

**TUSCARAWAS COUNTY JOB & FAMILY SERVICES
AGENCY POLICY**

ASSAULT/MENACING BY THE PUBLIC

POLICY

Employees assaulted, menaced or threatened by the public will receive agency administrative support and legal representation by the county prosecutor.

Employees who receive threats toward another individual must notify said individual of those threats.

Ohio Revised Code: 2903.13--Assault

- (A) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.
- (B) No person shall recklessly cause serious physical harm to another or to another's unborn.

Ohio Revised Code 2903.21--Aggravated Menacing

- (A) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.
- (B) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this division, aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree
- (C) As used in this section, "organization" includes an entity that is a governmental employer.

Ohio Revised Code 2903.22--Menacing

- (A) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person's belief that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family, the other person's belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

- (B) Whoever violates this section is guilty of menacing. Except as otherwise provided in this division, menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, a felony of the fourth degree.
- (C) As used in this section, "organization" includes an entity that is a governmental employer.

PROCEDURE

1. Employees assaulted, menaced or threatened, as defined by the above-stated ORC sections, shall immediately complete an Incident Report, JFS 00045, and copy it to the designated parties.
2. Employees who hear a threat, as defined by the above-stated ORC section, toward another person, shall immediately notify that individual, complete a Witness Report, JFS 00045a, and copy it to the designated parties.
3. The Director will file a report with the law enforcement of jurisdiction and/or otherwise notify the proper authorities.
4. Law enforcement will file the report with the county prosecutor.
5. The Director will follow up on the law enforcement filing and the prosecutor's decision for further action.
6. Employees will be represented by the county prosecutor if charges are filed, and are on agency time for hearings related to the incident.



David Haverfield, Director



Effective Date