

CHAPTER 18
THREATS AGAINST STATE PUBLIC OFFICIALS
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CHAPTER 18

THREATS AGAINST STATE PUBLIC OFFICIALS

1. GENERAL. Protective Services Division (PSD), Dignitary Protection Section (DPS), Threat Assessment Unit (TAU), is responsible for the investigation of crimes, inappropriate contacts, and threats directed toward California state-elected officers and state officials. A significant aspect of the PSD mission is the responsibility to engage in ongoing threat assessments by gathering information and conducting investigations related to potential threats against the Governor and other state public officials. Continuous collection, analysis, and investigation of threat information is critical to the success of the PSD mission.

2. PURPOSE. The purpose of this chapter is to emphasize the employee's responsibility and legal requirement to report any information related to a crime, inappropriate contact, and criminal or noncriminal threat against a state public official as described in Section 76 of the California Penal Code (PC).

3. POLICY.
 - a. Under the direction of DPS, the TAU is responsible for the collection and analysis of threat information data, investigation of crimes, and management of inappropriate contacts or threats directed towards state public officials as described in Section 76 PC.

 - b. The TAU has primary responsibility to investigate crimes, inappropriate contacts, and threats concerning state public officials as described in Section 76 PC. Any action taken in response to a report of a crime(s), inappropriate contact, or threat directed toward a state public official beyond initial reporting or response to an emergency situation shall be coordinated through the TAU.

 - c. Any CHP employee, upon becoming personally aware of a crime, inappropriate contact, or an actual or perceived threat directed toward a state public official; becoming aware of circumstances that may have an adverse effect upon the safety of such state public official; or receiving information from another law enforcement agency pursuant to Section 76 PC regarding a possible threat directed against such state official, shall ensure the incident is immediately reported to the TAU.

4. GENERAL INFORMATION AND DEFINITIONS.

- a. Section 76 PC makes it a **felony** to knowingly and willingly threaten the life of, or threaten serious bodily harm to, any elected public official, county public defender, county clerk, exempt appointee of the Governor, or judge, or the staff or immediate family of any of the above, with the specific intent that the statement is to be taken as a threat, and there is apparent ability to carry out that threat by any means.
- b. When a law enforcement agency has knowledge of a violation of the section, specifically involving the Governor, a constitutional officer of the state, a member of the legislature, or a member of the judiciary, the law enforcement agency is required to report the information to the CHP.
- c. The following definitions of terms apply to Section 76 PC.
- (1) “**Apparent ability to carry out that threat**” includes the ability to fulfill the threat at some future date if the suspect is incarcerated and has a stated release date.
 - (2) “**Serious bodily harm**” includes serious physical injury or serious traumatic condition.
 - (3) “**Immediate family**” means a spouse, parent, child, or anyone who has regularly resided in the household for the past six months.
 - (4) “**Threat**” means a verbal or written threat or threat implied by a pattern of conduct or a combination of verbal or written statements and conduct made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for their safety or the safety of their immediate family.
 - (5) “**Threats against staff**” must relate directly to the official duties of the staff of the official in order to constitute a public offense.
- d. Circumstances requiring reporting may not always be in the form of an actual verbal or written threat. Situations compromising the safety of state public officials may come in the form of demonstrations, inappropriate contacts, unusual letters, telephone calls, e-mails, social media posts, or evidence of any suspicious acts directed toward the public official or a member of their staff concerning an actual or perceived threat.

5. PROCEDURES.

a. Whenever a member of the Department receives information from a reporting party regarding a crime, inappropriate contact, threat, or circumstances that may have an adverse effect upon the safety of a state public official as described in Section 76 PC, the following minimum information should be obtained.

- (1) Name, address, and telephone number of reporting party.
- (2) Brief nature and description of the crime, inappropriate contact, threat, or suspicious circumstance.
- (3) Name and title of the state public official.

b. Initial information received from a reporting party by telephone should be provided to the appropriate CHP communications center and an officer dispatched as soon as possible to contact the reporting party and begin a preliminary investigation, and/or evaluate the situation. When the reporting party is providing the information in person at an Area office, an officer at the Area office may conduct the preliminary investigation. While conducting a preliminary investigation, the officer should not contact the subject.

c. The office conducting the preliminary investigation or the initial evaluation of the circumstances shall immediately contact the TAU with the preliminary information so that a detailed investigation/threat assessment can be initiated.

- (1) During normal business hours, contact the TAU, at (916) 341-4720.
- (2) After normal business hours, contact the Capitol Communications Center at (916) 445-2895 to notify the on-call investigator.

d. The preliminary investigation **shall be documented on a CHP 216**, Arrest--Investigation Report, and include the following information.

(1) Summary of Facts. A brief chronological account of when, where, how, and by whom the threat was received. Include statements of all reporting parties/witnesses. Identify the public official against whom the threat was directed.

(2) Evidence. Describe and preserve any physical or factual evidence; such as written notes, tape recordings, photographs, etc. Ensure the appropriate seizure and preservation of evidence, with special attention to items that may provide fingerprint identification (e.g., letters, notes, envelopes). If voice mail recordings are available, take steps to obtain a copy of the voice mail message(s).

(3) Recommendation. Indicate that the TAU was contacted. Make a notation that the report is being forwarded for necessary follow-up investigation and will be handled to conclusion by TAU.

e. Reports shall be e-mailed to TAU in PDF format at the following e-mail address: TAU@CHP.CA.GOV. If e-mail is unavailable or impractical, reports may be placed in a secure envelope marked CONFIDENTIAL and forwarded to the TAU, via intra-agency mail, at the following address:

California Highway Patrol
Dignitary Protection Section, Threat Assessment Unit
1801 9th Street
Sacramento, CA 95811