be. The CTAT, individually and as a unit, has engaged and engages in the following activities:

1. Quarterly Meetings to discuss cases, share information, resources, address internal continuing education, etc.;
2. Emergency meetings, on an as needed basis;
3. Teleconferences to discuss cases, as needed;
4. Compiling/updating lists of Departmental WV Coordinators and Department WV Teams;
5. Updating and maintaining Citywide WV Policy;
6. Maintaining and updating of database and/or logs of WV and threats of WV Citywide;
7. Actively working with Departments in collaborative case management strategies for WV incidents, threats, and issues, including:
  - a. Interviewing victims, witnesses, and supervisors;
  - b. Investigating (in the course and scope of regular duties);

- c. Obtaining Temporary and Permanent Restraining Orders (25 in the past year);
  - d. Interventions in cases of serious concern which have not yet risen to an action level (usually done when suspect is not a City employee);
  - e. Referrals for Psychological assessments (including work fitness evaluations);
  - f. Safety plans (short and long term);
  - g. Consulting with Departments on directional strategies (i.e., psychological assessment v. discipline, administrative action v. law enforcement, etc.)
8. Assisting in re-assignment of individuals threatened as a result of their City employment;
  9. Assisting in reimbursement of individuals with personal property damage as a result of workplace violence incidents;
  10. Placement of WV victims in a new department in an equivalent position to alleviate continuing workplace violence concerns;
  11. Training programs (conducted by CA Labor Division Attorneys), including training of some or all employees and supervisors of the following Departments:
    - a. Airports
    - b. Animal Services
    - c. City Attorney's Office
    - d. City Clerk
    - e. Community Redevelopment Agency
    - f. Disability
    - g. El Pueblo
    - h. Transportation.

The first priority of CTAT is always prevention. The CTAT takes all threats seriously and always strives to protect the health, well-being, and safety of the City family to the extent permissible by law. Taking all threats seriously means assessing each incident based on the specific facts of that incident or situation to determine as well as can be ascertained (1) the seriousness of the threat, and (2) the steps needed to protect the threatened employee(s) and the workplace.

The key to workplace violence prevention is for concerned employees to contact their Department WV Coordinators and, if needed, the CTAT. It is every employee's responsibility to know warning signs and who their Department WV Coordinators are. WV Coordinators are responsible for and encouraged to contact and involve the CTAT in analyzing and assessing WV threats, and in analyzing whether a situation is or is not a workplace violence concern.

The CTAT allows consultation and collaboration between subject matter experts in their respective fields. The quarterly meetings also contribute to communication and exchange of information among members. The CTAT continues to support the present City WV Policy as updated in 2004, with minor modifications as listed below, and will continue to review and make recommendations for future changes or updates of the Policy, as needed.

RECOMMENDATIONS OF THE CTAT

1. At its April 12, 2005, meeting, the CTAT determined the single most effective action the CTAT can advocate is increased training in (1) supervisory skills and (2) awareness, warning signs, policies, and reporting procedures for WV concerns throughout the City family. In addition to ensuring all City employees (part and full-time) and volunteers (including Neighborhood Councils, for example) are aware of the warning signs, City policy, and reporting procedures, there should be a particular focus on supervisory skills and supervisory handling of potential WV situations or issues. To that end, CTAT recommends, in addition to WV training, supervisory training in conflict management skills and interpersonal communication skills, such as that provided by the City's Human Relations Commission. This is because, all too often, City employees are promoted to supervisory positions without these invaluable skills. The CTAT recommends Personnel Department's training budget be increased to allow it to fully address this important function, with CTAT input.
2. The CTAT also recommends the City Policy be amended to contain the requirement that the CTAT be notified in the event of the violent death or injury of a City employee due to a WV incident. That notification should take place through an initial report to both the Officer-in-Charge of the LAPD Threat Management Unit and the Director of the Personnel Psychology Section. Those members would then notify remaining members of the Team.
3. The CTAT chairperson recommends the CTAT receive funding in the amount of \$5,000 for the continuing education of its five members, and an alternate for each. This will assure members obtain annual training in workplace violence assessment and management, as this is an area in which increasingly higher levels of continuing education are now available.

CITY ATTORNEY'S OFFICE RECOMMENDATIONS

1. The City Attorney's Office recommends the Personnel Department's request for an RFP for expert professional services in workplace violence and its accompanying \$250,000 appropriation request be approved subject to a meeting between the City Attorney's Office, Police Department, Personnel Department, and the Citywide Threat Assessment Team to jointly discuss that portion of the RFP concerning "on site problematic behavioral intervention and resolution services." It is the Office's opinion this portion of the request, which would require initial reporting of workplace violence incidents/threats to a hired outside vendor, would likely violate the privacy rights of victim and suspect City employees, and is inconsistent with the City WV Policy. Initial reporting to an outside vendor also concerns City Attorney and LAPD members of CTAT in that the resulting delay in reporting could jeopardize workplace safety in cases requiring Labor Relations Division and Threat Management Unit action (obtaining Temporary Restraining Orders, arrest warrants, etc.). In the event streamlining of initial reporting is necessary, the most efficient place for that

initial reporting is the LAPD Threat Management Unit, whose members are recognized throughout the country as experts in this field.


2. The City Attorney's Office requests additional funding to allow the formation of a Workplace Violence Unit within the City Attorney's Office Labor Relations Division specifically dedicated to City workplace violence issues. The Office currently has gone from 1 to 3 attorneys assigned to handle workplace violence matters in the last five years, however, those attorneys must also handle a litigation caseload. These attorneys now typically handle 45-55 WV cases per year in addition to their regular work load, and that number currently appears to be rising with the increased education regarding the City's Policy. In order to fully follow up on existing cases (including over 25 restraining orders obtained in the past year), as well as handle the increasing incoming WV workload, two to three full time attorneys who are not required to also handle litigation, and a paralegal, would be required. The Office requests its budget be increased by \$400,000 to accomplish this.
3. The City Attorney's Office also requests Personnel Committee recommend additional funding be provided to the LAPD to increase staffing of its Threat Management Unit. The Threat Management Unit is specifically tasked with handling all WV matters occurring in the City, and maintains a database of reports. In addition to its other responsibilities, the Unit serves all City temporary and permanent WV restraining orders obtained, and conducts intervention and/or investigations of reported City WV matters. While the incidents of reported WV in the City have increased steadily over the past few years, the LAPD Threat Management Unit staffing has decreased from eight (8) detectives plus the officer-in-charge down to six (6) detectives [one of whom is on leave] plus the Officer-In-Charge, which the Office believes is detrimental to the City in an era of increasing WV violence concerns.
4. The City Attorney's Office recommends City Council clarify the City WV policy in regards to first response in the aftermath of a critical WV incident (one involving death or serious bodily injury). While the Policy requires Department Coordinators work with the City's Lead Occupational Psychologist in cases involving non-LAPD personnel, and with the LAPD Chief Police Psychologist of Behavioral Services in cases involving LAPD personnel, the Policy is silent as to the responsibility for immediate on-site response. The Policy provides for consultation with the Lead and Chief Psychologists only, and does not provide for immediate on-site response, although it does note "the need for onsite mental health intervention." While it states post-critical incident handling by a Department should "ensure that prior to leaving work each potentially affected employee will have had access to on-scene mental health support", there is no mechanism or funding in place for this to happen. The Policy should be amended to specify responsibility for this function, as to both LAPD and non-LAPD employees, and reserve funds, which we hope never to have to use, set aside for this. If, as Personnel Department has suggested, the outside vendor contemplated in its proposed RFP will serve this function, the Policy should be amended accordingly.

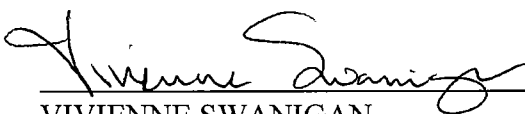
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If you have any questions, please contact Managing Assistant City Attorney Zna Portlock Houston at (213) 978-7148 or Deputy City Attorney Vivienne Swanigan at (213) 978-7156. We will be available to answer any questions you may have when you consider this matter.

Sincerely,

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Deputy City Attorney

BY:   
ZNA PORTLOCK HOUSTON,  
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Labor Relations Division

BY:   
VIVIENNE SWANIGAN,  
Deputy City Attorney and Chairperson,  
CITYWIDE THREAT ASSESSMENT TEAM

c: Maggie Whelan, General Manager, Personnel Dept.  
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