

**VENTURA COUNTY SHERIFF'S OFFICE  
COURT SERVICES BUREAU**



**JUDICIAL PROTECTION UNIT  
POLICY**

# **VENTURA COUNTY SHERIFF'S DEPARTMENT**

## **COURT SERVICES BUREAU**

### **JUDICIAL PROTECTION UNIT**

#### **MISSION STATEMENT**

The mission of the Judicial Protection is to provide a means of assessing and responding to all threats against the Judiciary. This will be accomplished in a manner that provides the utmost confidentiality and sensitivity to the concerned members of the Judiciary during the investigation.

#### **ACTIVATION**

The Judicial Protection Unit, also referred to as the JPU, will be activated when a perceived threat against any member of the Judiciary is received. The response of the unit will be one of assessing the information to determine the aggressiveness of the threat, and if necessary, providing the appropriate level of protective services that each case may require. An additional responsibility of the unit may be to provide enhanced security coverage during high- risk trials.

This document will outline the composition, selection, responsibilities and functions of the unit. Additionally, it will describe the threat analysis and protective services process during a threat assessment.

#### **UNIT COMPOSITION**

The JPU's chain-of-command and structure will be comprised of the Court Services Bureau Commander, the Court Services Bureau Captain, the Court Services Bureau – Court Security Detail Sergeant, (3) Court Security Detail Senior Deputies, and (7) Court Security Detail Deputies. All assigned personnel will be appropriately cross- trained to allow them to perform assessment and/or protection responsibilities for any assignment. The Sergeant will be responsible to see that all unit members are cross-trained in all appropriate skills.

When the unit is activated, (1) member will be designated as the Lead Investigating Deputy. The Lead Investigating Deputy, under the direction of the Unit Sergeant, will conduct the investigation and continuously brief the Unit Sergeant, or his/her designee, throughout the course of the investigation.

The Unit Sergeant shall monitor/track the investigation to determine its complexity, scope and/or magnitude, and keep the Bureau Captain informed on a

regular basis of the investigation's status. The Unit Sergeant shall notify the Bureau Captain in the event the investigation requires the investigative resources and expertise of the Sheriff's Major Crimes Bureau.

## **SELECTION PROCESS**

Members who are selected for the JPU will be those individuals who are willing to accept the position on a voluntary basis as a collateral duty and successfully complete the selection process outlined below.

### **Minimum Qualifications**

- Must be a Deputy Sheriff assigned to the Sheriff's Court Services Bureau.

### **Selection Process**

- Resume of education, training and experience shall be submitted to the Court Security Detail Sergeant.
- Must complete a firearms range course of fire test and physical agility run.
- Staff interview and evaluation.
- Length of tenure in the JPU will normally be (3) years.

Those members who have (2) unexcused absences from any unit related training sessions within a (12) month period would be removed from the Unit.

## **RESPONIBILITIES**

### **Captain:**

- Exercises managerial control over the entire unit's activities, including the administration of periodic testing and training.
- Coordinates the updating of current policies and procedures and the development of new policies and procedures.
- Develops and maintains all operational orders.
- Assists in the evaluation and analysis of threats and determines the appropriate level of response.
- Ensures that the 'Principal' and the Bureau Commander are briefed throughout the course of the investigation on the status of the threat analysis, and the progress/final outcome of the investigation.
- Provides on-site intelligence support during complex or high-risk investigations.

- Reviews each investigation before it is forwarded to the Bureau Commander.

#### **Sergeant:**

- Exercises direct supervisory control over the daily operations of the Unit.
- Upon receipt of threat information will assign a specific JPU member as the Lead Investigating Deputy. In the Sergeant's absence, a JPU Senior Deputy will assume this responsibility under direction of the Captain.
- Coordinates the threat assessment process along with the physical protection function.
- Assists in the evaluation and analysis of threats and determination of the appropriate response needed.
- Assists in the development and maintenance of policies and procedures.
- Maintains and ensures the confidentiality of all JPU case files.
- Ensures that a training file is maintained for each JPU member.
- Reports violations of P.C. 76 to the Department of the California Highway Patrol.
- Supervises the selection process for deputy team members.

#### **Senior Deputy (s):**

- In the absence of the Sergeant, a unit Senior Deputy will assume the responsibilities of the Sergeant.
- Assists in the evaluation and analysis of threats and determination of the appropriate response needed.
- Assists in the selection process for Deputy team members.
- Acts as Team Leader (s) for each of the (3) JPU teams.
- In conjunction with the Sergeant, the Senior Deputy (s) will develop and administer training to the JPU.

#### **Deputy Team Members:**

- Analyze and evaluate information to determine the potential for violence and assign the appropriate threat level designation.
- Investigate and disseminate information regarding direct and potential threats.
- Document all investigations and submit the appropriate cases for prosecution.
- Provide physical protection to individuals when necessary. At the discretion of the Captain, this may require the JPU to provide 24 hour protection, which may include protection services such as developing residential security plans, establishing safe routes of travel, and escort service.

## **TRAINING**

Training for the JPU will generally be delivered in one of three methods:

1. P.O.S.T. Training Courses.
2. In-House Training Sessions.
3. Inter-Agency Training Sessions.

Courses will be selected and designed to provide training necessary for threat analysis as well as the protection of public officials.

### **P.O.S.T. Courses**

The courses available under the P.O.S.T. training program are constantly changing. Course presentations will be determined by need and availability. It is the responsibility of the JPU Sergeant to research the P.O.S.T. Administrative Manual, and other sources, and maintain a current list of the applicable courses.

### **In-House Training**

Unit members will conduct in-house training as they return from formal training courses and share information with the other unit members. In addition, the unit will seek training from Department members who possess expertise in areas that will be beneficial to the performance of the unit.

### **Inter-Agency Training**

The Southern California Judicial Protection Unit Association and other additional law enforcement agencies will be utilized as resources for training information and assistance. Training will be arranged by the Sergeant and the outside agencies with the goal of developing a coordinated effort between the Ventura County Sheriff's Department and other law enforcement personnel.

## **THREAT ANALYSIS AND PROTECTION**

There are two phases to the Threat Assessment process. Phase I is basically a preliminary assessment. Its purpose is a quick attempt to identify the aggressiveness of the communiqué and to provide the appropriate protection service to ensure the safety of the principal. Once the principal is out of danger, Phase II, a more detailed, in-depth investigation, is initiated. It is important to note that there is no definite line separating functions of Phase I and II.

Each investigation phase contains three threat assessment levels. The investigating JPU Deputy will gather any information and evidence, make an analysis, and assign the appropriate "Threat Level." The assigned threat level will dictate the JPU response and recommendation for additional protective services.

The apparent ability to carry out a threat is critical. With a known identity, the investigation attempts to determine if there is the present ability or if that ability will be present at a future time. This will be a major factor in determining the type of protective service recommended by the JPU. If the identity is unknown, the present ability may be assumed to be high.

It is imperative that all threat information be forwarded to the JPU as soon as possible. All evidence should be handled in the appropriate manner, keeping contamination to a minimum.

The Sheriff's Special Services Major Crimes Unit will coordinate any investigation that is assigned a Level three assessment, with assistance from the Sheriff's Court Services Judicial Protection Unit.

### **Investigative Phases**

#### **PHASE I**

This phase of the investigation involves the preliminary gathering and analysis of information. The objective of Phase I is to determine the aggressiveness of the threat and to respond immediately with the proper protective services, thus ensuring the safety of the principal.

Once the Phase I Preliminary Threat Level Assessment has been completed the unit can then proceed with a more in-depth Phase II investigation.

#### **LEVEL ONE (Low Risk):**

Cases classified in this category include two types of communiqués. The first does not contain a threat and it does not appear as though the information is anything more than a means of expressing an opinion. The second type of communiqué is where there is no specific threat, but the language or nature of the communication or contact warrants a belief that retention of the information is necessary. These would include bizarre, odd or indecipherable correspondence where the motives or intentions cannot be determined. Also included here are letters or contacts where apparent hostility is present, or the person employs use of outrageous accusations or obscenities in expressing a viewpoint.

Maintaining files on this type of a communication allows the JPU to assess whether or not the individual appears to be escalating his/her aggressiveness.

#### **LEVEL TWO (Medium Risk):**

Cases classified in this category include those where there is a "veiled threat," that if submitted to the District Attorney for prosecution may or may not contain all the elements necessary for prosecution. This could include letters containing "double meaning," phrases, i.e., "You'll get yours soon..." or ..."Beware, your

time has come..." Although lacking the fundamental elements for prosecution, such writings are retained in anticipation that further communications could result in prosecution.

Suspect monitoring is recommended as a proactive measure when anticipating the possibility of escalation in the aggressiveness of the suspect's actions. Monitoring should be done in conjunction with any prosecutory analysis when seeking an arrest warrant, if the threat level escalates to a Level three.

Protection should be provided as necessary.

### **LEVEL THREE (High Risk):**

This level designates cases in which there is a bonafide threat meeting all the criteria necessary for the arrest and prosecution of the suspect, or the potential for injury to the principal is high.

The Sheriff's Special Services Major Crimes Division will coordinate such cases. The designated JPU Investigating Deputy will be assigned to work with the Major Crimes Investigator to pursue the necessary criminal filings and/or arrest and search warrants.

Immediate protective services and subject monitoring may be provided by the JPU while the assessment and investigation is continuing.

### **PHASE II**

The focus of Phase II is to conduct an in-depth investigation of the information and to determine if the preliminary analysis was correct or if the threat needs to be changed to more accurately reflect the aggressiveness of the threat. This process entails a concentrated effort by JPU and/or Major Crimes Investigators to interview witnesses and analyze evidence in attempting to establish the facts surrounding any threat to the judiciary.

At the conclusion of the investigation the investigating deputy will submit a written report. The threat level assigned to the case will dictate the type of submitted documentation. A written document, including a synopsis of the investigation and recommended action will also be submitted to the JPU Commander.

In the event of an investigation being assessed a level three threat the appropriate documentation will be forwarded to the California Highway Patrol.

In addition to the investigation, security protection may be provided to the principal.

### **LEVEL ONE (Low Risk):**

Cases classified in this category include those that do not contain threats of any sort. Their value is that of a possible information source for future cases, or as a means of establishing aggressiveness in future cases. These cases will be maintained in the JPU files. Attempts will be made to identify the sender of the communiqué. In those cases where identification is not possible, the information will be retained and checked against other communiqués. Any cases that are linked to a specific individual or group will be retained and used to establish a pattern of aggressiveness.

### **LEVEL TWO (Medium Risk):**

Cases that are assessed in this category dictate a need for alertness and the anticipation of an increase in aggressiveness. Even in "veiled threats" the investigation must attempt to determine the true intention of the sender.

The primary goal in this level of investigation is to identify the suspect and to develop a profile. The investigation should focus on prior criminal records, emotional and mental stability of the subject and determining if this is an isolated occurrence or if there is a pattern.

This profile of an individual is a key factor in helping to determine the probability of an increase in the aggressiveness of the threat. If the profile is perceived to be dangerous or unpredictable, the JPU may recommend protective service for the principal. This could also include surveillance of the suspect as well.

### **LEVEL THREE (High Risk):**

Cases that are assessed in this category have a high potential of injury to the principal. These will also generate the highest investigative and protection levels. The identification and prosecution of the suspect will be continued while appropriate protection will be provided to the principal.

Sheriff's Special Services Major Crimes Unit will coordinate investigations in this assessment level, with assistance from the Sheriff's Court Services Judicial Protection Unit.

## **HIGH RISK TRIALS**

As a result of the classification procedure in the Sheriff's Court Services Division case tracking process, certain court proceedings are assigned a "high risk" status. The JPU is considered to be an additional resource that may be used for these proceedings. The JPU's threat assessment and training are available as a supplement to the Court's security measures, although it is not to be used as a substitute for normal scheduling assignments.



## **CALIFORNIA HIGHWAY PATROL**

The JPU Sergeant shall be responsible for notifying the California Highway Patrol of any crime report taken for a violation of Section 76 of the California Penal Code. Notification shall be sent to:

California Highway Patrol  
Protective Services Division  
1801 Ninth St.  
Sacramento, CA 95814

Phone: 916.323.1514      FAX: 916.323.1466

### **LEGAL AUTHORITY SYNOPSIS**

#### **Penal Code Section 76**

##### **Threatening certain state officials or judges**

Every person who knowingly and willingly threatens the life of, or threatens serious bodily harm to, any elected public official, county public defender, county clerk, exempt appointee of the Governor, judge, or Deputy Commissioner of the Board of Prison Terms, or the staff, immediate family, or immediate family of the staff of any elected public official, county public defender, county clerk, exempt appointee of the Governor, judge, or Deputy Commissioner of the Board of Prison Terms, with the specific intent that the statement is to be taken as a threat, and the apparent ability to carry out that threat by any means, is guilty of a public offense, punishable as follows:

Upon a first conviction, the offense is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both that fine and imprisonment. If the person has been convicted previously of violating this section, the previous conviction shall be charged in the accusatory pleading, and if the previous conviction is found to be true by the jury upon a jury trial, or by the court upon a court trial, or is admitted by the defendant, the offense is punishable by imprisonment in the state prison.

Any law enforcement agency that has knowledge of a violation of this section involving a constitutional officer of the state, a Member of the Legislature, or a member of the judiciary shall immediately report that information to the Department of the California Highway Patrol.

"Apparent ability to carry out that threat" includes the ability to fulfill the threat at some future date when the person making the threat is an incarcerated prisoner with a stated release date.

"Serious bodily harm" includes serious physical injury or serious traumatic condition.

"Immediate family" means a spouse, parent, or child, or anyone who has regularly resided in the household for the past six months.

"Staff of a judge" means court officers and employees, including commissioners, referees, and retired judges sitting on assignment.

"Threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements and conduct made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family.

As for threats against staff or immediate family of staff, the threat must relate directly to the official duties of the staff of the elected public official, county public defender, county clerk, exempt appointee of the Governor, judge, or Deputy Commissioner of the Board of Prison Terms in order to constitute a public offense under this section.

## **Penal Code Section 71**

### **Threatening public officers and employees and school officials**

Every person who, with the intent to cause, attempts to cause, or causes, any officer or employee of any public or private educational institution or any public officer or employee 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 an 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 punishable as follows:

Upon first conviction, such person is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

If the person has been previously convicted of a violation of this section, the previous conviction shall be charged in the accusatory pleading and if the previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the offense is punishable by imprisonment in the state prison.

Note: As used in this section, "directly communicated" includes, but is not limited to, a communication to the recipient of the threat by telephone, telegraph or letter.

## **Penal Code Section 422**

### **Criminal threats – Elements; Punishment; “Immediate family defined”**

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, made verbally, in writing, or by means of an electronic communication device, 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 for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

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

"Electronic communication device" includes, but is not limited to, telephones, cellular telephones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

## **Penal Code Section 171b**

### **Unauthorized possession of weapon in courtroom, courthouse, or court building, or at public meeting; offense; punishment**

Any person, except a person who possesses or transports weapons to be used as evidence in a court of law, a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of part 2, a full-time paid peace officer of another state of the federal government who is carrying out official duties while in California, any person summoned by any such officer to assist in making arrests or preserving the peace while he or she is actually engaged in assisting such officer, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of part 4, or a person holding a valid tear gas weapon card pursuant to Section 12403.7 allowing that person to carry the tear gas, who brings or possesses, within any courtroom or building designated as a courthouse or court building in this state or at any meeting required to be open to the public pursuant to Chapter 9 (commencing with Section 54950) of part 1 of Division 2 of Title 5 of, or Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government code, any of the following, unless permission to possess that weapon is granted in writing by a duly authorized

official or officials, is guilty of a public offense punishable by imprisonment in a county jail for not more than one year, or in the state prison:

- (a) Any firearm
- (b) Any deadly weapon described in Section 653k or 12020.
- (c) Any knife with a blade length in excess of four inches, the blade of which is fixed or is capable of being fixed in an unguarded position by the use of one or two hands.
- (d) Any tear gas weapon, as defined in sections 12401 and 12402.
- (e) Any Taser or stun gun, as defined in Section 244.5.

**Penal Code Section 653m**

**Telephone calls with intent to annoy**

Every person who with the intent to annoy telephones 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.

Every person who makes repeated telephone calls with intent to annoy another person at his or her residence, is, whether or not conversation ensues from making the telephone call, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls made in good faith.

Any offense committed by use of a telephone as herein set out may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

This section is violated when the person acting with intent to annoy makes a telephone call requesting a return call and performs the acts prohibited upon receiving the return call.

## **DOCUMENTATION PROCESS**

All Judicial Protection documentation will be written on the appropriate Ventura County Sheriff's Department forms, with the exception of the "Principal Confidential Information" form. The completed Confidential Information form will be maintained in the respective principal's confidential file.

Every threat assessment assigned to an investigating deputy will be documented on either an Incident Report or Crime Report, and be assigned an RB number. All original reports will be maintained in the Ventura County Sheriff's Department Records Bureau.

Note: The Reporting District for the County Government Center is 3333.

The Beat for the County Government Center is 3D04.

During the course of the investigation the assigned deputy will use the "Progress Report" form to chronologically document the events of the investigation. This form should remain in the case folder.

At the conclusion of the investigation, a copy of all written documents will be placed in the case folder and maintained in the respective principal's file.

A Sheriff's Department Memorandum will be utilized to submit the results of the completed investigation to the Judicial Protection Unit Commander.

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