

SAN DIEGO COUNTY SCHOOL THREAT PROTOCOL



The mission of this countywide protocol is risk reduction and violence prevention to promote the safety of students throughout the county. This protocol commits San Diego County to a coordinated community response to threats of targeted school violence.

Prepared by:
The San Diego County
District Attorney's Office
in collaboration with
the San Diego County Office of Education,
San Diego County Sheriff's Department,
Police Departments, PERT, and Allied Agencies

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I. INTRODUCTION

Goal

To reduce the risk of an incident of targeted violence in San Diego County Schools through the formalization of a comprehensive protocol for San Diego 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 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 September 2021, acts of targeted violence committed by individuals under the age of twenty-one on elementary, middle, and high school campuses caused the death of 109 students and staff members across the nation¹. On April 20, 1999, a 17 and 18-year-old student killed 12 students and one teacher at Columbine High School in Littleton, Colorado. Thirteen years later on December 14, 2012, 20 first graders and six staff members were murdered at Sandy Hook Elementary School. On February 14, 2018, a 19-year-old killed 14 students and three staff members at Marjory Stoneman Douglas High School in Parkland, Florida. On May 18, 2018, a 17-year-old student killed eight students and two teachers at Santa Fe High School in Santa Fe, Texas. San Diego County was touched personally by such violence on March 5, 2001, when a 15-year-old student killed two students at Santana High School. The perpetrators of these crimes exhibited warning signs that went overlooked or were not reported.

Following the Columbine massacre in 1999, the U.S. Secret Service and the 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* paid particular attention to identifying pre-attack behaviors and

¹ Shootings that involved suspected gang activity, those that occurred after school hours at school sporting events, and those that took place in school parking lots were not included in this number.

communications. There were a number of important findings from the 2004 *Safe School Initiative* including:

1. 98% 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 their 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 out 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 it 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.

In 2018, the San Diego County District Attorney's Office, in collaboration with our community partners, released the San Diego County School Threat Protocol. Between 2018-2021, local law enforcement agencies submitted approximately 150 school threat incidents to the District Attorney's Office to review for formal charges. Three important studies on targeted school violence were released by the Secret Service's National Threat Assessment Center (NTAC) during that time. The most recent study, *Averting Targeted School Violence*, analyzed 67 disrupted plots against K-12 schools between 2006-2018. Key findings of the study included:

1. Targeted school violence is preventable when communities identify warning signs and intervene.
2. Schools should seek to intervene with students before their behavior warrants legal consequences.
3. Students were most often motivated to plan a school attack because of a grievance with classmates.
4. Students are best positioned to identify and report concerning behaviors displayed by their classmates.
5. The role of parents and families in recognizing concerning behavior is critical to prevention.

6. School resource officers play an important role in school violence prevention.
7. Removing a student from school does not eliminate the risk they might pose to themselves or others.
8. Students displaying an interest in violent or hate-filled topics should elicit immediate assessment and intervention.
9. Many school attack plots were associated with certain dates, particularly in the month of April and the anniversaries of other high-profile, mass-casualty attacks.
10. Many of the student plotters had access to weapons, including unimpeded access to firearms. It is important to note that in seven cases, the plotters were able to acquire firearms secured in a locked safe because they were either given access to the safe, were able to access keys to the safe, or pried the safe open.
11. Students who plotted school attacks shared many similarities with students who perpetrated school attacks (including exhibiting behaviors indicating the presence of a mental health issue).

These studies reinforce the importance of the San Diego County School Threat Protocol and the collaborative approach it is built upon. They highlight the need for ongoing education to the community to help identify warning signs and how critical it is to encourage students to report concerning behaviors. Schools, mental health professionals, and law enforcement agencies must intervene early to support and redirect an individual in need.

Need for a Countywide Protocol

These incidents do not occur in isolation. What the *Safe School Initiative* and NTAC findings highlight is the ability of the community to greatly reduce such tragedies from occurring by working collaboratively. This protocol commits San Diego County to a coordinated community response to threats of targeted school violence. We are committed to a thorough, practical, and prompt response with the cooperation of law enforcement, the forty-two school districts, 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 school violence.

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 or designee to participate in quarterly coordination meetings with county stakeholders including but not limited to San Diego County Office of Education (SDCOE), law enforcement representatives, Psychiatric Emergency Response Team (PERT), Office of Emergency Services, and the San Diego County District Attorney's Office.
2. To facilitate access to student information and designated emergency contacts in the event of targeted school violence, utilize the *school emergency contact application* which consists of three major interfaces:
 - **District users** (namely the designee responsible for managing system and/or emergency contacts for the district) access the first interface which allows the district to provide three after-hours emergency contacts for each school within the district, as well as the district itself. These contacts should only be used in the event of an emergency when school is not in session.
 - Each district should define the responsibilities of the after-hours contacts.
 - **Law enforcement agencies and other emergency personnel** (i.e., PERT) access the second interface which provides emergency contact information during critical after-hours, weekends, and holidays.
 - **Individual school users** access the third interface that enables schools to provide law enforcement the ability to contact individual school officials during critical after-hour emergency situations.
3. Adopt an anonymous student reporting system and application and implement the following steps:
 - Include the anonymous reporting website and phone number on the back of all student ID cards.
 - Feature a link to the anonymous reporting site prominently on the school districts website's homepage and on each school website's homepage.
 - Install the anonymous reporting app on all school-issued devices.
 - Promote the use of anonymous reporting applications on an ongoing basis and in all communications related to school safety.
4. Establish procedures to document events that could aid a threat assessment team in identifying potential warning signs:

- Document in the student’s discipline record all reports of **suspected warning signs or threats**, and the school’s response, including those threats determined to be transient. These incidents may reveal a pattern of escalation. (*See attachment 11* for threat assessment resources that identify important warning signs including *Averting Targeted School Violence (2021)* & *Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks (2017)*).
 - 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/grievance.
5. Adopt the following violence prevention programs available from **Sandy Hook Promise**:
- ***Start with Hello***: Social isolation is the overwhelming feeling of being left out, lonely and treated like you are invisible. Young people who are isolated can become victims of bullying, violence and/or depression. As a result, many further pull away from society, struggle with learning and social development and/or choose to hurt themselves or others. *Start with Hello* teaches students in grades K through 12 the skills they need to reach out to and include those who may be dealing with chronic social isolation and create a culture of inclusion and connectedness within their school.
 - ***Say Something***: *Say Something* teaches students in grades 6 through 12, 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.
6. Train all school employees to recognize and report the warning signs associated with an escalation toward violence, which are identified in **Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence** (Cornell, 2018)
- Train staff on the circumstances that warrant a report directly to 911.
 - Train staff to report all warning signs and threats to their school administrator.
7. Additional information can be found in the San Diego County Office of Education’s Online Safety Resources Folder (see link listed below). These resources include warning signs for students that might be in distress, mental health resources for students and parents, virtual and in-person education decision making scenarios, information on threat assessment training, and decision trees for elevating issues and tips for safe and successful online classes & meetings.
- <https://drive.google.com/drive/folders/1lvQ94hsCpro-w9lUSWxifqd5pvaDMnqC?usp=sharing>

Mitigation Strategies

1. 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 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 assailant resources developed by SDCOE’s School and Law Enforcement Workgroup and endorsed by the San Diego County Police Chiefs’ and Sheriff’s Association.
 - Options-Based Responses to Active Assailant Situations training of trainers workshops available from SDCOE.
 - Active Assailant Emergency Action Plan template available from SDCOE.
 - Standardized Emergency Action Terms available from SDCOE.
3. Train all school employees in Options-Based Responses (Run, Hide or Fight) to Active Assailant 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 for Armed Assailant Drills in Schools*” 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:
 - At least one lock down drill annually on each school campus.
 - At least one drill annually on each school campus to practice reunification procedures.
 - At least one district drill annually to practice offsite evacuation and reunification procedures.
6. Add rooftop numbers to all school site buildings to improve identification for law enforcement and medical rescue helicopters.
7. To assist occupants in identifying their exact location in an emergency, label the interior of every room, classroom, bathroom, and common area with the building number and room number or name.

Targeted School Violence Response Strategies

1. Adopt the School Response Protocol from **Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence** that begins on the following page of the recommendations for schools.
2. If during the school threat assessment it is believed the individual currently poses a danger to themselves or others, consider available external mental health services in San Diego County such as the Psychiatric Emergency Response Team (“PERT”).

3. In instances where a longer-term assessment of risk is necessary, schools should consider engaging the services of a clinical and/or forensic psychologist who specializes in threat assessment and threat management to serve as an external consultant, particularly under the following circumstances:
 - The school site team is uncertain how to proceed with a juvenile that makes or poses a threat and would benefit from expert consultation on the threat assessment and threat management process. Ensure the enlisted professional has experience working with juveniles and understands the juvenile justice system.
 - The individual making or posing a threat is an adult or does not attend the school. School site teams are not equipped to assess and manage cases involving adults or non-students.
 - When psychiatric records must be accessed to avert a serious threat to health or safety as authorized by 45 CFR 164.512(j) (*see Attachment 7*)

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. Training in the National Association of School Psychologists PRePARE model is available from SDCOE.

Targeted School Violence Protocol

The following protocol assumes that schools have threat assessment teams that have been trained in the **Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence** model for school-based threat assessment, by Dr. Dewey Cornell. Training on this model is available to schools through the San Diego County Office of Education. This threat assessment model focuses on verbalized threats.

It is important to remember individuals can pose a threat without verbally articulating one. Oftentimes these threats come to light through a behavior or series of behaviors observed by others (*see attachment 11* for a list of threat assessment and management resources that identify behaviors of concern).

While the team composition for this model can be adapted to meet the staffing patterns of each school, school threat assessment teams are typically composed of personnel from each school site who work in the following roles:

- School site administrator
- School psychologist
- School counselor or school social worker
- School resource officer or juvenile service officer

Overview of Five Steps in Student Threat Assessment

Step 1: Evaluate the threat.

A threat assessment begins when a student is reported to have made a threat, which is defined as any expression of intent to harm someone. Threats may be oral, written, graphic, or behavioral. They may be communicated to the intended target or to third parties. Behavior that implies a threat, such as carrying a weapon or acting in a menacing manner, should be assessed to determine whether a threat is present. If a threat is identified, obtain a specific account of the threat by interviewing the student who made the threat, the intended victims, and other witnesses. Write the exact content of the threat and statements by each party. Consider the circumstances in which the threat was made and the student's intentions.

Step 2: Attempt to resolve the threat as transient.

The team should gather information from witnesses and the student to determine the context and meaning of the threat. A transient threat is not a serious threat and may be an expression of momentary anger. It may be an expression of humor or hyperbole that does not convey genuine intent to harm. A transient threat is resolved with an explanation or apology, and although disciplinary consequences and counseling may be appropriate, safety precautions are not needed.

Step 3: Respond to a substantive threat.

If a threat cannot be resolved as transient, it should be treated as a substantive threat, which means there is some ongoing intent to harm someone. The team must take precautions to protect potential victims, including warning victims and taking appropriate actions to supervise the student. An attempt should be made to resolve any apparent problem or conflict underlying the threat. Disciplinary measures are applied as appropriate to the circumstances, after safety measures have been successful. A threat to hit, assault, or beat up someone is termed "serious," whereas a threat to kill, rape, use a weapon, or severely injure someone is termed "very serious." Serious threats are resolved at this step, but very serious threats require a safety evaluation.

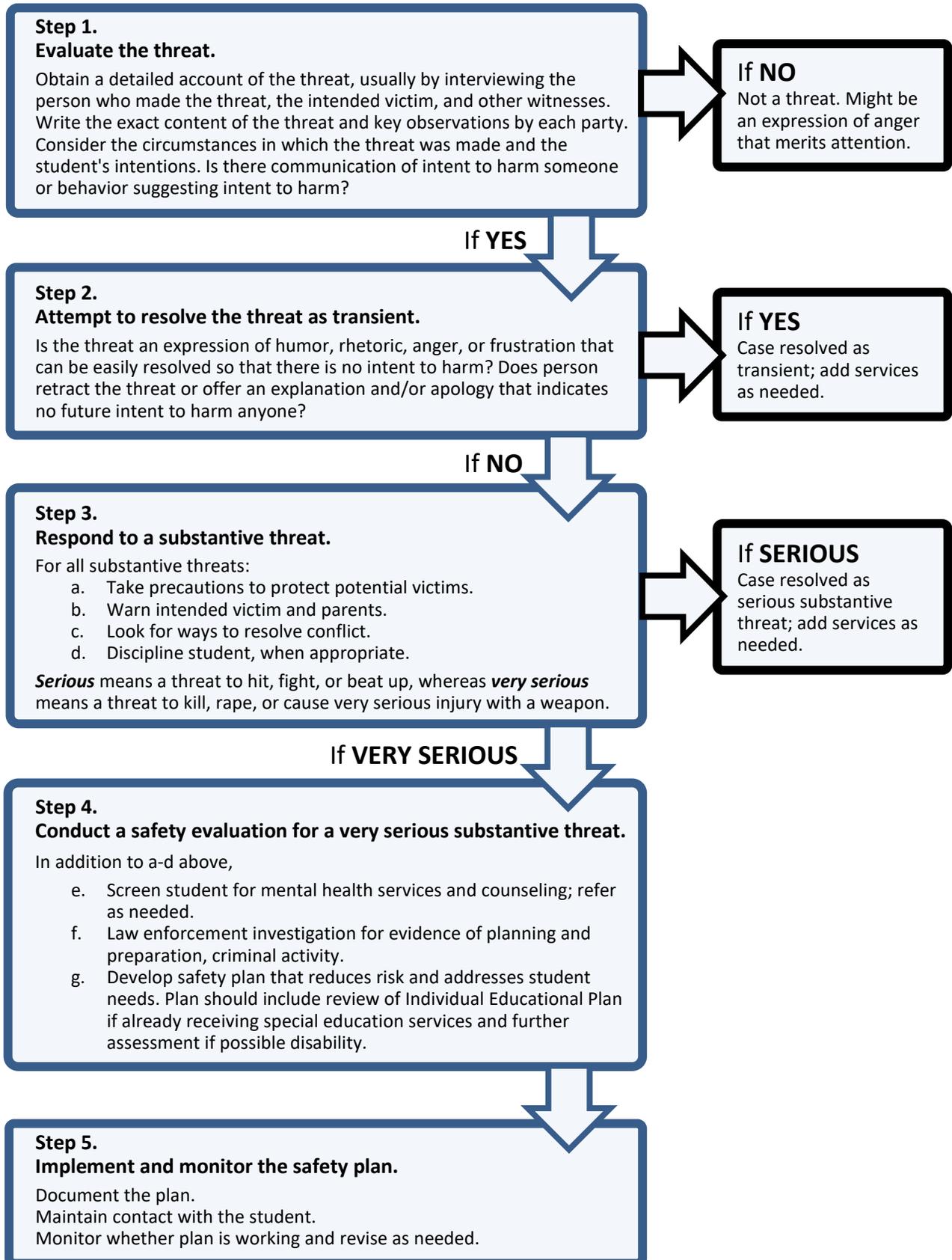
Step 4: Conduct a safety evaluation for a very serious substantive threat.

Very serious threats require immediate protective action, including contact with law enforcement, followed by a comprehensive safety evaluation. The safety evaluation typically includes both a law enforcement investigation conducted by the school resource officer and a mental health assessment conducted by a school mental health professional. The mental health assessment is designed to determine referral and support needs and to identify the subject's reasons for the threat. Based on both law enforcement and mental health input, the team develops a safety plan that is designed both to reduce the risk of violence and respond to the student's needs for services or support. The safety plan should include a review of the student's Individual Educational Plan, if the student is already receiving special education services or a referral for special education evaluation or "child find" procedures if a disability is suspected.

Step 5: Implement and monitor the safety plan.

The threat assessment team implements the safety plan and maintains contact with the student to monitor the plan's effectiveness. The plan and follow-up actions are documented. The plan is revised as needed.

School Threat Assessment Decision Tree



Threats Posed by Students

1. If imminent danger is present, the school administrator or a school staff member will call 911 immediately.
2. If the identity of the person posing or making the threat is known, school staff may request a Psychiatric Emergency Response Team (PERT) be dispatched.
3. All threats or concerning behavior will be reported to a school site administrator. In all cases the school administrator will attempt to get a written account from the student who made or posed a threat and any witnesses.
4. The school administrator will follow the five-step decision-making process described above from the **Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence**.

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

5. 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.
6. The school administrator will, as part of the school's investigation, determine if a search of the student's possessions is appropriate. Parental consent and/or notification is not required. Start by asking the student's permission. If the student refuses, the search must be supported by reasonable suspicion that a school rule or law has been violated and that the search will uncover evidence of that violation.
 - 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? Reasonableness may be determined by school policies, consent, or exigent circumstances.
 - Is the search not "excessively intrusive" in light of the student's age, sex, and the nature of the infraction?
 - The scope of the search is limited to the evidence sought.
 - If the school administrator determines a search is appropriate, the administrator may access electronic device information only under the following circumstances as specified in Penal Code Section 1546.1:

- Pursuant to a warrant, wiretap order, order for electronic reader records, subpoena, or order for a pen register or trap and trace device or both.
 - With the specific consent of the authorized possessor of the device.
 - If a school official, in good faith, believes that an emergency involving danger or death or serious physical injury to any person requires access to the electronic device information.
7. 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 a juvenile service officer (JSO) to participate as a member of the threat assessment team. If a JSO is not immediately available, another officer may be dispatched for immediate assistance, however a JSO will be assigned as a member of the threat assessment team as soon as possible.
 8. The site threat assessment team conducts a comprehensive safety evaluation. The student may be suspended pending the completion of the evaluation. Expulsion may also be recommended. It is important to note that threat assessment is separate and distinct from discipline. Disciplinary consequences for threats are appropriate if the behavior is sufficiently disruptive and/or violates school rules and education code.
 9. The site administrator will summarize the evaluation and threat management plan in a Safety Evaluation Report.
 10. The site administrator will act as case coordinator for all students who have a threat management plan. The site administrator will convene the site threat assessment team monthly to review student progress and modify threat management plans as needed. Modifications will be documented as addendums to the Safety Evaluation Report.
 11. 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.
 12. 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 and Mental Health Assessment Report as a part of this contact.

Threats Posed by Adults or Unidentified Parties

1. If imminent danger is present, school staff will call 911 immediately and notify an administrator.
2. In all other instances, the school administrator will contact the law enforcement agency's dispatch number to report the threat or concerning behavior.

3. The school administrator will report the threat or concerning behavior to the district office.
4. In cases in which it is unclear whether the person poses a threat to the school, the district will consider engaging the services of a threat assessment professional.

Characterizing Threats in Public Communications

Schools will avoid characterizing articulated 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.”

Communications should only come from the highest-ranking individual in the school (**i.e., PIO or Superintendent**).

Communicating with Victims

School administrators should communicate with a student or staff member that was threatened by a student attending the same school. This communication should include whether a safety plan was put into place and when the student who made the threat is expected to return to campus. Ensuring timely communication with the victim will assist in alleviating safety concerns. Additionally, it is important to acknowledge the impact a threat can have on an individual’s physical and emotional well-being.

III. LAW ENFORCEMENT RESPONSE

Recommendations for Law Enforcement

The law enforcement response to targeted school violence is a matter of concern being faced by 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 and detectives from within a variety of units throughout the various police agencies within San Diego County.

This protocol should be considered as a best practices approach to complement an agency's existing procedures. Law enforcement agencies have different resources which may limit the applicability of certain parts of the protocol. However, every law enforcement agency should approach targeted school violence as a victim centered crime and investigate through this lens.

Targeted School Violence 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. Much like a Domestic Violence investigation, an investigation into targeted school violence should be considered an opportunity to identify risks, behaviors, mental health, and potential criminal conduct in an effort to respond proactively and hopefully 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 administration of juvenile operations and the investigative follow-up of school related threats should:

1. Become familiar with best practices for threats of targeted school violence, including ***Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence*** by Dr. Dewey Cornell, the ***Safe School Initiative Findings*** by the United States Secret Service and United States Department of Education (2004 & 2008), the National Threat Assessment Center studies including ***Enhancing School Safety Using a Threat Assessment Model, Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence, and Averting Targeted School Violence***, and the Federal

Bureau of Investigation's Behavioral Analysis Unit's ***Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks*** (see attachment 11 for a list of resources).

2. Participate in outreach to raise awareness and education in the community about threats of targeted school violence.
3. Participate in preventative efforts by raising awareness for parents, students, and members of the community about bullying and cyberbullying. One of the underlying goals of this protocol is to maintain a handle with care approach whenever possible. The hope is to provide the lowest amount of intervention at the earliest possible level to help keep a juvenile on the right path rather than creating a path directly into the juvenile justice system.
4. Have a process in place to ensure that patrol or juvenile services 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 Patrol Addendum***)
 - The plan should consider the number of different methods where reporting might occur such as a citizen contact, radio call, LECC tip, other agency referral, or crime stoppers tip.
 - The plan should also consider night and day reporting.
5. Have an identified 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 Investigative Addendum***)
6. Submit criminal cases for review or prosecution as appropriate after a thorough case-by-case analysis.
7. Have a process in place for emergency mental health assessments. These assessments should be consistent with the requirements of WIC 5150 (adult subject) and WIC 5585.50 (juvenile subject). Additionally, guidance should be included for the addition of credible third-party information as outlined in WIC 5150.05. They should include:
 - In progress field assessments where officers or detectives are evaluating an identified subject. This should include guidelines for:
 - WIC 5150 or 5585.5 evaluations, documentation, and transport by officers.
 - A plan for enhanced support for a mental health evaluation with regards to a subject who may be a danger to others, a danger to themselves, or gravely disabled as a result of a mental health condition. An example of this support would be the Psychiatric Emergency Response Team ("PERT") (see attachment 8).

- A follow-up referral process 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 (for example, a PERT referral which will allow for potential follow up later with a clinician).
 - Agencies should have a procedure in place for the detention and transport of a person who meets the probable cause standard for WIC 5150 and 5585.5. This should include transports to non-LPS facilities such as San Diego County Psychiatric Hospital, ESU, LPS Hospitals, and free-standing mental health facilities.
 - Agencies should have a procedure for the documentation of an involuntary mental health detention and transport to include the *Application For Up To 72 Hour Detention, And Crisis Intervention, Or Placement For Evaluation And Treatment* which includes information on the officers and/or PERT clinicians:
 - Probable cause documentation
 - Credible third-party information (WIC 5150.05)
 - Checking the box whether weapons were recovered
 - Checking the box on whether there is an officer or detective to be notified upon release from a hospital. The law enforcement contact should be available 7/24 to ensure notification is possible.
 - When it comes to probable cause and the documentation of credible third-party information, all relevant information that would help a doctor or other medical assessment professional determine WIC 5150 or 5585.5 criteria might not fit on the Application for Detention.
 - Agencies should have a procedure in place to outline expectations for the sharing of additional information. This could include related reports, photographs, text messages, social media posts, and the possession of, confiscation of, or access to dangerous weapons.
 - It is important to keep in mind that doctors might be limited in their capacity to seek out additional information when making an assessment which means their decisions could be based entirely on the information provided.
8. Have a process for the notification of potential victims that were threatened so they can make efforts to ensure their own safety. These should include:
- Individual department policies and procedures regarding law enforcement-initiated notifications.
 - Agencies should have an identifiable process for responding to and documenting Tarasoff warnings. These involve a psychotherapist's duty to protect a potential victim when they become aware of a *serious threat of harm to a reasonably identifiable victim*.

- This reporting may be initiated by a PERT clinician or another mental health provider that meets this criteria.
 - A Tarasoff may also be reported by an immediate family member such as a parent who may be aware of the threat (see *Ewing v. Goldstein* (2004) 120 Ca.App.4th 807).
 - Agencies should also have a process to ensure that they make applicable DOJ notifications consistent with current mental health weapons prohibitions. Tarasoff specifically holds a five-year prohibition with regard to the purchase, possession, or ownership of a firearm.
9. Have a process for requesting Gun Violence Restraining Orders (GVRO) with the assistance of the San Diego City Attorney's Office, or other agency counsel, as appropriate. Although there are a number of prohibitions that exist with regard to dangerous weapons, law enforcement should not assume, without documentation, that these restrictions are in place. A GVRO is a useful tool that may be used regardless of whether a restriction is in place.
 10. If the threat investigation involves schools after hours, law enforcement should utilize the *school emergency contact application* to help locate school personnel who can assist with information.
 11. If the investigation occurs during school hours, administrators should be reminded to notify the County Board of Education ensuring the information is cross reported.
 12. Participate in ongoing training and education in the field of targeted school violence.
 13. Achieve consistency and uniformity when possible in case investigation, handling, and resolution.
 14. Ensure that public safety as well as rehabilitative diversion efforts are considered in all cases brought to the attention of a police department.

IV. PROSECUTION RESPONSE

Recommendations for Prosecution

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

1. Become familiar with best practices for threats of targeted school violence including; ***Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence*** by Dr. Dewey Cornell, the ***Safe School Initiative Findings*** by the United States Secret Service and United States Department of Education (2004 & 2008), the National Threat Assessment Center studies including ***Enhancing School Safety Using a Threat Assessment Model***, ***Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence***, and ***Averting Targeted School Violence***, and the Federal Bureau of Investigation's Behavioral Analysis Unit's ***Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks*** (see attachment 11 for a list of resources).
2. Participate in outreach to raise awareness and education in the community about threats of targeted school violence.
3. Participate in preventative efforts by raising awareness for parents, students, and members of the community about bullying and cyberbullying. One of the underlying goals of this protocol is to maintain a handle with care approach whenever possible. The hope is to provide the lowest amount of intervention at the earliest possible level to help keep a juvenile on the right path rather than creating a path directly into the juvenile justice system.
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 which afford strong community intervention to address the harm to the victims as well as the community at large.
6. Provide referrals to appropriate local community services (i.e., Alternatives to Detention Program, wrap services) to assist in rehabilitating a minor and reduce the risk of future harm to the community.
7. Utilize the Psychiatric Emergency Response Team (PERT) on appropriate cases where there appears to be a need for a mental health assessment. This will include:
 - Emergency interventions that may need to be accessed through 911.
 - Non-emergency cases through the PERT law enforcement referral process.

8. When evaluating an individual who makes or poses a threat to school safety, prosecutors will comprehensively review the following; school records (including attendance, academic, disciplinary, school site based threat assessment team paperwork, any existing Individualized Education Program, cumulative file), criminal history, psychological evaluations, mental health issues including expressed suicidal or homicidal ideation, prior WIC 5150/5585.50 detentions or holds, access to firearms (including those registered to parents/guardians/adults residing in the same home or made available at a relative's home), any fixation with weapons as evidenced on social media sites, electronic devices, written documents such as journals and drawings, and any articulated grievances or known losses the individual has experienced.
9. Ensure the School Threat Assessment Team (STAT) worksheet is completed by the responding law enforcement agency and submitted to STAT for follow-up as requested by the District Attorney's Office.
10. Convene STAT on appropriate cases and consult with experts as needed to develop a plan to ensure proper interventions are provided and available services are identified.
11. In every filed case, request a threat assessment psychological evaluation from a qualified evaluator, namely a clinical and/or forensic psychologist with expertise in threat assessment and management. Additionally, the evaluator should have experience with juveniles and be familiar with the juvenile justice system.
12. Review the threat assessment 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.
13. In filed cases, request stay away orders from all known victims as well as school sites that were threatened at the first court appearance. Consider "no negative contact" orders when a current student who made or posed a threat is allowed by the school administration to return to the campus in question pending resolution of the matter.
14. In all filed cases where threats are made over social media or using an electronic device, request the Court prohibit all social media access and restrict all internet access and use of electronic devices at the first court appearance.
15. Ensure the responding law enforcement agency has requested a Gun Violence Restraining Order (GVRO) with the assistance of the San Diego City Attorney's Office, or other agency counsel, as appropriate. See Penal Code sections 18100-18205 (**see attachment 4**).
16. Ensure in all prosecuted cases where a person is alleged to have committed a PC 422, is subsequently adjudged a ward pursuant to WIC 602, and admits or is true found of PC 422, that the Court admonishes 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.

17. 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.App.5th 864).
18. Request restitution for schools that experienced a financial loss as a result of a threat of targeted violence.
19. Acknowledge the legitimacy of the victim's fears and recognize that threats of violence on school property can indeed be the precursor of a significant violent incident. Refer victims to District Attorney Victim Advocates as needed.
20. Should a threat be referred to STAT regarding an adult offender, the juvenile branch of the District Attorney's Office will coordinate with the appropriate assigned Deputy District Attorney.
21. Participate in ongoing training and education in the field of targeted school violence.
22. Achieve consistency and uniformity when possible in case issuance, handling, and resolution.
23. 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 & 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 for his or her immediate family's safety.
- ii. Case law has defined these elements (see In re George T. (2004) 33 Cal.4th 620 and People v. Melhado (1998) 60 Cal.App.4th 1529).
- iii. 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.

- iv.** Case law has helped define these terms of “unconditional” and “immediate”. 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 have held 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) 60 Cal. App.4th 1529).
- v.** 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 and In re A.G. (2020) 58 Cal.App.5th 647).
- vi.** "Sustained" fear was defined in People v. Allen (1995) 33 Cal.App.4th 1149, 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
 - How soon after learning of the threat did they come forward
 - Who did they tell
 - 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
- (see also In re Ricky T. (2001) 87 Cal.App.4th 1132 and People v. Solis (2001) 90 Cal.App.4th 1002).
- vii.** 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.).
- viii.** People v. Teal (1998) 61 Cal.App.4th 277, held that P.C.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, 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.

- ix. In some cases where victims recant fear or deny being afraid, in spite of circumstances which suggest they would have reason to be fearful, there is the ability to prosecute the threatener with attempting to make a criminal threat (PC 664/422). (People v. Chandler (2014) 60 Cal.4th 508).
- x. Prosecutors should proceed with caution when threatening language is included in a form of artistic expression such as a poem or song lyrics. In re George T. (2004) 33 Cal.4th 620 held that the text of a poem, when considered in light of the surrounding circumstances, was not as unconditional, immediate, and specific as to convey a gravity of purpose and immediate prospect of executing the threat.

Penal Code Section 71

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

(a) 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 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.

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:

(a) Every person who, with 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.

(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 communication device, is guilty of a misdemeanor.

Penal Code Section 148.1

Penal Code section 148.1 defines the crime of a false report of an explosive bomb as:

(a) Any person who reports to any peace officer...news reporter... television station...occupants of 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...

(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...

Penal Code Section 148.5

Penal Code section 148.5 defines the crime of making a false police report as:

(a) Every person who reports to any peace officer...that a felony or misdemeanor has been committed knowing the report to be false, is guilty of a misdemeanor.

This code section should be considered for individuals who falsely accuse someone of making a threat of targeted school violence, including instances of “swatting”. Swatting occurs when an individual deceives emergency services into sending a police or emergency response to a specific location by falsely reporting the presence of a bomb, an individual armed with a weapon, a hostage situation, or the presence of a homicidal or suicidal person.

School Threat Assessment Team (Stat)

The School Threat Assessment Team (STAT) is comprised of members of law enforcement, deputy district attorneys, mental health professionals, and the San Diego County Office of Education, who will convene to review and evaluate any threat of targeted school violence. The purpose of the review is to assess the risk presented and recommend appropriate treatment options of the individual. Prior to convening STAT, law enforcement will complete the Threat Assessment Worksheet when requested by the District Attorney’s Office (***see Attachment 5***).

V. PROBATION RESPONSE

Upon a youth being adjudged a ward and placed on formal probation supervision, the casework 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.

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 incentives and sanction model to monitor the youth's behavior, with community safety, as well as the youth's 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.

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.

ATTACHMENT 1

Law Enforcement Patrol Addendum

LAW ENFORCEMENT PATROL ADDENDUM

When dispatching patrol officers or school resource officers to an incident involving a school threat, agencies may consider:

1. The method of dispatch. Is there an immediate risk to public safety or is this something less imminent?
 - 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.
 - 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 appropriate.
 - 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 watch commander who will be responsible for managing the initial response and ensuring the notification of the appropriate investigative unit(s).
 - Though the need for an on-scene supervisor might not be necessary in all investigations or responses, when present a supervisor can afford officers the opportunity to focus on the investigation. The supervisor can assist with rapid development of personnel and safety needs as well as oversight on what are sometimes fast moving and complex events.
3. In the event that another agency has jurisdiction within your city limits, such as San Diego Unified School District Police, there should be a process in place to notify them.
4. 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:
 - Contact the school administrator (e.g., Principal, Dean of Students, etc.) to assess the threat and determine what actions the school has initiated and any evidence that has been obtained. Where possible, they should consider whether the threat posed is criminal, a result of an articulable mental health concern, or some combination of both factors.
5. Determine if a weapon was involved in the threat.

6. Determine whether this is a potential imminent threat requiring a lock-down, student evacuations, building searches, etc.
 - Officers should look for the presence of any evidence that the threat might be false or that might indicate that the threat is an instance of “spoofing” or “swatting.”
7. Obtain witness statements from school staff, students, parents, and any other witnesses that might have relevant information.
8. Identify whether the suspect is known and is present in the school, is detained, or is outstanding. If the suspect is known, officers should attempt to get a school information printout regarding the suspect, their address, phone numbers, parent contacts, and the names of any friends they might be with or who could help locate the subject.
 - In addition to those who might be helpful contacts, officers should consider whether there are any known students or staff with whom this subject might hold a grievance.
 - Contact information should be gathered for any potential victims to assist in their location and/or notification for safety interventions.
9. 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, including usernames and vanity names where indicated.
10. Officers should consider whether early notification of investigative personnel would be helpful. If so:
 - Officers should notify their supervisor of the need for additional support.
 - The field supervisor will notify the proper investigative unit or on-call investigative supervisor.
11. Prepare a crime report if the elements of 422 PC, 653M, 148.1 PC or any other crime 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.
 - Threat investigations can be complex, take time, and can include information from a number of different sources. Documentation of actions is a crucial step in helping define patterns of dangerous behavior. For those charged with the longer-term threat assessment component of these cases, it is often these disparate bits of documentation or information that can help provide the context regarding who makes a threat and who poses a threat.

- It is important to continue to assess whether mental health concerns might also be a relevant factor in these instances such as a history of depression, suicidal thoughts, expressed statements of suicide, etc. It is possible that an incident might meet the elements of a crime, or they could fall short of a crime but in either event still meet a need for a mental health intervention. This could include:
 - An adult assessment prior to a jail transport for the completion of a mental health detentions supplemental referral to provide input to detentions staff on how to most appropriately house the person.
 - An assessment that leads to a connection to resources for the subject to address a mental health concern but that leaves the subject in the community with a safety plan and support.
 - An assessment that leads to the identification of probable cause that a subject is a danger to self, a danger to others, or is gravely disabled as a result of a mental health condition and in need of an involuntary transport to a mental health facility for further evaluation pursuant to WIC 5150/5585.50.

12. In the event that there are mental health considerations present, officers should consider separating the criminal investigation portion of the investigation from the mental health evaluation in accordance with their department procedures.

13. In the event of a felony criminal investigation, strong consideration should be given to keep the officers assigned to support any mental health intervention out of the investigative responsibilities for the criminal portion. Mental health interventions, though an important part of a comprehensive process, should not conflict with the criminal investigation and due process.

- Mental health assessments should take place after a scene is rendered safe and after law enforcement has been able to manage any needs with regard to crimes that might have occurred.

14. Juveniles often need to find other means in order to obtain a firearm. Officers should run any adults connected with the case who might provide a juvenile access to firearms to determine firearm registration. Note that juveniles may reside in more than one household (i.e., separated/divorced parents or with extended family members, friends, or adult siblings).

15. Ask for parental consent to search the residence for firearms. If firearms are registered to an occupant of the house the juvenile resides in, ask for consent to do an “eyes on” check of the firearm to ensure it is properly secured. Document how the weapon is stored with photographs or with BWC. If a firearm is not properly secured, educate the registered owner how to properly secure it and/or offer to voluntarily remove the firearm from the residence for a temporary period of time.

- Officers and detectives should follow their current departmental procedures regarding any search related questions.
- 16.** When preparing the probable cause declaration for booking of a minor into juvenile hall, ensure the gravity of the offense including specific threats and numbers of persons affected is articulated in the declaration.
- Due to the probation department recently changing the criteria of who will be booked into juvenile hall, it is important to include as many details as possible about the incident. This includes access to weapons, proficiency with weapons, prior law enforcement contacts, and school disciplinary issues that involve threats or violence.
 - If the minor poses a public safety risk based on the totality of the circumstances, transport the minor to juvenile hall for booking.
 - If the minor presents with a mental health issue at the time of booking, there are mental health services available at juvenile hall. Admitting staff should be notified of any concerns with regards to dangerousness to self or others.
- 17.** If a minor is detained, they should be admonished, and parents should be notified consistent with current policies and procedures regarding juvenile detentions and arrests.
- Where possible, consideration should be given to the possibility of the need for a search of the subject's home, room, vehicle, devices, social media, etc. Consideration should be given to obtaining a search warrant. This determination should be made by a field or investigative supervisor.
- 18.** In the event that a threat subject does not meet the probable cause standard for an arrest, officers should consider conducting a mental health assessment. Though officers have the authority to conduct this assessment on their own, other resources, such as PERT, exist to assist with mental health evaluations whenever possible.
- Officers, detectives, and supervisors throughout the County of San Diego may request that a PERT unit respond to their scene for assistance. This does not have to wait until the investigation is complete. In the event of a negotiation, PERT can provide input on a call that might help facilitate a safe outcome. If the call is "In-progress", the clinician can provide limited support to help determine safe response options.
 - Once safely detained, PERT can provide mental health support whether an individual is transported or not.

19. Decisions and evaluations into the determination of whether to transport a subject for further evaluation as a danger to self, a danger to others, or because of a grave disability should be consistent with WIC 5150, 5585.50 and 5150.05 to include credible third-party information.

- When admitting a subject on an involuntary transport for further evaluation where the subject may be arrested upon release, officers shall check the box on the back of the *Application for up to 72 Hour Detention* form to be notified when the subject is discharged from the treating facility. The listed officer notification should be to a number that can accept that call on nights and weekends as well.
- Officers will check the box on the *Application for up to 72 Hour Detention* if firearms were confiscated pursuant to WIC Section 8102.
- Officers should be prepared to assist with the seizure and impounding of any firearms per WIC 8102.
- Assist as necessary with any identified Tarasoff notifications that might arise during an investigation and assessment. In the event of a Tarasoff notification, officers will complete the appropriate reporting and subsequent DOJ notification.
- When submitting the *Application for up to 72 Hour Detention*, include in the narrative section, and with additional supporting documents, as much relevant information as possible. The doctors and medical staff may not have access to collateral or historical information that can be gathered at the scene if law enforcement does not provide it.
- Officers should consider that a 5150 detainment for evaluation is the start of the process. However, an individual may be released well before a 72 hour period. Officers and school administrators should prepare for the likelihood of the subject's return to the community and the campus.
- Be mindful of the possibility that an individual was not admitted into an inpatient unit, or they were but as a voluntary admission. Under those conditions a firearms prohibition was likely not required. This might also influence the mandatory notification of discharge.
 - Language about firearms restrictions may not be applicable if an involuntary detainment shifts to voluntary, or if the detention does not result in an inpatient psychiatric hospitalization. Officers should consider the use of a Gun Violence Restraining Order as a precaution. Law enforcement should not presume during a mental health detention that a firearms restriction is put into place.

20. In the event that a case is determined to belong to another jurisdiction, officers will ensure that they actually have a contact from that agency to turn over information and will document that contact prior to clearing so that agencies can track this exchange.

- 21.** Upon completion of the booking process, placement on a WIC 5150 (adult), 5585.5 (juvenile) detainment, or the submission of a crime or incident report, an officer should submit a Suspicious Activity Report (SAR) on the San Diego Law Enforcement Coordination Center's (SD-LECC) website.

ATTACHMENT 2

Law Enforcement Investigative Addendum

LAW ENFORCEMENT **INVESTIGATIVE ADDENDUM**

1. When determining what efforts should go into the investigative follow-up by detectives looking into an incident involving targeted school violence, agencies may consider:
 - What unit should have the primary responsibility for the threat? (If it is involving schools, then one possibility is to have it assigned to the area juvenile unit regardless of whether the suspect turns out to be an adult, or a juvenile.)
 - If a school is targeted, the agency responsible for that school will have primary jurisdiction regardless of where the suspect lives.

2. Every effort should be made to get 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 and units in order to write search warrants and conduct priority checks into phone and social media records that might help identify a suspect.

3. Upon being assigned a school threat, the detective will:
 - Review initial reports to confirm whether or not a crime has occurred and whether or not it constitutes a felony.
 - 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.
 - If the case involves a suspect who is a minor, the detective, or detective sergeant, will contact the Juvenile District Attorney's Office to advise them of the nature of the threat investigation so that they can be prepared to assist with warrants and time-sensitive processing concerns.
 - After hours investigations may require contact with the Department's own legal advisor, and/or the on-call District Attorney Liaison for assistance with searches requiring telephonic search warrants.
 - Contact victims and witnesses to confirm that the content in the report is accurate and complete.
 - Contact school staff to determine any relevant discipline or history of issues in the school where a suspect might have been the victim.
 - Conduct computer background checks / criminal history into all victims, witnesses, and suspects. The detective will note any relevant information regarding WIC 5150 holds.
 - Attempt to identify any other friends or family members that might be of assistance in assessing the threat potential.

- Run any potential suspects, their parents, and any known adult family members who reside with the suspect, for firearms.
- Detective should keep in mind that often subjects come from other states that do not have the same 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.
- 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 to any current investigation that might result in additional safety concerns.
- Review any known, open social media postings for content relevant to the case.
 - Go on-line and file a “Preservation Order” with all known social media and cellular providers as soon as possible, preferably before the end of the first day assigned to the case since this can often be time sensitive.
- 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.
- Attempt to interview the suspect. Note that due to WIC 625.6, prior to any custodial interrogation of a suspect 17 years of age or younger, the suspect must be afforded the opportunity to consult with legal counsel. This requirement does not apply if the suspect is not in custody and not subject to interrogation, or exigent circumstances exist.
- Consider the need to seize the suspect’s school backpack, and secure their vehicle, locker, and room at home for any indicators of planning and any indicators of a threat.
- Evaluate and prepare search and seizure warrants for any potential evidence such as a cell phone, notebooks, journals, tablets, flash drives, and computers.
- Note that all search warrants for juveniles should include sealing language and sealing orders.
- If necessary, warrants should include firearms, firearms related equipment, 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.)
 - Prepare any required additional warrants to review electronic devices as required by CalECPA.

- Detectives and supervisors should consider whether they have the legal ability to lock down a residence or vehicle pending the issuance of a search warrant (Because legal authority can vary depending on the circumstances, this determination should be based on input and discussions with their department legal advisor).
- Review social media and electronic devices for content that indicates threat planning, thoughts, preparation, other suspects, conspiratorial actions, or discussions.
 - 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 ICAC and CATCH.
- Ensure that required information is sent to the San Diego City Attorney's Office, or appropriate legal counsel, in an effort to seek a Gun Violence Restraining Order (GVRO) whenever possible.
 - In the event a GVRO is issued and investigators are required to serve the order at a later time, investigators should prepare an Operational Plan consistent with their agency protocols regarding the service of such an order.
- Complete a School Threat Assessment Team (STAT) worksheet with the assistance of the school threat assessment team or reporting school site and submit to STAT when requested by the DDA.
- The detective will submit the completed package to the San Diego County District Attorney's Office with all relevant reports (including the STAT worksheet if requested by the DDA).
 - 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.
- The detective will ensure that a Suspicious Activity Report (SAR) is submitted to the SD-LECC with a summary of findings and a note of which unit handled the investigation.

ATTACHMENT 3

Law Enforcement Investigative Questions Addendum

LAW ENFORCEMENT **INVESTIGATIVE QUESTIONS ADDENDUM**

A threat assessment is not profiling. No checklist, form, assessment, or evaluation will ever be able to fully predict whether someone will commit a future act of violence. However, not paying attention to certain behaviors or prior actions could certainly prove to be detrimental and might very well lead to a retrospective...*why didn't we see that!*

A school threat investigation should consider a number of different factors and the assessment should be based on the totality of the observations made by the assessor.

It is important to remember that even though the number of people who might ultimately become a mass shooter is small, these assessments are still important even when they don't lead to that end. They can still be valuable in helping identify behaviors that can ultimately lead to other problems such as helping to identify a student who is suicidal or might engage in a more limited act of violence such as assaulting another student.

The following is a list of possible questions an investigator or officer might ask in order to obtain relevant background information that can help to assess a person:

Victim Questions:

- Who is the intended or actual victim(s)?
- Is the victim seen as an individual or a representation of the group the subject hates?
- Do you feel you were targeted as an individual, a group, or something you identify/associate with?
- What is their relationship to the suspect?
- How would you characterize the relationship (friends, acquaintances, classmates)?
- How long have you known the suspect?
- How well do you know them?
- What possible grievance might the suspect have with the victim?
- Any prior incidents/cases between the two parties?
- Was a weapon involved or mentioned in the threat?
- Were there direct threats made to the victim?
- Were the threats of death or violence inferred?
- How were the threats communicated? (In Person, Phone, E-Mail, Letter, Etc.)
- If communicated through a third party, is the suspect aware of the relationship between the third party and the victim?

- Is the victim involved in something controversial?
- Does the victim have a history as a suspect?

School Administrative Questions:

- How are their grades? Attendance?
- What is their school / class schedule?
- Is this student a recent transfer?
- What is their discipline history?
- Do you have a copy of the cumulative file?
- Does student have an IEP or 501(c) plan? (which may trigger the need to establish PC 26)
- Any other service providers that assist with this student?
- Are there administrators / teachers with a background on this student?
- Does the student follow school rules? Are they respectful to staff?
- Are there any school disciplinary issues regarding the offending student as the aggressor?
- Are there any school disciplinary issues regarding the offending student as the subject of bullying or physical violence?
- How truthful have you found them to be during prior encounters?
- Do they demonstrate remorse or empathy appropriately? How?
- Do they seem to know the difference between right and wrong? How? (Ensure PC 26 is completed for any juvenile under the age of 14. Due to WIC 625.6 which changed the Miranda rights for all individuals under that age of 18, do not establish PC 26 with a juvenile if they are in custody and subject to interrogation. Establish PC 26 through a parent, guardian, or school employee with sufficient knowledge of the juvenile)
- Have you searched anyone? What did you find?
- Do you have any witness statements?
- Do you have any evidence?
- Does the student have any aberrant behaviors, interests, or hobbies?
- Do you have any social media names, passwords, or accounts for the student?

Criminal History Questions:

- Is the suspect known, or believed to be a user of alcohol?
- Is the suspect known, or believed to be a user of narcotics/drugs?

- Does the suspect have a history of violent crimes?
 - Violence at Home
 - Violence at School
 - Violence at Work
 - Violence Directed at Public Figures
 - Hostile/aggressive opinions or commentary expressed on social media
- Does the suspect have a history of aggressive, explosive, or assaultive behavior?
- Does the suspect have a history of problems with authority figures?
- Does the suspect have a history of targeted violence? (Harassing, Menacing, Protective Orders, Stalking)
- Does the suspect have a history of trauma?
- Have you checked with CPS for prior history?
- Any known fixations?
- Would describe subject as lonely or isolated?
- Does the suspect have any history of a violation of protective/restraining order?

Crime Evaluation / 422 PC Questions:

- How was the threat communicated?
- What did it say?
- Do you believe it was directed at you? Why?
 - If not you, who?
- Are you afraid of this person?
- What caused you to come forward?
- Who did you tell/who told you/how did learn of threat?
- How soon after heard/learned of threat did you tell?
- Have you experienced any form of retaliation as a result of reporting it?
- Is this interfering with your ability to participate in class?
- Is it interfering with your sleep?
- Has the threat left you feeling anxious?
- Have you sought, or considered a restraining order?
- Has this caused you to not come to school, or consider not coming to school?
- Have you altered your routine?

- Have you changed schools as a result of fear?
- How long have you felt this way?

(*consider interviewing the victim's parent/guardian to show any change in behavior to establish sustained fear following the threat)

Mental Health Questions:

- Is there a history of mental health problems?
- Any history of suicidal or homicidal ideations?
- Any history of cutting, self-harm?
- Any prior suicide attempts? Documented?
- Are they currently under a doctor's care?
- Are they currently receiving mental health services?
 - If so, have you asked for the provider names and contact information?
- Who was their most recent doctor when they were under care?
- Are they taking any prescription medication(s)? If so, what?
- Are they taking any other medications? If so, what medication(s)?
- Are they medication compliant?
- Is there any history of animal abuse?
- Is there any history of fire starting?
- Any history of psychiatric hospitalizations?
- Any family history of mental health issues or hospitalizations?

Fraternal Orders / Affiliations:

- Do they belong to any organizations?
- Do they frequent websites with any violent extremists?
- Any symbols on property (notebooks, backpacks, room, etc.) of known hate groups?
- Any family members belong to such organizations?
- Is there evidence of affiliation with groups known to be connected to violence?
- Is there any indication of connection to "fringe" groups?
- Is there any observable interest in "fringe" groups or organizations?
- Are they a documented street gang member or associate?

Weapons Questions:

- Do they own any firearms? If so, what?
- Do they have access to firearms? (Who, where?)
 - If firearms in the home, how are they secured (eyes on check as well as running all occupants of home including adult siblings for guns registered to them. Note significant county increase in “ghost guns”)
- Is hunting / shooting-sports-enthusiast a hobby of the family?
- Is there evidence of stockpiling or preparation?
- Is there any evidence of weapons modification?
- Have they ever experimented with explosives? To what extent?
- Is there any evidence they are making explosives?
- Do they possess any non-firearm weapons? (Type, number, collections, etc.)
- Do they have a history of carrying weapons?
- Do they have a fascination with weapons and killing?
- Do they have a fascination with the military? Which branch, why?
- Is there any on-line evidence of searches for weapons, manufacturing, and use?
- Is there any indication of use of weapons to train for killing or harming?
- Have they fired a gun before (been to gun range, practiced with parent/relative)?

Relationship / Employment / Life Circumstances:

- Are they currently in a relationship? With whom?
- How has their relationship been? Any issues or concerns?
- Have they suffered any recent breakups?
- How is family life? Are mother and father present? If not, who cares for subject?
- Any recent stressors? (relationship / peer, financial, divorces, death, illness, legal issues for family members, etc.)
- Where do they live?
- Does suspect have any social support?
- What social groups or networks do they have?
 - How do these help them, or harm them?

- Is the subject employed? Where? How many hours a week?
 - Who is their supervisor?
 - Any history of employment issues / concerns?
 - How long have they been employed? Are they productive?
- Previous employment history? Reason for leaving?
- Have there been any changes in life routine?
- Have they been in any kind of significant accident? Any head injury?
- Has there been any recent type of loss? (Status, Friendship, Job, Family Member)
- Has there been any significant failure? (Job, School)
- Has there been any significant rejection? (College, Job, Relationships)
- Do they have any grievances or resentment you are aware of? (Employment, Economic, Family, Government, School, Person)

Suspect Questions:

- Tell me what happened?
- Did you make the threats?
- Why would someone think you did?
 - Do you have a problem with that person? What / Why?
- If you made the threats, can you tell me why?
- What did you think would happen when you made the comments?
 - What did you intend to happen?
 - How does that make you feel?
 - Did you think that would cause fear in the person who heard it?
 - If no, why not?
 - What would / could you do differently?
 - Would you be willing to write an apology letter?
 - If someone said that to you, how would you feel?
- Did you do anything or say anything that might have been misperceived?
- What would it take to forgive the person you are angry with?
- What are you grateful for?
- Do you have anyone in your life that you trust?
- Do you have a support system?

ATTACHMENT 4

Gun Violence Restraining Order (GVRO)

GUN VIOLENCE RESTRAINING ORDER (GVRO)

A Gun Violence Restraining Order (GVRO) is a civil restraining order which prohibits a named person from possessing, purchasing, controlling, receiving, or taking custody of firearms, ammunition, and magazines.

There are two ways of obtaining a GVRO. The first way is through the filing of a temporary emergency GVRO. This type of GVRO can only be obtained by a law enforcement officer and is accomplished by filling out a one-page EPO-002, which can be found online through the San Diego Superior Court website or the State Judicial Counsel's website. A law enforcement officer seeking a temporary emergency GVRO can telephonically obtain an EPO-002 at any time day or night. Law enforcement officers must be able to articulate an immediate and present danger to obtain a temporary emergency GVRO. A temporary emergency GVRO expires 21 days after issuance. After obtaining the order from the court, the EPO-002 must be personally served on the respondent. The officer is then required to report the served order to the DOJ then file the order with the court within 3 days.

The second way to obtain a GVRO is by filing an ex parte GVRO. An ex parte GVRO can be filed by a law enforcement officer or agency, an immediate family member, employer, co-worker, employee, or teacher. The ex parte GVRO filing documents can be found online through the San Diego Superior Court website or the State Judicial Counsel's website. A law enforcement officer seeking an ex parte GVRO must be able to articulate a significant danger in the near future.

After obtaining a temporary emergency GVRO or an ex parte GVRO, law enforcement officers must personally serve the respondent prior to 5 days before the hearing and subsequently attend the GVRO hearing (or have legal representation for the officer appear) that is set no more than 21 days after the temporary emergency GVRO or ex parte GVRO is issued. If the court grants the Permanent GVRO After Hearing, law enforcement must again personally serve the respondent with the Permanent Order only if the respondent is not served in court. The Permanent GVRO After Hearing prohibits the respondent for a renewable period ranging from one to five years. Law enforcement may continually seek to renew the order as long as the respondent remains dangerous.

If a respondent possesses firearms or ammunition in violation of the order, it may constitute a criminal violation of Penal Code section 18205 and/or Penal Code section 166.

ATTACHMENT 5

School Threat Assessment Team (STAT) Sheet



SAN DIEGO COUNTY SCHOOL THREAT ASSESSMENT

SCHOOL THREAT ASSESSMENT TEAM (STAT)

THREAT ASSESSMENT SHEET

Law Enforcement Agency: _____

LE Case #: _____

Name of LE Detective: _____

Date of Offense: _____

Detective's phone #: _____

Law Enforcement Case report(s) attached: Yes No

Suspect's Name: _____ aka: _____

Race: _____ Age: _____ Ht: _____ Wt: _____ Hair: _____ Eyes: _____

DL# _____ SSN: _____

Residence Address: _____ Tel#: _____

Who the Suspect Lives with: _____

Suspect's Vehicle: (Year) _____ (Make) _____ (Model) _____

Style: (2dr/4dr) _____ Color: _____ Vehicle Lic #: _____ State: _____

Co-participants/suspects: _____

Suspect's relationship to victim:

<input type="checkbox"/> parents	<input type="checkbox"/> Unknown person
<input type="checkbox"/> dating relationship	<input type="checkbox"/> former dating relationship
<input type="checkbox"/> friend	<input type="checkbox"/> acquaintance
<input type="checkbox"/> school official	<input type="checkbox"/> relative
<input type="checkbox"/> teacher	<input type="checkbox"/> classmate
	<input type="checkbox"/> other

Victim's Name: _____ DOB: _____

Residence Address: _____ Tel#: _____

Name of School: _____ Tel#: _____

INCIDENT: (Do not leave blank. Write either NA, None, or Unk).

Date of Incident: _____

Location of Incident: _____

How reported: _____

1. FACTS OF THE INCIDENT:

2. VEILED / SPECIFIC THREATS OF VIOLENCE:

3. HOW THE THREAT WAS CONVEYED:

4. WAS VICTIM IN SUSTAINED FEAR:

5. WHO WAS AWARE OR SAW / HEARD THE THREATS:

6. ACTS OF VIOLENCE AGAINST VICTIM:

7. FITS OF RAGE, DISPLAYS OF ANGER, EMOTIONAL OUTBURSTS BY SUSPECT:

8. HISTORY OF VIOLENCE:

Documented history (criminal history – see attached)

Undocumented history

9. ANNOYING / THREATENING TELEPHONE CALLS:

10. SCHOOL SUSPECT IS CURRENTLY ATTENDING:

Name: _____ Date attended: _____

Address: _____

11. PRIOR SCHOOL ATTENDED:

Name: _____ Date attended: _____

Address: _____

Name: _____ Date attended: _____

Address: _____

12. SCHOOL DISCIPLINARY HISTORY:

Records Attached:

YES

NO

13. CURRENTLY SUSPENDED OR EXPELLED DUE TO THREATENING CONDUCT:

YES

NO

14. SCHOOL SAFETY PLAN IN PLACE:

___ YES

___ NO

___ UNKNOWN

15. UNSOLICITED AND/OR THREATENING CORRESPONDENCE:

16. PROTECTIVE ORDER: ___ YES ___ NO DESCRIBE VIOLATIONS:

17. SUBSTANCE ABUSE PROBLEMS:

18. ACTS OF VANDALISM:

19. FASCINATION WITH WEAPONS (guns, knives, photos, blogs, manuscripts):

20. FIREARMS – OWNERSHIP OR ACCESS TO WEAPONS- TRIPS TO GUN RANGE
(If registered, write reg.):

21. THREATS OF SUICIDE OR MURDER / SUICIDE:

22. PRIOR 5150 HOLDS / DIAGNOSIS / MEDICATIONS:

23. ANY KNOWN GRIEVANCES AGAINST TARGETED VICTIM OR LOCATION:

24. RECENT TRIGGERING EVENTS (illness, death, break up, bullying, etc.):

25. ANY KNOWN PLANS / STEPS MADE TO CARRY OUT THREAT (articulated plan, giving away possessions, acquiring items to carry out threat):

26. CHANGE IN BEHAVIOR AT SCHOOL:

27. CHANGE IN ATTENDANCE AT SCHOOL:

28. ARE PARENTS COOPERATIVE:

- YES
- NO

29. OTHER INFORMATION:



SAN DIEGO COUNTY SCHOOL THREAT ASSESSMENT

SCHOOL THREAT ASSESSMENT TEAM (STAT)

RECOMMENDATION SHEET

MINOR'S NAME & DOB:

LE Agency:

LE Case #:

Date:

LECC #:

CO-MINOR(S):

Team members present (name & agency):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Recommendations:

Follow Up:

ATTACHMENT 6

Mental Health Evaluations and Threats

MENTAL HEALTH EVALUATIONS AND THREATS

When evaluating a series of behaviors or events that might include dangerousness, to others or to an individual, there are times where arrest is neither possible nor the most appropriate action. Under the California Welfare and Institutions Code, there exists section 5150. This allows for police, or a licensed and approved mental health clinician to determine upon probable cause that a person presents a danger to themselves, a danger to others, or is gravely disabled (unable to provide for food, clothing, and shelter), as a result of a mental health condition. In the event that probable cause exists, officers may transport this person to a designated mental health facility for further evaluation.

This provides a powerful tool when responding to threat investigations since it creates an opportunity to really slow things down and allow for a more methodical, educated assessment of risk and dangerousness at the moment. It does not provide for an assessment of the persons' future threat potential.

The mental health evaluation completed is not a forensic evaluation. The evaluator is required to follow relevant privacy laws (*see Attachment 7*) and can generally only communicate with others with the individual's written consent. The mental health evaluation may result in an inpatient psychiatric hospitalization. It may result in the individual being discharged back to the community.

The path to a successful intervention is often one of collaboration and no single discipline in this instance, whether that be law enforcement, the schools, or behavioral health can do that alone. Each brings different skills, capacity, and even blind spots to an evaluative process. Integration with other partners toward a collaborative approach is not only encouraged, it is largely considered a best practice.

Though the list of mental health laws that might come into play at various times is expansive, the following are three of the primary laws used as framework for the purposes of this protocol:

WIC 5150.

Dangerous or gravely disabled person; taking into custody; procedures:

- (a) When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services.

- (b) When determining if a person should be taken into custody pursuant to subdivision (a), the individual making that determination shall apply the provisions of Section 5150.05 and shall not be limited to consideration of the danger of imminent harm.

WIC 5585.50.

Custody and placement of a minor in facility.

- (a) When any minor, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled and authorization for voluntary treatment is not available, a peace officer, a member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the minor into custody and place him or her in a facility designated by the county and approved by the State Department of Health Care Services, as a facility for 72-hour treatment and evaluation of minors. The facility shall make every effort to notify the minor's parent or legal guardian as soon as possible, after the minor is detained.

WIC 5150.05.

Determination of probable cause to take person into custody or cause person to be taken into custody.

- (a) When determining if probable cause exists to take a person into custody, or cause a person to be taking into custody, pursuant to Section 5150, any person who is authorized to take that person, or cause that person to be taken, into custody pursuant to that section shall consider available relevant information about the historical course of the person's mental disorder, if the authorized person determines that the information has a reasonable bearing on the determination as to whether the person is a danger to others, to himself or herself, or is gravely disabled as a result of the mental disorder.
- (b) For purposes of this section, "information about the historical course of the person's mental disorder" includes evidence presented by the person who has provided or is providing mental health or related support services to the person subject to a determination described in subdivision (a), evidence presented by one or more members of the family of that person, and evidence presented by the person subject to a determination described in subdivision (a) or anyone designated by that person.
- (c) If the probable cause in subdivision (a) is based on the statement of a person other than the one authorized to take the person into custody pursuant to Section 5150, a member of the attending staff, or a professional person, the person making the statement shall be liable in civil action for intentionally giving any statement that he or she knows to be false.

ATTACHMENT 7

Confidentiality, Safety, & Mental Health Laws

CONFIDENTIALITY, SAFETY, & MENTAL HEALTH LAWS

Uses and Disclosures to Avert a Serious Threat to Health or Safety

SUMMARY OF PERMITTED DISCLOSURES REGARDING SAFETY

- 1. SCHOOLS:** FERPA – An Educational Agency or Institution can disclose personally identifiable information from education records germane to health and safety emergencies.
- 2. SCHOOLS & HEALTH CARE PROVIDERS:** 45 CFR 164.512(j) – Permits a covered entity to use or disclose Protected Health Information (PHI) if disclosure is necessary to lessen a serious and imminent threat to the health or safety of a person or the public.
- 3. HEALTH CARE PROVIDERS:** HIPAA – Through 45 CFR 164.512(j), disclosure and/or exchange of information, including PHI, is permitted if a good faith belief exists that the disclosure was necessary to lessen a serious and imminent threat to the health or safety of a person or the public.
- 4. HEALTH CARE PROVIDERS:** CMIA – Multiple California Civil Codes and Welfare and Institution Codes permits the disclosure and exchange of information, including PHI, to prevent/lessen a serious and imminent threat to the health or safety of a person or the public.

Examples: WIC § 5150 (adults), WIC § 5585.50 (minors), CIV § 56.10(c)(19).

- 5. SCHOOLS & HEALTH CARE PROVIDERS:** *Risk Management Considerations* - Disclosing/exchanging sensitive information, to prevent/lessen a serious and imminent threat to the health or safety of a person or the public, may lessen vulnerabilities to risk management issues for the discloser/exchanger.

Examples: lack of due diligence, negligent intervention, professional malpractice, civil litigation (personal injury, wrongful death).

SECTIONS:

- 1. SCHOOLS**
Family Educational Rights and Privacy Act (FERPA) & Safety
- 2. SCHOOLS & HEALTH CARE PROVIDERS**
Code of Federal Regulations & Safety – 45 CFR 164.512(j)
- 3. HEALTH CARE PROVIDERS**
Health Insurance Portability and Accountability Act (HIPAA) & Safety
- 4. HEALTH CARE PROVIDERS**
Confidentiality of Medical Information Act (CMIA) & Safety

1. SCHOOLS:

Family Educational Rights and Privacy Act (FERPA) & Safety

34 CFR PART 99 – FAMILY EDUCATIONAL RIGHTS AND PRIVACY

Subpart D—May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

§99.36 What conditions apply to disclosure of information in health and safety emergencies?

(a) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties, including parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) Nothing in this Act or this part shall prevent an educational agency or institution from—

(1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

(2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

(3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c) In making a determination under paragraph (a) of this section, an educational agency or institution may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of

the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the Department will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.

2. SCHOOLS & HEALTH CARE PROVIDERS:

Code of Federal Regulations & Safety – 45 CFR 164.512(J)

Permits disclosure/exchange of information germane to a safety issue, including PHI (Protected Health Information).

45 CFR 164.512(j) Standard: Uses and disclosures to avert a serious threat to health or safety.

(1) Permitted disclosures. A covered entity may, consistent with applicable law and standards of ethical conduct, use or disclose protected health information, if the covered entity, in good faith, believes the use or disclosure:

(i)(A) Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and **(B)** Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.

3. HEALTH CARE PROVIDERS:

Health Insurance Portability and Accountability Act (HIPAA) & Safety

45 CFR 164.512(j) permits the disclosure/exchange of information with regards to HIPAA, to include Protected Health Information. Information gathered through a threat assessment that was conducted by a covered entity may be disclosed, if a good faith belief exists that the disclosure was necessary to lessen a serious and imminent threat to the health or safety of a person or the public.

4. HEALTH CARE PROVIDERS:

Confidentiality of Medical Information Act (CMIA) & Safety

- Regarding psychotherapists and disclosing client information and/or PHI to prevent/lessen a serious and imminent threat, see the below Cal. Civ. Codes, and **WIC § 5150** (adults) and **WIC § 5585.5** (minors) and their 72-hour involuntary psychiatric holds.
- **Cal. Civ. Code 56.10(c)(19)** is similar to the HIPAA provision cited above. It permits disclosures by a psychotherapist (defined under **Evid. Code 1010**) if the psychotherapist believes, in good faith, that the disclosure is necessary to prevent/lessen a serious and imminent threat to the health or safety of a reasonably foreseeable victim/victims and the disclosure is made to a person/persons reasonably able to prevent/lessen the threat, including the target of the threat. This provision is helpful for the reasons cited below in the HIPAA context.
- **Cal. Civ. Code 56.104**, which requires that the requestor of information submits to the patient and to the provider a written request, that includes certain types of information described under Section **56.104** (e.g., a statement that the information will only be used for specific purposes). **56.104** only applies to information that “relates to the patient’s participation in outpatient treatment with a psychotherapist.” A risk/threat assessment is not considered “treatment” and therefore does not require a submission of a written request for information. The definitions section of this chapter of the Civil Code does not define treatment. However, any reasonable definition of “treatment” would not include a risk/threat assessment for purposes of evaluating whether the individual presents a threat to a person or to the public.

ATTACHMENT 8

**Psychiatric Emergency Response Team (PERT)
Addendum**

PSYCHIATRIC EMERGENCY RESPONSE TEAM (PERT) ADDENDUM

The Psychiatric Emergency Response Team (PERT) is a Community Research Foundation (CRF) program that works as a collaborative effort that also includes the County Office of Behavioral Health Services and Law Enforcement. PERT is a resource that may be accessed at virtually any stage of the evaluative process by parents, friends, educators, counselors, and law enforcement.

PERT is an integrated resource that responds with law enforcement and can assist with the evaluation of a person in a mental health crisis to determine and recommend the appropriate community resources. A PERT unit consists of a law enforcement officer and a PERT Clinician. All clinicians are licensed mental health professionals that undergo a significant background investigation and PERT specific training.

PERT responds to emergency and non-emergency requests initiated through calls to police dispatch. They do not respond independent of law enforcement but are there to assist with an evaluation of a person who may present behaviors of dangerousness or grave disability as defined by section 5150 of the Welfare and Institutions Code. PERT can assist if a person is transported to a hospital for further evaluation. If a person is not transported, a clinician can provide referral resources of providers. PERT may assist with safety planning.

ACCESSING PERT:

- 1. School Initiated:** When school staff encounter a student who they believe might present a danger to themselves, a danger to others, or who appears gravely disabled as a result of a mental health condition, they may make a request for a PERT evaluation through police dispatch.
 - a.** In emergencies the call should be made through 911.
 - i.** Schools should have in place pre-existing safety measures to ensure staff and student safety until law enforcement or PERT units arrive.
 - ii.** Schools should understand that in an emergency request, law enforcement will assume the primary contact role until any safety issues have been addressed.
 - iii.** Once safety has been established, officers will evaluate next steps. In the event that behavior constitutes a criminal act, the investigation of that may take precedence over mental health considerations.
 - iv.** Once safety and investigative considerations have been met, a PERT clinician may conduct an assessment.
 - b.** In non-emergency situations schools should request PERT through the non-emergency police dispatch line.

- i.** Schools should have in place pre-existing safety measures to ensure staff and student safety until units arrive.
 - 1.** Schools should call as soon as they believe an assessment may be necessary as they work within a limited daytime window and there is a possibility of a delayed response for non-emergency calls.
 - 2.** Schools should have a safety plan in place for addressing student concerns when a response might come after the conclusion of a school day.
- ii.** Schools should have in place a plan for who makes the call to dispatch, who stays with the student, and how information will be communicated.
- iii.** A PERT unit may be requested but in the event they are not available, a regular law enforcement unit may be dispatched. In this event,
 - 1.** Law enforcement might request PERT from a neighboring area.
 - 2.** School staff can request law enforcement evaluate for a PERT referral in the event they do not transport.
- iv.** School staff who have specific information regarding the student to be assessed should remain available for input during the gathering of collateral information that may be of assistance with the assessment. In the event that they are not,
 - 1.** Schools should have a contact name cell phone number for anyone with information about what has occurred.
 - 2.** Schools should consider written statements in the event the person with information will be unavailable.
- v.** When conducting an in school assessment, PERT will evaluate the student and review all available collateral information to included credible third party information as defined in section 5150.05 WIC. Outcomes from an assessment may vary but can include:
 - 1.** An assessment prior to a jail or juvenile hall transport for the completion of a mental health detentions supplemental referral to provide input to detentions staff on how to most appropriately house the person.
 - 2.** An assessment that leads to a connection to resources for the subject to address a mental health concern but that leaves the subject in the community with a safety plan and support.

3. An assessment that leads to the identification of probable cause that a subject is a danger to self, a danger to others, or is gravely disabled as a result of a mental health condition and in need of an involuntary transport to a mental health facility for further evaluation.
 - vi. Though collaboration is a key component to good decision making, school staff and administrative personnel will not be allowed to sit in the room with a student during a PERT assessment.
 - vii. Transportation of a subject by a PERT unit will be in accordance with the law enforcement agencies policies and procedures.
 - viii. Schools should be aware that PERT will not be able to follow-up to provide information regarding the outcome of any transport for further evaluation. If a student is transported and admitted to a behavioral health facility, PERT will similarly not be able to provide that information or details regarding an anticipated length of stay or release.
 1. Schools should have in place a plan to address a student who after an evaluation, or transport to a detention facility, is released and could be available to return to school. Considerations might include:
 - a. Is suspension or expulsion in the best interest of the school's ongoing safety concerns or would this be better managed through a return to school with effective safety planning and conditions?
 - b. Quality of collaborative efforts with parents and the student to address concerns.
 - c. The requirement of an independent assessment through a person forensically trained to evaluate ongoing threat potential.
2. **Law Enforcement Initiated:** Officers responding to a report of a school threat should follow their department policies and procedures regarding their response expectations. Considerations for response may also be found in this protocol under the Law Enforcement Patrol Addendum.
 - a. Once safety considerations have been met, law enforcement may consider the need for a PERT unit to assist with a mental health assessment of an individual.
 - b. In an instance where a PERT unit is not available in that area, officers can request that dispatchers seek assistance from nearby commands or jurisdictions.
 - c. If the event also involves a criminal investigation, officers should make efforts to keep the investigative role separate from the mental health part of the process wherever possible.

- i. Due process and privacy considerations should be a deliberate and ongoing part of this process.
 - ii. The officer assigned to the PERT unit should not be the officer assigned to any criminal investigation of a school threat.
- d. When conducting an in school assessment, PERT will evaluate the student and review available collateral information to include credible third party information as defined in section 5150.05 WIC. Outcomes from an assessment may vary but can include:
 - 1. An assessment prior to a jail or Juvenile Hall transport for the completion of a mental health detentions supplemental referral to provide input to detentions staff on how to most appropriately house the person.
 - 2. An assessment that leads to a connection to resources for the subject to address a mental health concern but that leaves the subject in the community with a safety plan and support.
 - 3. An assessment that leads to the identification of probable cause that a subject is a danger to self, a danger to others, or is gravely disabled as a result of a mental health condition and in need of an involuntary transport to a mental health facility for further evaluation.
- ii. Though collaboration is a key component to good decision making, school staff and administrative personnel will not be allowed to sit in the room with a student during a PERT assessment.
- iii. Transportation of a subject by a PERT unit will be in accordance with the law enforcement agencies policies and procedures.
- iv. Schools should be aware that PERT will not be able to follow-up to provide information regarding the outcome of any transport for further evaluation. If a student is transported and admitted to a behavioral health facility, PERT will similarly not be able to provide that information or details regarding an anticipated length of stay or release.
 - 1. Schools should have in place a plan to address a student who after an evaluation, or transport to a detention facility, is released and could be available to return to school. Considerations might include:
 - a. Is suspension or expulsion in the best interest of the school's ongoing safety concerns or would this be better managed through a return to school with effective safety planning and conditions?

ATTACHMENT 9

Behavioral Health Services

BEHAVIORAL HEALTH SERVICES

Note: The Psychiatric Emergency Response Team (PERT) is a County of San Diego Behavioral Health Services contracted program. PERT is presented separately in this Protocol.

The County of San Diego's Behavioral Health Services (BHS) department provides mental health and substance use disorder services. The target population is community members who have Medi-Cal or who have no health insurance and who meet medical necessity criteria set by the State. Clinical treatment services provided via BHS focus on assessment and intervention to address functional impairment. Services are not generally forensic in nature. Most treatment is voluntary.

BHS maintains a continuum of care for youth that includes prevention/early intervention, outpatient treatment services, specialty services, crisis stabilization and inpatient psychiatric services. Outpatient treatment services for youth are largely offered through community-based clinics, some of which offer services on school campuses.

Individuals can access information about services by calling the Access & Crisis Line (ACL) at 888-724-7240 to connect to care. Licensed clinicians answer calls to the ACL and provide referrals based on demographic and clinical information.

In addition to the clinical services described above, BHS has a mental health program, Treatment and Evaluation Resource Management (TERM), that serves Child Welfare Services and youth involved in the juvenile justice system. In response to escalating school threats in our nation, TERM has added a threat assessment specialty evaluation that can be requested by the Juvenile Court. These evaluations are completed by professionals with expertise in threat assessment; there are ongoing efforts to recruit additional qualified evaluators.

BHS continuously provides and supports educational trainings for select audiences, including the Children's System of Care and TERM providers. Trainings focus on psychological disorders and treatments. Clinically these are relevant to the comprehensive assessment and treatment of individuals who exhibit threatening behaviors/propensities.

ATTACHMENT 10

**Law Enforcement Coordination Center (LECC)
Tips & Leads Unit**

LAW ENFORCEMENT COORDINATION CENTER (LECC) TIPS & LEADS UNIT

School Threat SAR – After the tragic February 14, 2018, high school shooting in Parkland Florida, the San Diego Law Enforcement Coordination Center (SD-LECC) Tips and Leads Unit (TLU) implemented a School Threat Suspicious Activity Reporting (SAR) procedure. This was done in collaboration with local law enforcement agencies and the San Diego County Office of Education. The training for this new procedure is included in both the Basic TLO course as well as the regular outreach training conducted by the SD-LECC TLU and Terrorist Liaison Officer (TLO) units. The school threat reporting process still involves the standard response from the local law enforcement agencies and their respective school related units and services. However, the TLU has requested that a separate School Threat SAR be submitted to the SD-LECC when appropriate. For example, when a student threatens to bring a gun to school and shoot other students. After the School Threat SAR has been submitted, the TLU will conduct a thorough vetting in order to enhance the existing investigation and assist both the school and the law enforcement agency with the best course of action for all the parties involved.

The TLU investigators are a mixture of sworn police investigators from local law enforcement agencies, who are responsible for preliminarily investigating and enhancing the different types of suspicious activity reports (SARs) that come into the unit. **The primary responsibility for investigating school threats lies with the law enforcement agency that has jurisdiction for the school or the involved student.** All incoming SARs are forwarded to the TLU investigators work phones/computers and acknowledged by a member of the team as soon as possible in the event immediate action is necessary. SARs are classified into two major categories: SAR and School Threat SAR. The categories are further broken down by submission type; submitted by Law Enforcement or by the Private Sector/Private Citizen (see screenshot of the SD-LECC.org website below).



With respect to School Threat SARs, most of the work for the TLU investigators consists of gathering intelligence and preparing reports. This involves obtaining school records pertaining to the involved minor/adult including a current photograph, biographical information, attendance, grades, and discipline records for the current and previously attended schools. The primary investigating agency should make every effort to obtain the school records of the involved student(s) and attach them to the School Threat SAR submission through the SD-LECC website. The TLU investigator will search through law enforcement data bases, social media platforms, and other data gathering systems.

At the discretion of the TLU investigator, the School Threat SAR may be entered into the eGuardian and/or the Officer Notification System (ONS). The purpose of the ONS entry is to notify both law enforcement and the TLU investigator of additional activity by the school threat actor that may be indicative of further school threat planning or activity.

When a SAR is sent to the TLU, the investigator will examine all the information while searching for behaviors that reflect preoperational planning associated with terrorism or other criminal activity. With respect to School Threat SARs, the TLU member will vet the identified minor/adult and anyone they live/associate with to determine the availability of firearms. A search of Open-Source Intelligence (OSINT) will further enhance the vetting process by providing indicators of motive (e.g., idolizing past school shooters) and mental stability (suicidal/homicidal ideations).

5150 Welfare and Institutions Code / PERT

Sometimes the TLU will receive SAR's that describe actions by a subject which leads the TLU investigator to believe the subject may be a danger to themselves, or a danger to another person (WIC 5150). At other times the TLU receives SAR's that appear to have been sent by a subject who may be a danger to themselves, or a danger to another person, or unable to care for themselves (WIC 5150). In both cases, the TLU investigators will not discount the potential threat or terrorism nexus with these submissions. However, often times a psychological evaluation is the appropriate first step for these individuals and the TLU investigator may initiate a psychological evaluation by submitting a Psychiatric Emergency Response Team (PERT) Evaluation Form to the San Diego County PERT Unit provided the request for assessment hasn't already been initiated by law enforcement or school staff.

How Can L.E. Help the SAR Process?

Fully complete the online form and add attachments including police reports, school discipline records and biographical information on suspect. Attach screenshot and/or copies of social media posted threats and/or photos/posts of weapons.

ATTACHMENT 11

Threat Assessment Resources

THREAT ASSESSMENT RESOURCES

- **Safe School Initiative** (U.S. States Secret Service & U.S. Department of Education):
 - Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates (2002)
 - The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States (2004)
 - Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack (2008)

- **National Threat Assessment Center** (U.S. Department of Homeland Security & U.S. Secret Service):
 - Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence (2018)
 - Protecting America’s Schools: A U.S. Secret Service Analysis of Targeted School Violence (2019)
 - Averting Targeted School Violence: A U.S. Secret Service Analysis of Plots Against Schools (2021)

- Threat Assessment and Management Strategies: Identifying the Howlers and Hunters, Second Edition. Frederick S. Calhoun and Stephen W. Weston (2016)

- Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks, Federal Bureau of Investigation’s Behavioral Analysis Unit (2017)

- International Handbook of Threat Assessment, Second Edition (2021)

- The School Shooter: A Threat Assessment Perspective, National Center for the Analysis of Violent Crime (NCAVC) FBI Academy (1999)

- Best Practice Considerations for Armed Assailant Drills in School, NASP & NASRO Safe and Sound Schools (2021)

***Although not an exhaustive list, the above list includes threat assessment and management resources utilized in the development of the San Diego County School Threat Protocol and are recognized by professionals in the field of threat assessment.**

ATTACHMENT 12

Public Agency Telephone List

PUBLIC AGENCY TELEPHONE LIST

Police Departments

California Highway Patrol	(858) 637-3800
California State University San Marcos Police	(760) 750-4567
Carlsbad Police Department	(760) 931-2100
Chula Vista Police Department	(619) 691-5151
Coronado Police Department	(619) 522-7350
El Cajon Police Department	(619) 579-3311
Escondido Police Department	(760) 839-4722
Federal Bureau of Investigations	(858) 320-1800
Grossmont Community College Police	(619) 644-7654
La Mesa Police Department	(619) 667-1400
National City Police Department	(619) 336-4411
Oceanside Police Department	(760) 435-4900
Palomar Community College Police	(760) 744-1150 (Ext. 2289)
San Diego Community College Police	(619) 388-6405
San Diego County Sheriff's Department	(858) 565-5200
San Diego Harbor Police Department	(619) 686-6272
San Diego Police Department	(619) 531-2000
San Diego State University (SDSU) Police	(619) 594-1991
San Diego Unified School Police	(619) 291-7678
Southwestern Community College Police	(619) 482-6380
University of California San Diego (UCSD) Police	(858) 534-4357
San Diego County Crime Stoppers	(619) 275-8240

District Attorney Offices

Hall of Justice Main Line	(619) 531-4040
Vista Branch Office	(760) 806-4004
Juvenile Branch Office	(858) 694-4250
El Cajon Branch Office	(619) 441-4588
South Bay Branch Office	(619) 498-5640

Fire Department

San Diego Fire Department	(619) 533-4300
Metro Arson Strike Team	(858) 974-9891

School Districts

Alpine Union School District	(619) 445-3236
Bonsall Unified School District	(760) 631-5200
Borrego Springs Unified School District	(760) 767-5357
Cajon Valley Union School District	(619) 588-3000
Cardiff School District	(760) 632-5890
Carlsbad Unified School District	(760) 331-5000
Chula Vista Elementary School District	(619) 425-9600
Coronado Unified School District	(619) 522-8900
Dehesa School District	(619) 444-2161
Del Mar Union School District	(858) 755-9301
Encinitas Union School District	(760) 944-4300
Escondido Union School District	(760) 432-2400
Escondido Union High School District	(760) 291-3200
Fallbrook Union Elementary School District	(760) 731-5400
Fallbrook Union High School District	(760) 723-6332
Grossmont Union High School District	(619) 644-8000

Jamul-Dulzura Union School District	(619) 669-7700
Julian Union School District	(760) 765-0661
Julian Union High School District	(760) 765-0606 (Press 2)
La Mesa-Spring Valley School District	(619) 668-5700
Lakeside Union School District	(619) 390-2600
Lemon Grove School District	(619) 825-5600
Mountain Empire Unified School District	(619) 473-9022
National School District	(619) 336-7500
Oceanside Unified School District	(760) 966-4000
Poway Unified School District	(858) 521-2800
Ramona Unified School District	(760) 787-2000
Rancho Santa Fe School District	(858) 756-1141
San Diego Unified School District	(619) 725-8000
San Dieguito Union High School District	(760) 753-6491
San Marcos Unified School District	(760) 752-1299
San Pasqual Union School District	(760) 745-4931
San Ysidro School District	(619) 428-4476
Santee School District	(619) 258-2300
Solana Beach School District	(858) 794-7100
South Bay Union School District	(619) 628-1600
Spencer Valley School District	(760) 765-0336
Sweetwater Union High School District	(619) 691-5500
Vallecitos School District	(760) 728-7092
Valley Center-Pauma Unified School District	(760) 749-0464
Vista Unified School District	(760) 726-2170
Warner Unified School District	(760) 782-3517



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