



WORKPLACE VIOLENCE

**Prevention,
Intervention,
and Recovery**

The information provided in this handbook is for general informational purposes only, and may not be applicable to each employer's specific situation. The information presented here is not intended to set any standards of care, nor is it to be taken as, nor should it replace legal, mental health, and medical advice or counsel. It is not intended to replace or supersede official and organizational laws, rules, regulations, and directives. While training is an important part of a workplace violence prevention program, no guarantee is made that this information will prevent an incident of violence from occurring or provide protection from harm.

Although some of the information contained herein is about legal issues, this handbook is not and should not be treated as legal advice. Due to the ever-changing nature of the law, employers should seek timely legal advice from counsel, based on current law, prior to taking any action based upon this handbook.



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Workplace Violence

Preventing workplace violence is a growing concern in Hawaii. According to the United States Department of Labor and Industrial Relations, workers' compensation claims filed during the past five years included 2,873 claims for injury from violent attacks in the workplace. Within the past eight years, violence was responsible for approximately 12 percent of reported workers' compensation cases.

The United States Department of Justice National Crime Victimization Survey reports that approximately two million assaults and threats of violence occur each year in the workplace. Each year, nearly 1,000 workers are murdered, 1.5 million are physically assaulted, and 51,000 rapes and sexual assaults are reported to occur in the workplace. Furthermore, 6 million workers are threatened and 16 million are subjected to harassment every single workday.

Economic damage to business as a result of workplace violence exceeds \$35 billion dollars per year in the United States. Economic loss to individuals through lost days of work and lost wages totals tens of millions of dollars. We can only speculate what it costs for lost productivity, increased risk of injury, loss of key employees and customers, missed opportunities, as well as job dissatisfaction and damaged relationships.

Public interest and media attention have focused primarily on dramatic but very rare types of violence, such as shootings by disgruntled employees in office buildings. Planners of workplace violence prevention programs face the dual challenge of reducing employees' anxiety about very rare risk factors while focusing their attention on more likely sources of danger. Undue anxiety about the "office gunman" can stand in the way of identifying more significant, but less dramatic, risk factors, such as poorly lit parking lots or gaps in employee training programs. This anxiety can also make it more difficult to cope with one of the most common workplace violence problems – the employee whose language or behavior frightens coworkers.

It is the legal responsibility of the organization and its employees to provide a safe work environment for all workers. All employees are encouraged to bring any unsafe work practices to their manager's attention. Managers are responsible for taking reports seriously and seeing that they are dealt with as high priority. Preventing violence in the workplace involves teamwork. By recognizing the potential warning signals and knowing your organization's policies or procedures for addressing workplace violence, you can reduce the risks. Make a commitment to develop an awareness of potential hazards. If your workplace does not already have policies and procedures for preventing and responding to workplace violence, talk with your manager about how you can work together to address the issue.

In an effort to produce a handbook on developing and implementing a workplace violence prevention program, a multi-disciplinary group of committed individuals experienced in workplace violence prevention and intervention was formed. This document is the product of the Hawaii Workplace Violence Working Group Committee.

The Hawaii Revised Statutes, Section 396-6 (a) states that "Employer responsibility: safe place of employment; safety devices and safeguards. Every employer shall furnish to each of the employer's employees employment and a place of employment which are safe as well as free from recognized hazards. No employer shall require or direct or permit or suffer any employee to go or be in any employment or place of employment which is not free from recognized hazards that are causing or likely to cause death or serious physical harm to employees or which does not comply with occupational safety and health standards, rules, regulations, citations, or orders made pursuant to this chapter except for the specific purpose of abating said hazard."

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Purpose of Handbook

This handbook was developed by the Hawaii State Department of the Attorney General, and funded by the Fund for Victims of Violent Crimes in Hawaii, Hawaii Community Foundation. The handbook is the result of the cooperative efforts of many individuals from both government and private sectors sharing their expertise in preventing and dealing with workplace violence. It is intended to assist those who are responsible for establishing workplace violence prevention, intervention, and response initiatives within their organizations. However, we anticipate that its usefulness will extend well beyond the planning phase since much of the information can be helpful for managers and others as they deal with difficult workplace violence situations.

Workplace violence can encompass a broad range of events. This handbook will focus primarily on the specific issue of coworker violence and similar situations such as violence committed by contract hires, sub-contractors and others who have a legitimate relationship to the workplace in which a violent event occurs. This handbook is intended to be used as a general guide and does not propose to be a definitive work that addresses all the variables that exist in different workplaces. It is sincerely hoped that the information provided will help both employers and employees in Hawaii in their efforts to create workplaces where the risk of violence is minimal.

What is Workplace Violence?

According to the National Institute for Occupational Safety and Health (NIOSH), workplace violence is any physical assault, threatening behavior or verbal abuse, occurring in the work setting. It includes, but is not limited to beatings, stabbings, suicides, shootings, rapes, near suicides, psychological traumas such as threats, obscene phone calls, an intimidating presence, and harassment of any nature such as being followed, sworn at or shouted at.

This guide is intended to help organizations design and implement an effective policy to protect workers against workplace violence. In this regard, the guide seeks to address workplace violence as physical assaults, property damage, or any act or conduct that makes a worker feel scared, threatened, or worried for his or her physical safety or the physical safety of another, including acts or displays of violence, threats of violence, intimidation, harassment, bullying, damage to property, and other inappropriate or disruptive behavior. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

A workplace is identified as any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, buildings and surrounding perimeters, including the parking lots, field locations, clients' homes, and traveling to and from work assignments.

Categories of Workplace Violence

- **Stranger toward Employee**

Violence is committed by a stranger. There is no known relationship to the worker or workplace. The stranger enters the workplace to commit a robbery or engage in another violent act. Workers may also become victims of a stranger outside the “traditional” workplace but while within the course and scope of their job, such as making a delivery or bank deposit.

- **Customer toward Employee**

Violence is committed by someone who receives a service, such as a current or former customer, client, patient, or passenger. The violence can be committed in the workplace or, as with service providers, outside the “traditional” workplace but while the worker is performing a job-related function.

- **Acquaintance/Relative toward Employee**

Violence is committed by someone who has a personal relationship with a worker, such as a current or former spouse or partner, a relative, or a friend. Included in this category is the attacker who has a personal dispute with a worker and enters the workplace to harass, threaten, injure, or kill.

- **Employee toward Employee**

Violence is committed by a current or former employee, a prospective employee, or a current or former supervisor or manager. Coworker violence that occurs outside the workplace but results from an employment relationship may be included in this category when the conduct affects the employer’s legitimate business interest.

Whose Responsibility?

Employers have both a legal duty and a moral responsibility to provide a safe workplace. To prevent loss of life and injuries and to limit financial losses and potential liability, employers should institute policies and procedures to prevent violence from occurring in their workplaces. These policies may include ways to identify the potential for violence, procedures to prevent the occurrence of violence and, in the event prevention fails and an incident of violence occurs, plans to respond to and mitigate further damage.

Under the General Duty Clause, Section 5 (a) (1) of the Occupational Safety and Health Act (OSHA) of 1970, employers are required to provide their employees with a place of employment that “is free from recognizable hazards that are causing or likely to cause death or serious harm to employees.” This duty includes inspecting the workplace to discover and correct a dangerous condition or hazard in the workplace and to give adequate warning of its existence.

The OSHA General Duty Clause has been interpreted to mean that an employer has a legal requirement to provide a safe workplace. An employer who has experienced acts of workplace violence, or who becomes aware of threats, intimidation or other indicators showing that the potential for violence in the workplace exists or has the potential to exist, would be on notice of risk of workplace violence and may be required to implement a workplace violence prevention program.

Overview

- **Program development**

Part I of the handbook introduces a process for developing an effective workplace violence prevention program. It guides an organization's planners through the basic steps of developing policies, programs, and prevention strategies.

- **Basic technical information**

Part II offers basic technical information on several areas of expertise that may be involved in workplace violence prevention programs. Its purpose is to serve as a reference for planners. While in no way comprehensive enough to serve as a training manual, it may help the planners become more familiar with the technical language, legal constraints, and other special issues that may be involved in developing a workplace violence prevention program.

- **Resources**

Part III is a listing of resources available in Hawaii. This listing is intended to be used as a reference by employers.

- **Case studies**

Part IV presents a set of case studies and practice exercises for the employer to use in analyzing organizational needs, planning programs, and training personnel to respond to workplace violence situations. The case studies introduce a wide range of challenges an organization may face, and they provide discussion points to help develop the most effective approach to these challenges.

- **Appendices**

The appendices have multiple uses. They contain examples, explanatory information, sample forms, and additional resources.

The Importance of Planning

The central theme which emerges from the shared experience of these specialists from different disciplines is this: While many cases of workplace violence can be dealt with swiftly and easily by a manager, the more serious cases can be resolved far more easily and effectively if there is a joint effort which has been planned out in advance. This planning can often be facilitated by specialists from different disciplines.


Be prepared

Many who have never experienced workplace violence say, “I don’t need to worry about this. It would never happen in my workplace.” While it may be true that it is unlikely that a violent incident will occur at a workplace, it is wise to take precautions. Lethal incidents are rare, but they do occur. A little preparation and investment in prevention now could save a life. There is no strategy that works for every situation, but the likelihood of a successful resolution is much greater if preparations have been made ahead of time.

The benefits of a joint effort

Experience has shown that managers are more willing to confront employees who exhibit disruptive and intimidating behavior when they are supported by administrators, policies and practices, and have access to a group of specialists who have done their homework and are prepared to reach out to others when they know a situation is beyond their expertise. This team approach promotes creative solutions and much needed support for the manager in dealing with difficult situations that might otherwise be ignored.

Deal with disruptive situations

Ignoring a situation usually results in an escalation of the problem. Morale and productivity are lowered; effective employees leave the organization. On the other hand, dealing effectively with situations like hostility, intimidation, and disruptive types of conflict creates a more productive workplace. This can have a deterrent effect on anyone contemplating or prone to committing acts of physical violence. Employees will see that there are consequences for their actions and that disruptive behavior is not tolerated in their organization.



PART I

**The Basic Steps of
Program Development**

Program Development

Overview

There are many different approaches organizations can take in developing plans to prevent and respond to workplace violence. An approach that works well in one workplace may not be suitable for another. This section outlines some broad guidelines that can help an organization in:

- Analyzing its current ability to handle potentially violent situations,
- Filling in any skills gaps that exist,
- Developing a procedure for employees to report incidents, and
- Developing response plans and teams.

Forming a Planning Group

Successful organization programs usually begin with the formation of a planning group. The planning group evaluates the organization's current ability to handle violent incidents and recommends ways to strengthen its response capability.

Typically, members of a planning group include representatives from Senior Management, Human Resources, Employee Assistance Program (EAP), Safety, Security, and a psychologist or psychiatrist who is a threat assessment professional. Membership may also include representatives from Health Unit, Medical Department, Office of Equal Employment Opportunity, Public Affairs, Legal Counsel, and other appropriate offices. Smaller organizations may simply involve a group of employees to work with management in this task, or bring in outside professionals to assist them.

While many offices may be represented in the planning group, only a few of them will generally be involved in responding to reported incidents. For example, representatives from Human Resources, EAP, and Security often make up the incident response team. Typically, representatives from the other offices will not be involved in responding directly to incidents, but they will act as consultants to the incident response team or play an active role only in certain types of situations.

Working with Your Union

An organization should involve the union early on in the process of planning a workplace violence prevention program. Both management and the union have a shared concern for the safety and well-being of the employees. Unions are the elected representatives of bargaining-unit employees and are legally entitled to negotiate over many conditions of employment. Although some of the substantive issues relating to workplace violence, including issues concerning internal security, may be outside the duty to bargain or consult, this does not mean that consultation and discussion with the union cannot occur.

Union involvement is particularly appropriate where there are labor-management partnership councils. It is a good practice to involve recognized unions up-front, before decisions are made, so that they can have an opportunity both to express employees' concerns and to bring to bear their expertise and knowledge. For example, the union may be aware of employees who have special skills in conflict resolution or crisis counseling. The union may also be helpful in identifying training needs of employees with regard to workplace violence prevention.

Union involvement demonstrates both the organization's and union's commitment to the success of a workplace violence prevention program.

Steps in the Planning Process

Workplaces should assess their work environment and occupation(s) to determine their particular risk factors and then customize their planning to address those specific risk factors.

Step 1. Analyze the organization's current ability to handle potentially violent situations

Conducting an analysis of the organization's current ability to handle potentially violent situations is a necessary effort. Looking at previous incidents that have occurred at your workplace and evaluating how effectively they were handled is a good way to start. Attention should be given to identifying patterns of risk and potential prevention strategies; for example, where a particular workgroup is having a number of complaints in a given period of time.

Also, reviewing the case studies provided in this handbook and analyzing how they were handled by others can help planning groups determine if they would be prepared to handle similar incidents.

- **Staff expertise**

Because of their different structure, purpose and resources, organizations have different areas of staff expertise. Organizations may have employees who have special skills that could be put to good use in a potentially violent situation, such as employees who are skilled in mediation, conflict resolution, crisis counseling, investigations, or threat assessment. Identifying individuals ahead of time, working with them in the planning stages, and agreeing on a coordinated response effort are effective ways of preparing to handle potentially violent situations should they arise.

- **Level of security and jurisdictional issues**

An important part of the analysis is to examine the current level of security at the organization. Follow the advice of the security office or, if the building is without a security staff, contact local law enforcement, consultants, government agencies, or security companies about recommended basic security measures (See Part III for Resources).

Identifying individuals ahead of time, working with them in the planning stages, and agreeing on a coordinated response effort are effective ways of preparing to handle potentially violent situations should they arise.

Jurisdictional issues are sometimes complicated and must be worked out ahead of time. Work out in advance all jurisdictional issues that may be involved should an emergency occur.

Depending on your location, when you need help you may need to call for security, the local police, the Department of Public Safety, or a Federal law enforcement agency. It would be wise to ensure that everyone knows who to call in an emergency.

Step 2. Fill the skills gaps

Skills deficiencies exist even in large organizations with numerous resources at hand. Training for all employees in basic skills such as prevention concepts, recognizing indicators of potential violence and what to do about them, and who to report concerns to is basic and should be mandatory. In some organizations, specific skills training to deal with potentially and actively violent situations is needed. However, crisis situations occur infrequently and it is often not practical to maintain in-house expertise for every aspect of the organization's response plan.

If this is the case, suggested sources of outside assistance include:

- Government agencies. Government agencies are often able to share expertise, especially when crisis situations occur.
- Local police. Get to know your local police officers. Ask your local police department to have someone speak with your planning group. They may be able to recommend some security measures. They can tell you about jurisdictional issues and what they would do if you called them during an incident. They can talk to employees about personal safety and how to avoid becoming a victim.
- Other community resources. Locate and work with resources in your community. For example, if you don't have immediate access to emergency mental health consultation, you can pre-arrange a consulting relationship with an EAP or a professional who is experienced in threat assessment and management (See Part III for Resources).

Step 3. Develop a procedure for employees to report incidents

The primary consideration in developing a reporting procedure is to make sure that it encourages employees to report all incidents, even minor ones. Some organizations use hotlines where anonymous reports can also be made. Some arrange for a member of the team to take the calls, usually a specialist from Human Resources or Security. Many organizations require employees to report incidents to their manager (or to any manager), who in turn provides an appropriate response, or reports these incidents to Human Resources, Security, or another designated office or person.

Organizations may consider anonymous reporting via mail or phone. While care should be taken to prevent untrue or vindictive reporting from occurring, the mere fact that a complaint is provided anonymously does not mean that it is baseless. Indeed, a reluctance to identify oneself as a complainant may be a strong indication of how afraid the subject employee makes others feel. Employers cannot ignore such complaints and should appropriately follow up on each, either through a full investigation or by taking enhanced steps to encourage employee reports.

Credibility for any reporting system will be dependent upon whether reports are handled quickly and effectively. Word spreads quickly among employees when a report is made and nothing is done, when a report is handled improperly, or when the allegations are not treated confidentially. Therefore, before a reporting procedure is announced to employees, ensure that the staff who will be responding to reported incidents are trained and able to respond appropriately.

Take concerns about potential workplace violence seriously. Employees may not step forward with their concerns if they think that management will minimize these concerns.

Also important to the success of any reporting system is management's encouragement for reporting incidents. Managers must create an environment that shows they will always respond to reports of incidents and to employee concerns.

Incident reports should be reviewed on a periodic basis to provide feedback on the effectiveness of existing intervention strategies and prevention efforts.

Step 4. Develop plans to respond to potential workplace violence incidents

A wide range of incidents and situations can occur at the work site (from disruptive behavior to shootings) and, within that range, a wide variation in threatening and disruptive behaviors. For this reason, while it is vital that there be an appropriate response to inappropriate behavior, there can be a range of responses that are dependent on the totality of circumstances of an event. Some organizations have found it useful to classify incidents in broad categories, for example, emergency/non-emergency, or emergency/threats/bullying/disruptive behavior, or coworker/outsider.

Using these broad categories, organizations can determine who will generally respond to each type of incident and what role they would play in the response effort. Organizations should plan for both immediate responses and long-term responses. For example, in the case of a suicide threat, the plan may state that a mental health professional or an Employee Assistance Program (EAP) counselor determines whether further action is necessary. If the suicide threat seems imminent, the plan may state that the community's emergency services (i.e., suicide prevention hotline, police, or ambulance) are contacted. The plan would also state what management would do if these resources were not immediately available. A management consultant may be able to assist with organizational issues.

To facilitate developing a plan that works for an organization, a series of case studies are provided in Part IV of this handbook.

It will become apparent from reviewing these examples that plans for a coordinated response to reported incidents must be kept flexible. Responsibility for overall coordination and direction is usually assigned to one individual or one office. The coordinator must have the flexibility to use the plan as a guideline, not a mandatory set of procedures. More important, the coordinator must have the flexibility to tailor the recommended response to the particular situation. It is important to recognize that threatening situations often require creative responses. Given this, the importance of flexibility cannot be overemphasized.

One can't always prevent violence because violent incidents are sometimes unpredictable, but one can reduce the risk by planning ahead and being prepared to act swiftly to deal with threats, intimidation, and other disruptive behavior at an early stage.

The case studies highlight the need for backup plans in situations calling for an immediate response where the individual responsible for a certain aspect of the response effort has gone home for the day, is on vacation, or is out of the building at a meeting. Taking a team approach in responding to a potentially violent situation is an ideal way to provide backup coverage. A team approach ensures that all staff who may be called on are thoroughly trained and prepared to work together with the organization to deal with potentially violent situations. It ensures coverage, regardless of which staff is on duty when the incident occurs.

Development of Written Policy Statement

Advantages of Written Policies

An organization should issue a written policy statement when it implements a workplace violence prevention program. Advantages of issuing a written policy statement are:

- It informs employees about what the violence policy covers;
- It informs employees about how to respond to an incident;
- It informs employees that they should report incidents;
- It informs employees about whom to call;
- It clearly defines management's and employees' responsibilities and consequences; and
- It demonstrates the organization's and management's commitment to dealing with reported incidents.

Policy Statement Contents

A workplace violence policy statement should convey that:

- The policy applies to any act or conduct that causes physical harm or property damage, or that makes an employee feel scared, frightened, threatened, worried, or unsafe about his or her physical safety, about the physical safety of another or fearful of property damage;
- The policy covers acts or displays of violence, threats of violence, harassment, intimidation, bullying, damage to property, and other inappropriate or disruptive behavior;
- The policy also applies to incidents involving coworkers and outside individuals who represent potential threats;
- All employees are responsible for maintaining a safe work environment and reporting incidents of workplace violence;
- The organization will respond promptly and appropriately to all reported incidents;
- The organization will act to stop inappropriate behavior; and
- The organization will support all managers and persons involved in responding to or dealing with violent and potentially violent incidents or situations.

Recommended Approaches

Keep it brief

Consider the following recommendations in developing your written policy statement:

A written policy statement should be brief and simple. Implementation details can be provided in training and in more detailed backup documents. For example, roles and responsibilities of management involved in responding to potentially dangerous situations can be outlined in memoranda of understanding or in operating manuals/instructions rather than in the written policy. This approach gives management the flexibility it will need to deal creatively with these fluid, unpredictable situations.

Consider the advantages and disadvantages of using definitions

There are disadvantages to using definitions of terms such as violence, threats, and harassment in your written policy statement.

Definitions can discourage employees from reporting incidents that they do not believe fall within the definition. The reporting system should not deter employees from reporting situations that frighten them. If you want to clarify the scope of your organization's concept of one or more of the terms in the policy, you could use examples. For example, you may want to give examples of verbal and non-verbal intimidating behavior.

There are also advantages to using definitions, as people do need to know what is meant, and definitions can help to clarify terms in your written policy. Lack of clarity can be a problem. However, definitions should not be constituted to be overly precise or restrictive.

Another consideration is that definitions are often restrictive and may create legal problems in the future when you are taking disciplinary actions against the perpetrators of workplace violence. Use of definitions can make it more difficult to defend a case on appeal.

Be cautious with "Zero Tolerance"

Although "Zero Tolerance" is a catchy phrase to describe your approach to workplace violence, organizations must define what it means for their purposes. Does it mean that an employee will be terminated for their first violation or can there be progressive discipline? It is important that disciplinary action is consistent throughout the organization.

However, the term "Zero Tolerance" might appear to eliminate any flexibility an organization has in dealing with difficult situations even if this is not intended. Another undesirable side effect is that the appearance of inflexibility can discourage workers from reporting incidents because they do not want to get their coworker fired — they just want the behavior stopped. This appearance of inflexibility also may discourage early intervention in potentially violent situations.



Consult with legal counsel **Consult an attorney familiar with State and Federal laws in this area who can make appropriate recommendations.**

On the following pages are three examples of written policy statements, which can be tailored in format and tone to meet an organization's particular needs and goals.

SAMPLE POLICY #1

VIOLENCE PREVENTION

Violence Prohibited – We do not tolerate violent or disruptive behavior. All reports of incidents will be taken seriously and dealt with appropriately. Violence includes physically harming another, shoving, pushing, harassment, verbal or physical intimidation, coercion, brandishing weapons, and threats or talk of violence.

Safe Workplace Commitment – We are committed to providing a safe environment for employees, customers, vendors and visitors. In order to provide a safe workplace, the following rules apply:

Property Access – Access to our property is limited to those with a legitimate business interest. All employees and employee vehicles entering the property must display the company identification sticker. All visitors and visitor vehicles must register and display our identification tags while on our property.

Inspections – Desks, lockers, telephones and computers are our property. We have the right to enter or inspect your work area including, but not limited to, desks, lockers, computers and computer storage disks, with or without notice.

Our fax machines, copiers and mail systems, including email, are for business purposes. Personal business should not be conducted through these business systems. Under conditions approved by the management, telephone conversations may be overheard and voice mail messages may be retrieved in the process of monitoring customer service.

Any private conversations overheard or private messages retrieved during such monitoring that constitute a threat against other individuals may result in disciplinary action up to and including termination from employment.

Training Programs – As part of our commitment to prevent workplace violence, we have established training programs for all employees. Training will be included as part of employee orientation. Thereafter, employees are scheduled for annual refresher training during their anniversary month.

Training is mandatory and attendance will be taken. If an employee fails to attend training or make-up sessions, he or she will be subject to disciplinary action up to and including suspension without pay until training is completed.

We encourage all managers, supervisors and employees to enroll in courses to learn more about working with each other. Courses covering communication, problem solving, building effective working relationships, stress management and related or similar course topics may be offered by our training department. Where appropriate, seminars on these topics may be supported by our tuition reimbursement program.

(continued on next page)

Employee Assistance Program – We provide the resources of an employee assistance program (EAP) to all of our full-time or part-time employees. EAP services are offered to these employees and their eligible dependents. While we receive periodic reports on the number and types of visits made to the EAP, we do not receive any information about individual contacts.

You are encouraged to use our EAP whenever you feel the need for guidance in coping with any problems you have. If you have difficulty with the use of drugs or alcohol, the EAP can provide information on treatment.

The EAP is a confidential service to be used when you need help. We have a dedicated phone line to the EAP. Call (number) to receive assistance 24 hours a day.

Violence Prevention Team – We have formed a violence prevention team to create and implement our workplace violence prevention program. The team will also handle the consequences of any incidents of violence we experience, providing assistance to employees and information to the media. The team will take the steps necessary for us to resume business. Employees from all areas of our company work on the team. We believe that a multi-disciplinary approach is best suited to handle workplace violence problems.

The violence prevention team will be comprised of representatives from:

Senior Management • Safety • Security • Risk Management • Human Resources • Supervisors
Public Relations • Employees • Financial Systems

The violence prevention team may consult with appropriate resources, including but not limited to, threat assessment and management professionals, legal counsel, and union representatives.

Reporting Potential Problems – It is everyone's business to prevent violence in the workplace. You can help by reporting what you see in the workplace that could indicate that a coworker is in trouble. Often, you are in a better position than management to know what is happening to those you work with.

You are encouraged to report any incident that may involve a violation of our policies that are designed to provide a comfortable and safe workplace environment. Concerns may be presented to your supervisor, or a designated member of our violence prevention team.

All reports will be investigated promptly and information will be kept confidential, except where there is a need to know in order to resolve the problem, or where management believes that disclosure is necessary for safety reasons.

Workplace Incidents – In the event of a major workplace incident that affects, or has the potential to affect, the mental health of our work force, we may provide initial counseling and support services to you and your immediate family members.

As the crisis passes and support systems are put into place for individuals affected by the incident, we will make every effort to return to normal business operations. A reasonable effort will be made to notify employees, customers, stockholders and others who need to know of the status of our business operations directly whenever possible. In cases where direct contact is not possible or practical, an effort will be made to communicate through the news media and other available resources.

SAMPLE POLICY #2

THREATS, HARASSMENT, OR VIOLENCE AT WORK

XYZ Company believes in encouraging a safe work environment, and will not tolerate verbal or physical intimidation, harassment, or threats of violence toward any employee.

Any employee who believes that the actions or words of another employee (includes subordinates and supervisors), customer, client, vendor, or third party constitute physical harm, property damage, or intimidation, harassment, or a threat of violence should report it as soon as possible to the appropriate supervisor, the Human Resources Director, or any other member of management. All complaints of intimidation, harassment, or threats of violence will be investigated promptly and will be kept confidential to the extent possible. Any employee who is found after appropriate investigation to have engaged in any intimidation, harassment, or threat of violence to another employee will be subject to appropriate disciplinary action, up to and including termination. The Human Resources Director also may direct the employee to possible referral and support groups.

We prohibit retaliation against any employee who has made a good-faith complaint of intimidation, harassment, or threat of violence or who has cooperated with or been a witness during the investigation of such a complaint.

SAMPLE POLICY #3

PRODUCTIVE WORK ENVIRONMENT/ WORKPLACE VIOLENCE

The Company is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, we have adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on our premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the Company without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, religion, sexual orientation or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede if doing so would put yourself at risk.

The Company will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Company may suspend employees, either with or without pay, pending investigation.

Anyone who is found to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including immediate termination of employment.

We encourage employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resource Manager before the situation escalates into potential violence. The Company is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

Prevention

Overview

One major component of any workplace violence program is prevention. The topics in the previous sections, such as program development and union involvement, are important parts of a workplace violence prevention program. This section will focus on additional measures that can be taken to reduce the risk of violent behavior.

Warning Signs of Violence

The first question many people ask when starting to develop a workplace violence prevention program is, “How can we identify potentially violent individuals?” It is understandable that people want to know this — and that “early warning signs” and “profiles” of potentially violent employees are in much of the literature on the subject of workplace violence. It is important to understand, however, that signs and profiles do not predict that violence will occur, rather they merely indicate that there is more of a propensity for violence to occur. The key for employers in violence prevention is to intervene early when these indicators are first recognized.

Indicators of potentially violent behavior

There are limitations in the ability to predict human behavior and there is no one “profile” of a potentially dangerous individual. However, indicators of increased risk of violent behavior are available. These indicators have been identified by the Federal Bureau of Investigation’s National Center for the Analysis of Violent Crime, Profiling and Behavioral Assessment Unit, in its analysis of past incidents of workplace violence. These are some of the indicators:

- Direct or veiled verbal threats of harm, e.g., predicting that bad things are going to happen to a coworker;
- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior (physical or verbal);
- Numerous conflicts with supervisors and other employees;
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or exhibiting a fascination with weapons. A weapon is defined or determined by its actual or intended use;
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence in similar situations or the use of violence to resolve a problem, and statements indicating identification with perpetrators of workplace homicides;
- Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide; and
- Drug/alcohol abuse.

Additional warning signs or “red flags” include:

- Unusual or extreme changes in behaviors;
- History of violent behavior (including post-employment);
- Paranoia and perception that individuals and/or everyone, is “out to get the employee” or is against the employee;
- Inability to take criticism and/or responsibility for own problems. Perceives that others are to blame and may verbalize the desire for revenge against that person(s) or the company;
- Poor impulse control, displays of anger and an escalating propensity to push the limits of normal conduct, with a disregard for the safety of coworkers;
- Any words or conduct that may cause concern that a person may act out in a violent manner; and
- Person with personal life crisis, e.g., work-related circumstances such as termination, disciplinary action, change in job assignments, and perceived loss of status, as well as personal circumstances such as relationship issues, financial challenges, health issues, and family problems.

The more combinations of indicators that an employee may exhibit, the more concerned the supervisor should be in carefully evaluating the situation. Employers should ensure that they are (or an incident response team is) prepared to assist supervisors and other employees in dealing with such situations. Some behaviors require immediate police or security involvement, others constitute actionable misconduct and require disciplinary action, and others indicate an immediate need for referral to an Employee Assistance Program or Threat Assessment and Management Specialist.

Employers and managers should be aware that terminations, reduction in force, and disciplinary actions can trigger an individual who has a propensity for violence. Employers should ensure that these events are well-planned to provide support and to treat employees with dignity and respect.

Training

(Refer to Part III for Resources)

Training is a critical component of any prevention strategy. Training is necessary for employees, supervisors, and the staff members of each office that may be involved in responding to an incident of workplace violence.

Training sessions conducted by internal or external resources, including the Employee Assistance Program, Threat Assessment and Management Specialist, Security personnel or agency, and Human Resources personnel are particularly helpful, enabling employees to get to know experts who can help them when potentially violent situations arise. Employees and supervisors seek assistance at a much earlier stage when they personally know the resources and personnel who can help them. The following are types of training that have proved effective in preventing violence and other threatening behavior.

Providing appropriate training informs employees that management will take threats seriously, encourages employees to report incidents, and demonstrates management's commitment to deal with reported incidents.

Employee training

All employees should know how to report incidents of violent, intimidating, threatening and other disruptive behavior. All employees should also be provided with phone numbers for quick reference during a crisis or an emergency. In addition, workplace violence prevention training for employees may also include topics such as:

- Explanation of the organization's workplace violence policy;
- Examples of workplace violence and encouragement to report incidents;
- Ways of preventing or diffusing volatile situations or aggressive behavior;
- How to deal with hostile persons;
- Managing anger;
- Techniques and skills to resolve conflicts;
- Stress management, relaxation techniques, wellness training;
- Security procedures, e.g., the location and operation of safety devices such as alarm systems;
- Personal security measures; and
- Employer resources that can assist employees in resolving conflicts, e.g., the Employee Assistance Program, the ombudsman, and peer mediators.

Workplace managers should assess their work environment and occupation(s) to determine their particular risk factors and then customize their training to address those specifics. The National Institute for Occupational Safety and Health (NIOSH)'s publication, *Violence in the Workplace: Risk Factors and Prevention Strategies*, discusses clearly identifiable workplace risk factors, such as dealing with the public, and emphasizes that training will be more useful and credible when it addresses risk factors specific to job tasks or locations (See Appendix A). Information can also be obtained through the Hawaii Occupational Safety and Health (HIOSH) Division, State of Hawaii Department of Labor and Industrial Relations.

What to do when a workplace violence incident occurs (employee/supervisor/incident response team training)

A good incident response plan means that there has been a serious position taken by management of the organization to respond appropriately and in a timely manner to a workplace violence event.

In order to properly and swiftly respond to incidents of workplace violence, organizations are responsible for the development of appropriate incident response plans, plan dissemination among the work force and provision of specific training. Training should include elements of the plan specific to workers and work areas within the context of the total emergency response plan, and special training for supervisors and response team members is a requirement. It goes without saying that any plan should be exercised, at the very minimum, as a tabletop exercise. Otherwise, it would be akin to a football team with a playbook playing a game without ever having practiced any plays. Crisis situations tend to be chaotic. A well-developed and exercised plan can minimize chaos.

Training in personal safety should be provided to all employees sufficient to improve their survivability skills in the event of a serious workplace violence incident. When an incident happens, every employee should know what to do.

All members of the organization must understand the plan. There could also be training in human relations issues concentrating on communication style. Assertiveness training, conflict resolution and reflective listening techniques and instruction in the causes of violence in small and large groups could become an important and integral part of an organization's annual training program. Violence drills and simulations may be incorporated into employee safety training programs.

Employee training should include a warning to them that they should not attempt to physically intervene or deal with the situation themselves. It is important that security or the police take charge of any incident that can or does involve physical harm.

Elements of an incident response plan

An incident response plan should be specific and clear to all employees. For smaller organizations, it may be as simple as getting everyone away from danger and calling the police. For larger organizations, it may include the following elements:

- **Take immediate action.**
- **Call police immediately for crimes in progress, violent incidents, or specific threats of imminent violence.** Use organization's security if properly trained and able. Keep a telephone line open to police until they arrive on scene.
- **Notification/warning.**
 - Emergency communication/notification procedures should be clear.
 - Emergency equipment/implements are available and in working order.
 - A second source of communication (code words, etc.) is available.
- **Activate local crisis incident response team or other pre-identified response unit (trauma trained).**
 - Establish command center with clearly identified chain of command. Include police and other emergency responders.
 - Activate telephone teams.
 - Notify proper persons.
 - Document the incident history (may be accomplished by an employee with note-taking skills assigned to the incident response team).
 - Identify witnesses.
 - Must have necessary tools – charged cellular phones, building plans (including “as built” drawings), aerial photographs of the facility.
- **Evacuate building according to plan to safe areas (account for all employees).**
 - Use designated escape routes or optional routes, i.e., establish contingencies.
 - Place barriers between violent persons and employees as possible.
 - Use “safe room” if available and pre-designated (may be part of a “lockdown” plan).
 - Secure work areas as appropriate and possible.
- **Contain incident (from spreading).**
 - Defuse (if situation has not turned violent and if responder is trained and able).
 - Contain (by police, organization's security and incident response team) as possible and appropriate.

- **Attend to life safety issues.**
 - Activate emergency medical services (first responders may be medically trained employees).
 - Attend to victims in need of medical attention.
 - Provide trauma counseling.
- **Attend to media responsibilities.**
 - “Control” media – determine where they can be (a pre-plan should identify spokesperson as the employee responsible for speaking with the media).
- **Activate post-incident response and evaluation.**
 - Provide Critical Incident Stress Debriefing for responders, victims, and witnesses.
 - Conduct Response Debriefing/Evaluation with responders, security, and management.

Supervisory training

In addition to the training suggested above, special attention should be paid to general supervisory training. The same approaches that create a healthy, productive workplace can also help prevent potentially violent situations. It is important that supervisory training include basic leadership skills such as setting clear standards, addressing employee problems promptly, and using the probationary period, performance counseling, discipline, and other management tools conscientiously. These interventions can keep difficult situations from turning into major problems. Supervisors don’t need to be experts on violent behavior; what is needed is a willingness to seek advice from the experts in threat assessment and management.

Some managers have a level of interpersonal skills that require more assistance than that offered by a general class in leadership. In these cases, providing access to a specialist in executive development and coaching may help prevent these managers from inciting violence in a vulnerable employee.

Some organizations include training on workplace violence as part of general supervisory training, some conduct separate training sessions on workplace violence, and some include it in crisis management training. Whichever approach is taken, supervisory training should cover:

- The company policy or statement concerning its stance on workplace violence,
- Ways to encourage employees to report incidents in which they feel threatened for any reason by anyone inside or outside the organization,
- Skills in behaving compassionately and supportively towards employees who report incidents,

- Skills to identify potentially violent behavior and to learn the appropriate interventions,
- Interpersonal communication skills in taking disciplinary actions,
- Basic skills in handling crisis situations and de-escalation techniques,
- Basic emergency procedures,
- For unionized work environments, labor-management issues and company labor relations procedures,
- How to ensure that appropriate screening of pre-employment references has been done, and
- Management coaching that provides feedback to managers whose communication and supervisory style are abusive or disrespectful of employees.

Training sessions conducted by internal or external resources, including the Employee Assistance Program, Threat Assessment and Management Specialist, Security personnel or agency, and Human Resources personnel are particularly helpful, enabling employees to get to know experts who can help them when potentially violent situations arise.

Incident response team training

Employers should identify and train an individual and/or team (preferable) to respond to threats and incidents of violence in the workplace. Teams are generally referred to as “incident response teams” or as “threat management teams” and are typically staffed by the following personnel: human resource specialist, security, representatives from both management and employee groups, union representative, employee assistance provider, threat management specialist, and legal counsel or attorney.

Team members also need to understand enough about each other’s professions to allow them to work together effectively. Response team training should allow discussion of policies, legal constraints, technical vocabulary, and other considerations that each profession brings to the interdisciplinary group. Part II of this handbook is intended to introduce team members to key issues in professions other than their own.

Much of the incident response team training can be accomplished by practicing responses to different scenarios of workplace violence. The case studies in Part IV of this handbook are intended for this purpose. Practice exercises can help the staff understand each other’s responses to various situations so that there is no confusion or misunderstanding during an actual incident. In addition, practice exercises can prepare the staff to conduct the supervisory training suggested above.

Use practice exercises to see how the incident response team would deal with different situations.

The team members also need to consult regularly with other personnel within the organization who may be involved in dealing with potentially violent situations. Those who are consulted on an *ad hoc* basis should receive some appropriate training as well.

Using Alternative Dispute Resolution (ADR) as a Preventive Strategy

Employers should not tolerate interpersonal conflicts between employees which, if left unresolved, can escalate to serious incidents of workplace violence. Some employers use ombudsman programs, facilitation, mediation, and other methods of alternative dispute resolution (ADR) as preventive strategies in their workplace violence programs. ADR approaches often involve a neutral third party who can assist disputing parties in resolving disagreements. ADR is most helpful in workplace violence programs at the point when a problem first surfaces, i.e., before an employee's conduct rises to a level that warrants a disciplinary action. Caution should be exercised in using ADR with employees who may have serious emotional conditions. Whether or not ADR is employed as a violence mitigation strategy is best considered by the organization's threat management team or employee assistance program. Refer to Part III for ADR Resources.

Pre-Employment Strategies

Employers may take a number of steps before hiring that can reduce the risk of workplace violence. These include workplace pre-employment screening and managerial selection techniques.

Screening and Application

The employment application should include applicant's work history, supervisor's name, reason for leaving each position, and contact phone numbers for previous supervisors. It should also advise the applicant that the employer has the right to deny employment, or terminate employment if the applicant is hired, if the employee misrepresents or omits any fact included in the application. The application should require a list of references, and these references should be contacted. The application should also release the company from liability for engaging in a background search, and employers should be careful to comply with any legal requirements.

Pre-employment screening is an important part of workplace violence prevention. It is before a person is hired that the company has the most complete opportunity for avoiding future workplace conflict and potential violence. The organization should establish a regular pre-hire screening process which includes, but is not limited to:

- Professional and personal references;
- Prior employment history;
- Education verification; and
- Skills/personality testing.

It is important that the employer review the process with legal advisors to ensure that the methods employed conform to State and Federal laws. The starting point for any investigation should be a meaningful interview of the applicant in which the applicant is given the opportunity to discuss any history of conflicts at previous positions.

At minimum, the following should be received from all applicants:

- a) a complete written application with an accompanying authorization to conduct an employment verification, and
- b) a signed release of liability for persons participating in the employment verification.

The contents of the application, along with all relevant education and qualification information provided should be verified. Provided references should be interviewed. Likewise, efforts should be made to talk to the person who was the applicant's immediate supervisor for information.

Where the organization does not have the resources to conduct the background investigation in-house, the use of background research firms is a common solution employed by both large and small organizations. Certain notice and consent provisions may apply. The background investigations firm or the organization's legal advisors can explain them. The investigation should certainly seek out information relating to any prior indications of threatening, assaultive, or bullying behavior by the applicant in addition to the normal performance questions naturally of interest to employers.

Hawaii law provides protections to former employers who provide information in good faith in such investigations. Many employers will provide information when provided a copy of the signed authorization and release obtained from the applicant.

It should be stressed that even the smallest employer has the ability to find out useful information simply by fully exploring the information provided on an employment application. Failing to do so may prove to be a costly mistake, both in terms of physical harm and subsequent legal liability.

Special screening precautions should be undertaken in the selection of supervisors and managers. It is important to select managers who have not only the right technical knowledge and experience, but also the appropriate temperament and interpersonal skills. Interview questions and questions asked of references should help to evaluate the management applicants for interpersonal skills, managerial style, and personal skills in managing stress and conflict. Psychological testing for managerial temperament is another alternative available.

***Post-Offer/
Pre-Hiring Strategies***

After a conditional offer of employment, the employer can get authorization to conduct a “criminal history record check” to determine if the applicant has any prior convictions. However, the employer may not refuse employment based on a conviction unless it is related to the position for which the individual has applied and occurred less than ten years ago.

Post-Hiring Strategies

Employers should include personnel policies that advise employees that they do not have a reasonable expectation of privacy in their voice mails, emails, and internet usage, because the systems are company property. The policy should reserve the employer’s full right to review such company property, and to monitor calls and emails accessed on office equipment. Inappropriate use of such company property and/or non-compliance with standards of conduct as addressed in the workplace violence prevention policy should be explained.

**Termination,
Dismissal, and
Reduction-In-Force**

The termination process may be a traumatic event for the employee. Every effort should be made to conduct the termination in a way that respects the dignity of the employee. Employers may provide counseling, EAP services, or job counseling services to employees who are laid-off, dismissed, terminated, or subject to reduction-in-force (RIF). The offering of out-placement assistance may reduce the stress felt by such an employee. Additionally, employers should consider utilizing special measures in circumstances where a violent response is a possibility. While the measures used should be tailored to each employer’s individual circumstance, employers may wish to consider the following:

- In planning for RIFs, employers may choose to retrain supervisors in the company’s workplace violence policy and in general workplace violence awareness. Additionally, the company may choose to train all employees in coping with change.
- Consideration should be given to timing issues. Some dismissals may need to be handled immediately, while others may be planned for a specific day of the week or time of day (for example, beginning or ending of a shift).

- Preserve the employee's dignity. If the employer feels that the employee may pose a threat, alternate arrangements should be made depending upon the level of threat. For example, the employer may arrange to conduct the dismissal off-site or the employee may be escorted by security to retrieve personal belongings.
- Retrieve all equipment, identification cards, keys, access cards, etc., that belong to the organization; cancel the employee's passwords and safe combinations.
- Make termination a statement of fact and not a discussion or debate.
- If the employer feels that a violent reaction is a possibility, the employer should take appropriate precautions. For example, the employer should brief its security department and have them present at the dismissal; or, the employer may need to contact a private security firm or local police for assistance.
- Secure union concurrence and support for termination, if possible.
- Suggest support services to the terminated employee. Support services may include job counseling services, EAP services, or assistance in obtaining unemployment benefits.
- During Termination Meetings:
 - Maintain privacy. Ensure that other employees cannot overhear the conversation; however, as a precaution, the supervisor may choose to arrange for a witness or even two people to be present. As a further precaution, keep emergency and security personnel nearby but out of sight.
 - Understand the parameters of the meeting and stay within them.
 - Put the termination notice in writing.
 - Stick to the matter at hand. Do not debate.
 - Do not heighten tension.
- If the employee poses a threat, have the employee escorted from the building. Have security measures in place so that the employee is not permitted further access to the building.
- Post-termination communications should be future-oriented. For example, ask the employee what he would like future employers told about his employment or where he would like his personal mail sent.
- Change locks, combination codes, passwords, etc., on a regular basis.

- Communicate with all employees in a timely matter regarding downsizing and RIFs, and ensure that employees are aware of the disciplinary consequences of behavior.
- Periodically evaluate the adequacy of the organization's physical security.

After Termination

An employer's responsibility for a potentially violent employee may not end at termination. There have been cases when employers have been held liable for violence committed at a company by a terminated employee.

If a company is concerned about terminating a potentially violent or frightening employee, consultation with internal and external resources is recommended. The need is to plan for strategies during and after termination that would assist in supporting the employee's dignity, monitoring his or her behavior, and managing risk for the company. Resources to develop these strategies include, but are not limited to: security, threat assessment professionals, Employee Assistance Programs, and legal counsel.

Providing the terminated employee with information on their retirement, medical and insurance programs that may need to be addressed can help the employee to feel that he or she is being treated fairly.


Security Measures

Maintaining a physically safe workplace is part of any good prevention program. The most crucial aspect of a physically safe workspace is ensuring that access to specific areas of the workplace is properly controlled. Denying unauthorized access to non-public areas is important for protecting both the organization's property and the safety of its employees, visitors, and customers.

When problems begin developing in areas controlled by the employer, it is important that employees have the means of obtaining assistance.

Employers use a variety of security measures to help ensure safety. These include:

- Employee photo identification badges;
- On-site guard services and/or individually coded card keys for access to buildings and areas within buildings according to individual needs;
- Guard force assistance in registering, badging, and directing visitors in larger facilities;
- Duress alarms, telephones (both wired and wireless), and monitored closed circuit television (CCTV) systems;

- 
- Posted signs prohibiting carrying of unauthorized weapons and limiting access, etc.; and
 - Fences, cipher locks, gates, ballistic-resistant glazing, and other intruder barriers.

Part II: Section 5 contains additional suggestions for preventive security measures and resources for obtaining additional information.



PART II

Background Information

Fact Finding/Investigating

The information in this section provides guidance for the organization's planning group. It is not technical information for professional investigators nor is it a summary of fact-finding or investigating procedures. Rather, it is intended to provide the employer with a general overview of fact-finding/investigating considerations. It is also important to note that this section discusses investigations that are administrative inquiries as distinct from criminal investigations.

Introduction

Generally, workplace violence involves criminal conduct and considerations should be given to reserving criminal prosecution as an option.

Why investigate?

An employer may decide to investigate an incident in order to:

- Prevent recurrence,
- Reduce risk and control losses,
- Determine if a policy violation has occurred,
- Determine the facts of the incident,
- Identify parties involved, and
- Design appropriate responses.

Determining the facts of an incident such as what, how, why it happened, and who was involved is the only way to determine the cause of the incident and ultimately to prevent its recurrence.

The investigation can also determine what needs to be done to deal with the aftermath of an incident. The facts can assist counselors, legal staff, facilities and security managers, insurance adjusters, and others to determine what needs to be done to get the organization back to full operation as quickly as possible.

It is important that the employer decide what the purpose of an investigation will be and what the employer intends to do with that information. The scope and the resources devoted to an investigation should be relative to its purpose.

Who will conduct the investigation?

Immediately after deciding that an investigation must be conducted, determine who will conduct the investigation. Is there an incident response team or someone in-house with the necessary qualifications and resources, or is it necessary to contract an outside investigator or professional? If in-house, consider that the investigation must be fair and objective and performed as quickly as possible. The employer's or organization's planning group should identify investigation resources before the need for an investigator arises.

The employer needs to make a determination whether the investigation will be handled criminally and/or administratively. An investigation must obtain all relevant facts before they become distorted, tainted or otherwise compromised. Witnesses can forget, and interaction with other witnesses often results in mingled or distorted memories of the event. Employers should also consider collective bargaining provisions that often specify time limits for investigations and any resultant disciplinary action. Having a list of potential investigators ahead of the need can speed up the investigation and improve the quality of the results.

In unionized workplaces, the interview of an employee may require that the investigator provide Weingarten warnings, in which the employee is informed that he or she may have a coworker present during any questioning that could result in discipline (Refer to Appendix B). Also, it is important that investigations undertaken in union shops be conducted in accordance to the specific bargaining agreements or memorandums of understanding that apply.

In any event, it will be necessary to demonstrate the voluntariness of any statement obtained from a witness in order for that statement to be later used in any disciplinary action. It is recommended that the investigator take steps to document the consent of the witness to participate in the interview.

Employers are encouraged to seek advice from legal counsel prior to any investigation and have legal counsel available for the investigator or investigation team.

Criminal Investigations

In some cases, a criminal case may arise out of an administrative investigation. The police or other criminal enforcement agency may have previously determined that no active criminal investigation will be conducted or may indicate that administrative inquiries may proceed regardless of any potential criminal case, but there still remains the possibility that the facts obtained during the investigation may result in a criminal investigation. Investigators should be aware of this possibility and act appropriately.

In most public sector cases, until a government investigator believes that a criminal act may have occurred, no Miranda warnings are necessary. They are not required in private sector investigations. The findings of the case may still be turned over to law enforcement authorities without significantly compromising the case. However, once a public sector investigator believes that the findings can result in criminal action against the person being interviewed, it is recommended that the person be given an option to participate in the interview after being warned that any statements he or she makes may be used against him or her in criminal proceedings.

In an interview conducted by a government official or agent, the option not to participate in the interview is exercised by the person's invocation of his or her Fifth Amendment right against self-incrimination. Note: Since the person is not legally in custody, he or she is not entitled to an attorney, unless union contracts otherwise dictate.

Investigators in state or county organizations should determine with their prosecutorial agency whether *Kalkines*¹ warnings (Refer to Appendix C) are necessary in each particular investigation during which testimony will be compelled from individuals. In potentially violent situations, it is often difficult to determine whether the misconduct is a criminal offense. When there is any doubt, check it out.

Administrative Investigations

A thorough and professional investigative product is the result of thorough, professional preparation and procedures. Personally obtaining information from individuals will constitute a significant part of any investigation. An awareness of the skills and techniques necessary for effective interviewing is required.

In preparing for and conducting investigations, experienced professional administrative investigators have found the following approaches to be effective.

Before the Investigation

Employers must ensure that the investigator is:

- Aware of the purpose and scope of the investigation;
- Familiar with any company policies, collective bargaining agreement(s), procedures or rules related to the incident or investigation;
- Aware of who will see the investigative report, including whether the report will or can be made public; and
- Aware of who to keep informed of status and interim findings throughout the investigation.

¹ Derived from *Kalkines v. United States*, 473 F.2d 1391 (1973)

In order to facilitate timely and thorough investigations, a letter signed by the employer or other top management official should be drafted that:

- authorizes the investigation,
- introduces the investigator as having the authority to obtain necessary information and interview witnesses, and
- requests (or requires) the cooperation of employees.

Reviewing available information

The investigator, after thoroughly reviewing the information that gave rise to the investigation, is probably ready to begin the investigation process. Discrepancies or deficiencies in the information should be noted so they can be addressed during the interviews.

Selecting an interview site

Since the investigator is conducting an official investigation, he or she should conduct as many interviews as possible in an official environment, i.e., in workspaces (instead of restaurants, cars, or private homes). Privacy is the most important consideration in selection of an interview site. The investigator should guarantee that the room will be available for the entire interview, so that there is no disruption of the interview once it begins. The interview room should be comfortably furnished, with as few distractions as possible.

Scheduling the interview

Depending on the circumstances of the situation, the investigator may or may not want to contact the individual in advance. In either event, the investigator should advise the individual of the general nature and purpose of the interview. If the individual declines the interview, the investigator should attempt to dissuade the individual and, if unsuccessful, ascertain and record the reasons for the declination. If the individual fails to appear more than once for the interview, the investigator should follow whatever policy has been decided upon ahead of time.

Allowing the presence of additional persons

There may be instances when the investigator or the individual being interviewed wishes to have an additional person present. In cases involving bargaining unit employees, see the discussion in the next section. Investigators sometimes prefer to have an organization representative present when interviewing the subject of the investigation. In any event, the investigator should follow whatever policy has been decided upon ahead of time.

Adhering to the law regarding bargaining unit employees

The provisions of law set forth in 5 USC 7114 (a)(2)(B), commonly known as Weingarten rights (Refer to Appendix B), cover any examination of an employee by a representative of the employer in connection with an investigation. A recent court decision extended Weingarten rights to non-bargaining unit employees.

If the investigator or employer representative believes that an investigation may result in disciplinary action, the affected employee must be informed of their Weingarten rights to have union or other representation present during the interview. If an employee reasonably believes that an investigation may result in disciplinary action, even if the investigator or employer representative does not concur, and the employee requests union or other representation, the investigator has three options:

1. Immediately terminate the interview,
2. Continue the interview with the employee's representative present, or
3. Give the employee the option of proceeding with the interview without a representative or terminating the interview.

Since interpretation of this law is very complex, consult with your human resources department, labor relations specialists, or legal counsel when faced with such situations.

Taking notes

Since watching an investigator take notes can be intimidating to some people, it is important to establish rapport before beginning to take notes. The investigator should concentrate on observing the individual during the interview. Note-taking should not unduly interfere with observation. Note-taking materials should be positioned inconspicuously and not become a focus of attention. The investigator should learn and exercise the skill of taking adequate notes while still observing the individual and without distracting the person being interviewed. In some cases, it may even be useful to have a second investigator or other official present to take notes.

The investigator should explain the purpose of note-taking. The notes are intended for the investigator's use in preparing a report and are not a verbatim transcript of the interview. The investigator can modify or cease note-taking so long as the information can be recorded in adequate detail after the interview.

Some investigators may choose to audiotape interviews. It is recommended that the investigator do so with the full knowledge and cooperation of the employee being interviewed. Experienced investigators are aware of the pros and cons of using such devices and can choose what is best for the type of investigation being conducted.

Maintaining control of the interview

Questions developed ahead of time can be memorized or possibly read from a list; however, they should not be recited in a perfunctory manner. The investigator should know in advance the topics of concern to be covered, and should maintain a singleness of purpose during the interview, resisting any efforts to shorten the interview or drift from the topics of concern.

Developing rapport

The investigator should have a comfortable style that projects professionalism and competence. The investigator's style should generate rapport with the person being interviewed. An open approach that conveys a willingness to communicate generally fosters rapport. Rapport is evident when the individual appears comfortable with the investigator and is willing to confide personally sensitive information. Continuing rapport can oftentimes be maintained if the investigator does not become judgmental when disagreeable conduct or information is disclosed. The investigator who can project empathy when appropriate to do so often gains special insight but, at the same time, no investigator should get personally involved with the case.

Handling hostility

If the investigator feels threatened by the individual being interviewed, the investigator should stop the interview and report the situation to the appropriate authorities.

Investigators may encounter argumentative individuals. When this type of hostility is encountered, the investigator can seek to defuse it by explaining the purpose of the interview and that the interview is a required part of the investigation. Reminding the interviewee that the investigator has full authority to conduct the interview and that the interviewee is required to cooperate may lessen the reluctance.

Recognizing and acknowledging the person's hostility and the reason for it will sometimes let both parties reach the mutual understanding that the interview will proceed (whether or not the topics under discussion are related to the hostility).

If, after repeated attempts in various ways, an individual refuses to answer a specific question, the investigator should attempt to learn the reason. The investigator should record the refusal to answer any question and the reason. If the individual wants to terminate the interview, the investigator should attempt to learn the reason and to dissuade the individual by addressing the concerns. If the individual persists, the investigator should conclude the interview.

Interview Techniques

This section contains questioning, listening, and observing techniques and suggestions.

Questioning techniques

Questioning usually proceeds from general areas to specific issues. For example, comments on the dates and location of the incident are usually obtained before comments on the circumstances surrounding the event.

The investigator should usually frame questions that require a narrative answer. Soliciting "Yes" or "No" responses restricts the individual from providing information. Such responses are helpful when summarizing or verifying information, but they should be avoided when seeking to elicit new information.

The investigator should use questioning techniques that result in the most productive responses from the person being investigated. This requires that the investigator exercise judgment based on observation of attitude, demeanor, and actions during the interview. These may change at times during the interview. The investigator should be continuously alert to such changes and should modify questioning techniques accordingly.

Non-confrontational approach. The non-confrontational approach is best. Here are some examples:

- If a person refuses to answer follow-up questions about an issue, the investigator notes the refusal to answer and moves on to the next area of questioning. However, the investigator then comes back to the issue later.
- If a person raises his or her voice in the interview, the investigator maintains a calm, level voice, or lowers his or her voice.

Direct and non-direct questions. A direct question calls for a factual or precise answer. Direct questions are ordinarily used when covering background data.

Here are some examples of direct questions:

- *Who told you that he made a threat?*
- *When did you notice that he had a gun?*
- *What were the circumstances surrounding the argument?*

Non-direct questions are usually more appropriate in discussing opinions and feelings because they allow more latitude in responding.

Here are some examples of non-direct questions:

- *What led you to say that?*
- *What made that unusual?*
- *Has this happened before to anyone?*
- *What was your reaction when he yelled at you?*

Assumptive questions. Assumptive questions assume involvement in the activity under discussion. The investigator can use assumptive questions when involvement has already been admitted, either at some other time or earlier in the interview. Assumptive questions allow the investigator to assist the individual in describing the degree of involvement, particularly when it is difficult to respond narratively. The investigator puts the individual at ease when using assumptive questions by demonstrating that the investigator is not shocked by the conduct being discussed.

Here are some examples of assumptive questions:

- *Have you made similar statements to others?*
- *Is it fairly routine for you to carry a knife to work?*

Summarizing questions. Summarizing questions are used to verify what has been said in summary form. The investigator uses summarizing questions to give the individual an opportunity to hear what the investigator understood. In concluding each segment of the interview, the investigator should pause after asking a summarizing question to allow the individual to respond and verify, correct, disagree with, or amplify a previous response.

Here are some examples of summarizing questions:

- *In other words, it was not what he said, but the tone of his voice, that scared you?*
- *You're telling me that you were only joking when you said you'd blow up the place?*
- *Have I got this straight? You did not think he would actually carry out his threat?*

Listening techniques

Investigators should not be intent on listening for the end of an answer only so that they can get to the next question. The meaning and sense of the answers will be ignored and lost. Careful attention to each response is what provides the basis for the next appropriate question, not a checklist of questions.

The person being interviewed may be signaling a problem with the area under discussion by not immediately responding to a question. The investigator should be patient and let the person respond. The urge to complete a statement for the person with an assumption of what the person was going to say should be suppressed.

Listen to the whole response for its substance, inferences, suggestions, or implications that there is more to be said, or some qualification to the answer. Answers that are really non-answers, such as that's about right, or you know how it is, are not helpful because they are not definitive. Do not accept this type of response. Press for more specificity. Some people may attempt to avoid responding by blaming a faulty memory. Follow-up questions that can stimulate responses are, "Do you mean you're just not sure?" and, "But you remember SOMETHING about it, don't you?"

Investigators should both listen and think intensely throughout the interview, measuring what is being said with what is known from a review of what is already known. Compare new information to other statements made in the interview, and any other information in the investigator's possession.

Observing techniques

Questioning and listening are not the only communicative aspects of the interview. Actions may strengthen the credibility of the spoken word or contradict it. Body movement, gestures, and other observable manifestations provide clues to truth and deception. The investigator should be alert to behavior changes throughout the interview and assess the significance of those changes. While no single behavior indicates truth or deception, clusters of behavior patterns may be valuable clues to the truth of what is being said. These patterns should prompt the investigator to pursue a certain or broader line of questioning.

Other Considerations for the Planning Group

Here are other fact finding/investigating issues that the employer or organization's planning group should address:

1. Company or organizational policy procedures should be formulated ahead of time regarding such matters as no-shows, whether to allow tape recording of the interviews, and whether to allow the presence of additional persons during the interviews. Procedures should be based on sound legal analysis.
2. Keep in mind that routine, administrative details can't be ignored. Prior to beginning the actual investigation, the investigator should be given all administrative details, e.g., who gets the report and whom to contact regarding other administrative matters such as the investigator's pay, parking, and overtime.
3. Consider giving the investigator the list of factors any adjudicatory panel or body will consider in making credibility determinations if the investigation leads to a case before the panel or body. Usually these factors would include:
 - The witness' opportunity and capacity to observe the event or act in question;

- The witness' character;
 - Any prior inconsistent statement by the witness;
 - A witness' bias, or lack of bias;
 - The contradiction of the witness' version of events by other evidence or its consistency with other evidence;
 - The inherent improbability of the witness' version of events; and
 - The witness' demeanor.
4. Every step of the investigation should be objective, impartial, and unbiased.
 5. The investigative report should contain:
 - An Introduction into the Purpose and Scope of the Investigation;
 - Findings of Fact and/or Chronology of Significant Events;
 - An Analysis of the Facts;
 - Conclusions and Recommendations of the Investigator; and
 - Supporting Documentation, such as
 - Statements of witnesses and
 - Documentary evidence.
 6. Consider whether regular briefings should be scheduled to inform key persons of the status of the investigation. The investigator should be prepared to make a presentation of his or her findings before the employer and/or other appropriate staff.

Threat Assessment and Management

Introduction

The information in this section provides guidance for organizations once an initial investigation has determined that a valid concern exists related to potential violence. This information is intended to assist organizations in assessing the degree or level of risk so that an appropriate plan of action can then be implemented.

It is important for an employer to understand that, while all concerns about workplace violence should be taken seriously and acted upon, a workplace homicide perpetrated by an employee is a rare occurrence. However, acts of physical and emotional harm and property damage are relatively common.

What is Threat Assessment and Management?

Threat Assessment and Management (TAM) is the term used to describe a set of investigative and operational techniques that can be used by organizations to identify, assess, and manage the risks of violence by potential perpetrators. The threat assessment and management process entails the following steps:

1. **INCIDENT INVESTIGATION:** Fact gathering about an incident or concern, the perpetrator(s), and potential victim(s). An incident may involve a direct or conditional threat, intimidation, provocation, or violence directed toward property or persons. Concerns may arise as a result of behavior and comments that while not rising to the level of an incident, nonetheless represent the presence of warning signs or pre-incident indicators.
2. **THREAT ASSESSMENT:** An investigative process and situational evaluation leading to an opinion about the seriousness of a situation at a particular time. Threat assessment involves development of intelligence about a situation, and analysis of the information by those trained and experienced in this field.
3. **THREAT MANAGEMENT:** The goal of threat management is to use threat assessment information to develop a violence abatement plan. This plan's purpose is to decrease the likelihood of violence and to protect the safety of people in the organization. Threat management is a dynamic process that changes as more information is developed from the threat assessment inquiry.

How Can Threat Assessment and Management Help?

The goal of threat assessment and management is to better understand the nature of a situation, and those factors that may lead toward deterioration of the situation and escalation of violence. Threat assessment and management provides the organization with situation-based options in order to reduce the probability that violence could occur.

Threat assessment develops and organizes case information so that management of the incident can proceed cautiously. Threat assessment seeks to identify information about potential lethality and imminent risk levels, aiding in the development of response options. The following chart provides some response options based upon the determined risk level.

Hypothetical Response Options in Threat Assessment and Management

		Imminent Risk Level		
		High	Medium	Low
Lethality Level	High	Arrest; Hospitalization	Security Alert; Fitness for Duty Evaluation; Temporary Removal from Workforce, Pending Investigation	Security Alert; Fitness for Duty Evaluation
	Medium	Security Alert; Fitness for Duty Evaluation; Temporary Removal from Workforce, Pending Investigation	Security Alert; Possible Fitness for Duty Evaluation; EAP Referral; Temporary Removal from Workforce, Pending Investigation	EAP Referral
	Low	Fitness for Duty Evaluation; EAP Referral	EAP Referral	Monitor Situation

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Threat Assessment and Management Resources

Threat assessment is an evolving technical field. It is important to find a qualified professional to assist an organization if the need arises. A qualified threat assessment specialist should have education and specialized training or documented experience and qualifications in the field of threat assessment and management. The specialist should also be experienced in working with workplace incidents and be knowledgeable about mental health factors contributing to violence, as well as about employment practices and criminal laws. Refer to Part III for a listing of local threat management specialists.

In consultation with the threat management specialist, there are many resources to consider when conducting the investigation and making a determination for intervention. Depending upon the individual circumstances and level of threat, these resources may be called upon as deemed helpful or necessary.

They include: coworkers, managers, targeted persons or victims, associates of subject, associates of targets, mental health assessors, psychiatric/psychological treatment, security equipment vendors, security services, private investigators, attorneys, EAP program, law enforcement, outplacement services, Alternative Dispute Resolution, court, union, Critical Incident Stress Debriefing (CISD), public relations consultant, and management consultant. Refer to Part III for a listing of local resources.

Fitness for Duty Evaluation

A Fitness for Duty Evaluation is used to evaluate a subject's potential for violence and to provide information to help manage potentially explosive situations. It is a component of the risk management process. These evaluations are conducted by licensed and specially trained psychologists or psychiatrists and enable the employer to obtain additional information on the psychological state of the employee in question. Fitness for Duty evaluations consist of the following elements:

1. Review of relevant database. This may include interviews with informants and examination of personnel and/or other records.
2. Psychological assessment. The employee of concern undergoes extensive psychological testing and interviews.
3. Management report. Based upon the database review and psychological assessment results, recommendations are forwarded to management in order to mitigate the threat of violence.

Refer to Appendix E for a sample of a Fitness for Duty/Threat Assessment Evaluation.

Security Services and Private Investigators

These professionals can obtain information on the background, current activities, plans and intentions of an individual in question, and provide organizations with expertise and experience in protecting persons and property.

Outplacement Services

These are comprised of a continuum of services intended to prepare and assist people in finding employment. Outplacement services may be used to smoothly transition an individual to other employment situations that are less likely to engender problem behaviors from the individual. By reducing the financial impact of job loss, the probability of violent episodes may be reduced. Outplacement services commonly include resume writing, job interview skill development, training in the job application process, recruitment placements, knowledge of how and where to locate job openings, and motivational and confidence-building workshops.

Employee Assistance Program (EAP)

EAPs are work site based programs designed to assist work organizations in addressing productivity issues, and to assist employee clients in identifying and resolving personal concerns. They may be particularly helpful in identifying situations requiring consultation with threat assessment professionals. Part II: Section 4, contains further information about EAPs.

Management Consultants

Management consultants may be able to assist with organizational issues related to prevention, intervention, and response to actual and potential incidents of violence; they may also coordinate the other listed resources and assist with the media and business network issues.

Threat assessment assistance

As the case studies in Part IV illustrate, many cases involving disturbing or threatening behavior can be handled expeditiously and effectively by a supervisor with the assistance of one or more members of the organization's incident response team. The key for organizations is to be able to distinguish the kinds of threats or concerns that can be effectively evaluated and handled internally from those concerns that may require the external expertise and assistance available through threat assessment and management professionals. It is recommended that the organization identify experts in threat assessment ahead of time, in case a situation requires more expertise than the organization's incident response team members can provide.

Gathering information

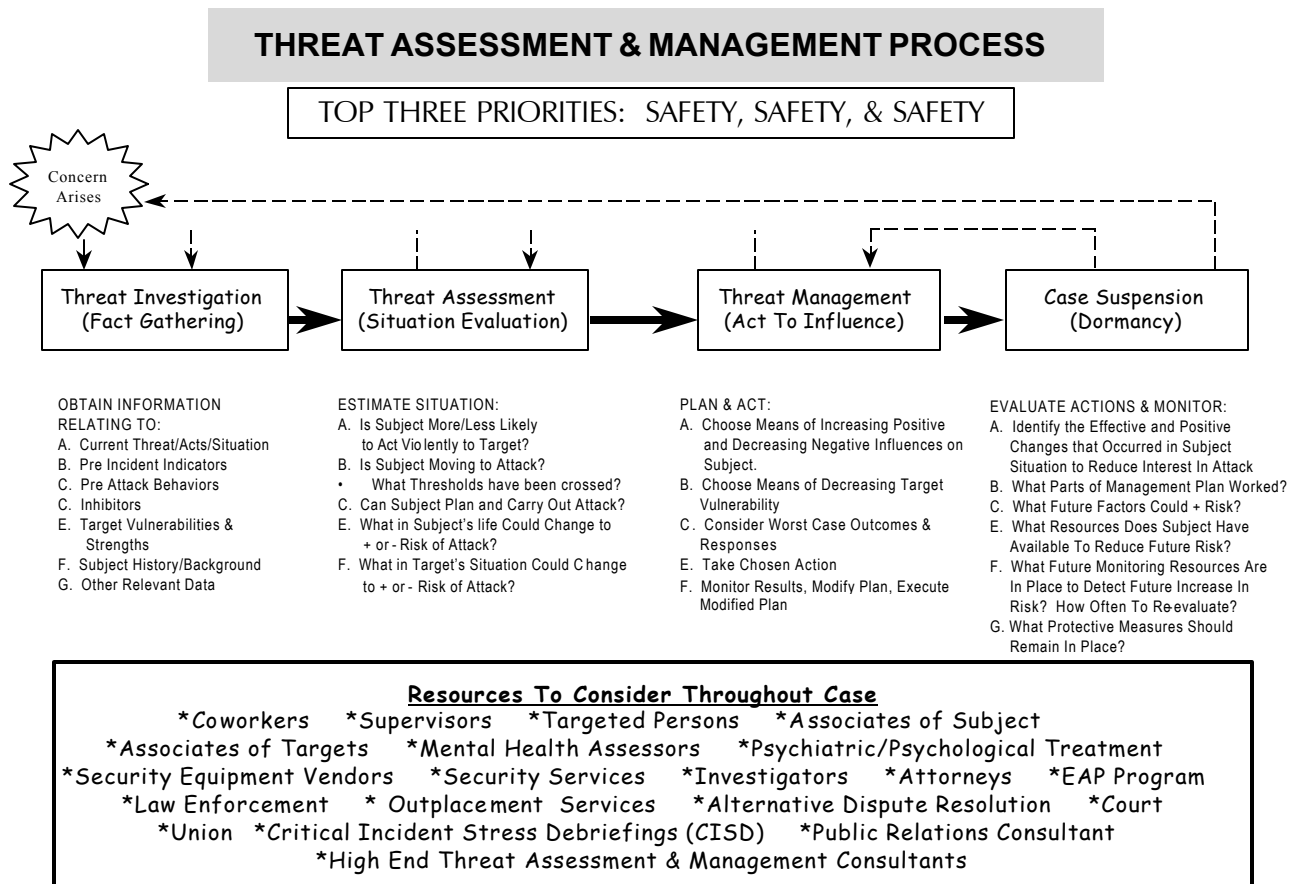
It is prudent to delineate who will gather which types of information when disturbing behavior is witnessed or threats are made. Multiple sources of information need to be consulted to better understand the person's behavior.

In some cases, the organization's incident response team can collect current and reliable information (which would include an investigative report) and then consult with a threat assessment professional to develop options for managing the situation. In other cases, the organization's incident response team uses a threat assessment professional to conduct the initial investigation, assess the risks, and make recommendations for managing the situation.

Threat assessment investigations differ from criminal or employee misconduct investigations in that the purpose of the threat assessment investigation is to provide guidance on managing the situation in a way that protects the organization's employees.

The research article in Appendix D helps to further explain the process of threat assessment as well as workplace considerations for managing a threat. Members of the employer's planning group and/or incident response team should educate themselves about threat assessment and management, whether responding with internal resources to a concern or seeking the assistance of a threat management specialist.

Threat Assessment and Management is a process. The following diagram charts the various stages of that process.



Employee Relations Considerations

Overview

Having an understanding of the employee relations issues that come into play in violent and potentially violent situations is important for workplace violence prevention. It helps in coordinating an effective response, in determining whether outside resources will be needed in certain situations, and in ensuring that appropriate disciplinary actions are taken.

In many organizations, the human resources staff coordinate the organization's workplace violence prevention program. One reason is that most reported incidents will result in some type of disciplinary action. Another reason is that, since the goal of the workplace violence prevention effort is to deal effectively with problem behavior early on, reporting incidents to the human resources office can result in swift action which stops the unacceptable behavior before it can escalate.

This section will discuss:

- Options available to remove potentially dangerous employees from the work site;
- Taking appropriate disciplinary action in response to violent, threatening, harassing, and other disruptive behavior;
- Responding to an employee who raises a medical condition/disability as a defense against the misconduct; and
- Mandatory evaluation.

Removing an Employee from the Work Site

In situations where a disruption has occurred on the job, a supervisor may consider reassignment of an individual to a different work area or schedule until a definitive course of action is decided. Where there is a belief that the potential for violence exists, a supervisor may need to keep an employee away from the work site to ensure the safety of employees while conducting further investigation and deciding on a course of action.

Place the employee on excused absence or a leave of absence during the investigation. Whether such leave is paid or unpaid is dependent upon the organization's policy and/or collective bargaining agreement, if applicable.

Organizations should monitor the situation and move toward longer-term actions (as discussed below) when it is necessary, appropriate, or prudent to do so.

Disciplinary Actions

After the completion of the investigation and when the organization possesses the relevant information regarding violent, harassing, threatening, and other disruptive behavior, the organization must determine the appropriate disciplinary action. Such action is dependent upon the organization's policy and/or collective bargaining agreement, if applicable, and may include:

- Verbal counseling;
- Warning;
- Written warning;
- Suspension; and/or
- Termination.

Non-Disciplinary Actions

When the facts of the investigation support it, referral to counseling, EAP, mental health assistance, or other non-disciplinary responses may be appropriate.

Disabilities as a Defense Against Alleged Misconduct

The Equal Employment Opportunity Commission (EEOC) has issued important guidance that specifically addresses potentially violent misconduct by employees with disabilities. It advises that an agency may discipline an employee with a disability who has violated a rule (written or unwritten) that is job-related and consistent with business necessity, even if the misconduct is the result of the disability, as long as the agency would impose the same discipline on an employee without a disability. The guidance specifically states that nothing prevents an employer from maintaining a workplace free of violence or threats of violence.

Evaluations

In conjunction with any disciplinary action, an organization may consider consultation with its EAP, threat assessment professional, or management consultant. Some organizations may require employees to undergo evaluations as a condition of continued employment. A Fitness for Duty evaluation is based upon information about the workplace situation, as well as a psychological evaluation of an employee. The organization requesting an evaluation should expect the psychologist to examine personnel records, the position description, disciplinary files, investigative reports, and a description of the behavior of concern. For a sample of a Fitness for Duty/Threat Assessment Evaluation, refer to Appendix E.

Consultation with legal counsel is recommended.

Employee Assistance Program Considerations

Introduction

Employee Assistance Program (EAP) participation can be important to the success of an employer's workplace violence prevention program. The EAP's role generally begins with participation on the organization's planning group where decisions are made about the role the EAP will play in the workplace violence prevention program. EAPs usually play an active role in early prevention efforts, sometimes participate on the incident response team, often are involved in "initial" risk assessment and intervention efforts, and generally assist with organizational recovery after an incident of workplace violence has occurred. This section will provide an overview of the EAP and then discuss considerations specific to workplace violence.

Employee Assistance Program (EAP) Defined

An Employee Assistance Program is designed to assist (1) work organizations in addressing productivity, policy and organizational issues, and (2) employee clients in identifying and resolving personal concerns including, but not limited to: health, marital, family, financial, alcohol, drug, legal, emotional, stress, or other personal issues that may affect job performance. EAP services may be performed by in-house programs (internal) or by contracted providers and programs (external). EAP providers and programs should always have established formal EAP policies and procedures.

Overview of the Employee Assistance Program

EAPs provide short-term counseling and referral services to contracted work organizations. These programs are staffed by professional counselors (preferably certified CEAP or other licensed professional counseling specialists) who are available to discuss problems that can adversely affect job performance, conduct, and reliability. EAPs can help employees deal with alcoholism or drug abuse problems and additionally help employees with other problems such as marital or family issues. EAP counselors often refer employees to other professional services and resources within the community for further information, assistance, or long-term counseling. EAPs differ in their structure and scope of services as defined in their contracts.

Though employee and family counseling is a primary function, EAPs also generally provide other workplace services such as management consultation, education and training, post-trauma services, organizational assessments, and policy development and consultation.

Confidentiality is an important issue for EAPs. Employees who seek EAP services are afforded considerable privacy by laws, policies, and the professional ethics of Employee Assistance Program (EAP) professionals. EAPs will inform employees in writing about the limits of confidentiality on their first visit.



Employer workplace violence prevention planning group members should familiarize themselves with the structure, scope, and special considerations of their own EAP. As the planning group explores the range of services provided, it may identify needs for expanding the EAP's existing array of services. EAP professionals should advise the organization's planning group on the relevant laws, policies, and professional ethical constraints under which they operate. This will allow cooperative arrangements to be worked out for an appropriate EAP role and definition of the specific circumstances, if any, under which EAP services will be made mandatory or as a condition of employment.

The Employee Assistance Program's Role in Dealing with Workplace Violence

Role in early prevention efforts

EAPs can assist in policy and strategy development and help determine the EAP's role on the organization's workplace violence incident response team. EAPs bring a special expertise to the planning process. They are in an optimal position to assist with many of the activities conducted by the planning group.

- **Promotion of the EAP.** The effectiveness of a workplace violence prevention program is greatly enhanced in an organization with an active, well-known EAP presence. Employers with active programs promote the EAP by issuing periodic statements from top management endorsing the program and reminding employees of the services offered by the EAP, having counselors attend staff meetings to familiarize agency employees with the counselors, and having counselors give special briefings and seminars for managers, employees, and union stewards.
- **Information dissemination.** EAPs often provide booklets, pamphlets, and lending libraries of books and videos about such topics as domestic violence, stress reduction, and dealing with angry customers.
- **Early involvement in organizational change.** When a workplace is facing reorganization, restructuring, or other organizational change which may have an impact on employees, the Employee Assistance Program can help to, through individual or group sessions, keep information flowing, keep feelings under control, prevent potential outbursts, provide constructive outlets for feelings, and help employees plan for the future.
- **Employee and supervisory training.** Much of the employee training described in Part I: Section 3 may be conducted by EAP staff, and many EAPs also have specific expertise in workplace violence prevention. For example, counselors can train employees on such topics as dealing with angry coworkers and customers, conflict resolution, communications skills and awareness and prevention of workplace violence. EAP counselors can also train supervisors to deal with problems as soon as they surface and to remain focused on workplace behavior without diagnosing the employee's problem.

EAPs are key elements of a violence prevention program because EAP staff are trained to assist employees in resolving personal and work-related problems, and in consulting with employers about good business practices of maintaining a healthy and respectful workplace.

Participation on an incident response team

EAP staff are sometimes asked to be a part of the employer's incident response team or to consult on a particular incident or individual of concern. EAPs can contribute to the team process by offering expertise in assessing behavior, knowledge of the company climate, familiarity with community resources, and, most likely, past experience in managing work-related violence.

- **Consultation with supervisor when incident is reported.** Depending on the type of incident reported, it is often important for a counselor, along with a human resource specialist and security officer, to be part of the incident response team that consults with the manager. In some situations, such as potential suicides, the EAP can play a major role. In other situations, such as dealing with an employee who frightens co-workers, but who has not actually done or said anything warranting discipline, the EAP can assist the response team or management in working with the supervisor to plan an effective response.
- **Initial risk assessment with recommendations.** Depending upon the background and expertise of the provider, the EAP can be an excellent first step to assess risk and to make recommendations for further action and follow-up. Although it is important to understand that EAPs will base their assessment only on information provided to them by the employer and employee(s) in question, they are in a good position to assess whether or not an employee requires further evaluation by a threat assessment specialist. Since EAPs are predominantly a voluntary and confidential service, it is essential that the employer decide, prior to EAP involvement, under what circumstances they may wish to require EAP feedback. In order for the EAP to provide assessment and recommendation information back to the employer, they must first be able to obtain a signed release of information from the employee. Employees may be reluctant to sign a release unless it is made a condition of their employment by the employer.

- **Response/Intervention.** The EAP professional can help with conflict resolution in situations that are reported early enough for such an intervention. The counselor can work with the victim, giving advice and guidance, or with the perpetrator, helping to defuse the anger or hostility that could lead to violence. The counselor can help clarify options and procedures for situations in which substance abuse or mental illness seems to be a factor. For example, states differ in their laws regarding civil commitment for psychiatric treatment. The counselor can explain to other team members the EAP role in such a situation, and can coordinate with other community resources to develop contingency plans for various emergency situations. These and other examples are illustrated in the case studies in Part IV.

Follow-up to a violent or traumatic incident

Many EAPs are prepared to respond promptly to a variety of needs that may exist after a violent or traumatic incident. Prompt interventions with employees who have had particularly stressful experiences are sometimes necessary. Initial crisis intervention and subsequent debriefing sessions, typically conducted two or three days after the incident, are services commonly provided by EAPs. The EAP staff can also act as consultants to management in helping the organization to recover.

- **Individual interventions.** Though most employees will need only brief or group intervention, provision should be made for the few who may need longer term professional assistance. Strategies for identifying these employees and guiding them as smoothly as possible from emergency-centered interventions to more extensive mental health care should be included in the planning.
- **Crisis intervention and debriefing services.** Employers should inquire whether or not their EAP staff has training and experience in crisis intervention and debriefing services. The EAP may approach these responsibilities in different ways, depending on the size and experience of its staff. In some cases, internal EAP resources may be sufficient, but in others, additional staffing will be necessary. EAP staff who do not have expertise in traumatic incident counseling may wish to develop in-house expertise or keep close at hand the phone numbers of resources to contact should an incident occur. Potential sources of additional help, for example, private contractors or community mental health resources, might be explored.
- **Critical Incident Stress Debriefings (CISD).** Many EAPs have been trained to participate on CISD teams. See discussion of the CISD process on page 75.

- **Acting as consultants to management.** Since management bears the brunt of responsibility after a violent incident, and can find itself dealing with unfamiliar challenges under high stress, the EAP can be very helpful in facilitating an optimal response. It can provide managers with information on traumatic events and can assist them in analyzing the situation and developing strategies for the organization's recovery. An effective EAP needs to be familiar not only with post-disaster mental health care, but also with management practices that facilitate recovery and with other resources which may need to be mobilized.

In thinking about recovery, there is a temptation to focus narrowly on care-giving responses such as debriefings and counseling discussed above. Essential as these services are, they are only part of the picture. The way the manager conveys information, schedules responsibilities, sets priorities, and monitors employee performance after a violent or traumatic incident can play a vital role in helping or hindering recovery. Some EAPs have experience in providing this type of consultation.

Other EAP Considerations for the Planning Group

Should the EAP take the incident report?

Before deciding upon whether to use an EAP, threat assessment specialist or security consultant, Hawaii employers should obtain current information and pricing for these services.

It is not recommended that the EAP take incident reports on workplace violence. Confidentiality requirements prohibit EAP counselors from disclosing information received from clients, except in the case of imminent harm to self or others. EAP counselors could be held legally liable and face criminal or civil actions for breaking confidentiality when imminent danger is disputed. Also, having a counselor in the position of informing other members of the intervention team about a report could lead to serious misunderstandings among employees about the EAP's ability to maintain confidentiality and therefore harm the credibility of the EAP. It sometimes takes years to build the EAP into a viable program trusted by employees and the dual role could diminish this viability.

Sometimes the EAP counselor will be the person who first hears about an incident involving threatening behavior, even though the employer has identified another individual or system for employees to report concerns. Managers and employees often feel comfortable telling the counselor about a situation that frightens them. The EAP will always encourage employees to report their concerns to management and for those who may be reluctant to do so, will offer to report for them if they are willing to sign a release of information form. It is important for an employer to understand that if an employee does not wish to report an incident and the incident is not considered "imminent harm" as defined by law, then the counselor will honor client confidentiality.

***Should the EAP be first
intervenor?***

This decision depends upon the EAP expertise and the mutual agreement between the employer and EAP provider. Many EAPs are the first point of contact for concerns of workplace violence incidents and are comfortable offering assessment and assistance to both the employee and to the employer. Employers should consider the following prior to referring an individual to the EAP for intervention:

1. EAPs base their risk assessments upon information obtained from supervisory reports and interviews with referred employees. These risk assessments are not as extensive as the Fitness for Duty Evaluations provided by threat assessment specialists which take into consideration psychological testing, informant reports, and other background information.
2. Employees who are management-referred may then perceive the EAP as aligned with the employer and as adversarial. This perception could then harm the EAP's reputation as being a voluntary confidential resource for personal assistance.

***Should the EAP perform
psychological exams?***

Psychological exams are generally outside of the EAP's realm of practice. EAPs are geared to provide quick assessment and short-term counseling and referral services. Comprehensive psychological examinations, in particular those required when evaluating Fitness for Duty determination, should be conducted by trained mental health specialists with psychological testing and interview expertise.

Workplace Security

Introduction

This section will provide general ideas and considerations that can help the organization planning group gain an understanding of some of the law enforcement and security issues involved in developing a workplace violence prevention plan.

Sometimes meeting with the local police is helpful to establish a plan or procedure regarding law enforcement response in the event of potential violence or hostile incidents. Establishing a relationship with local police officers will enhance the organization's workplace violence prevention program planning and everyone's understanding of the law enforcement role should an incident arise.

Security Planning

Organizations should consider using internal security resources when available or security consultants to conduct a security assessment of their workplace. They can assist with the evaluation of the physical layout, risk/exposure factors, information security, and warning systems. For employers with fewer than 250 employees, HIOSH can conduct a free workplace violence risk evaluation for non-employee incidents (see page 94 for HIOSH contact information).

Security Assistance

During the planning phase, security professionals can:

- Identify types of situations they can address, and when and how they should be notified of an incident;
- Indicate whether their officers have arrest authority;
- Identify their jurisdictional restrictions, and alternative law enforcement agencies that may be able to provide assistance;
- Identify threat assessment professionals who can assist the agency in its efforts to protect threatened employees;
- Advise on what evidence is necessary and how it can be collected or recorded, so that law enforcement can assess the information and decide what action to take, if appropriate;
- Explain applicable laws;
- Suggest security measures to be taken for specific situations; and

- Arrange for supervisor/employee briefings or training on specific workplace violence issues such as:
 - Personal safety and security measures;
 - Types of incidents to report to law enforcement/security;
 - Types of measures law enforcement/security may take to protect employees during a violent incident, e.g., explanations of what it means to “secure the area,” “secure the perimeter,” and “preserve evidence”;
 - Suggestions on how to react to an armed attacker;
 - Suggestions for dealing with angry customers or clients;
 - Suspicious packages;
 - Bomb threats;
 - Hostage situations; and
 - Telephone harassment and threats.

When potentially violent situations arise, law enforcement/security professionals can work with the incident response team to:

- Provide an assessment of the information available to determine whether law enforcement intervention is immediately necessary; for example, whether a criminal investigation is appropriate and whether a threat assessment professional should be consulted;
- Identify what plan of action they deem appropriate; and
- Determine who will gather what types of evidence.

Physical Security Measures

In all cases, physical security measures should be considered in the planning process. Some safety measures may be implemented at little or no cost. These include closed circuit cameras, silent alarms, metal detectors, two-way mirrors, electronic access systems, emergency internal code words, barriers to prevent cars from driving too close to the building, extra lighting in the parking lots, and escorts to and from parking lots after dark. Organizations should survey physical security measures and procedures and make recommendations for modifications and improvements as necessary.

If the organization is in leased space, the employer should consult with the landlord to determine the extent of any protective measures offered by the building.

Physical Security Survey

A physical security survey can provide better protection for employees and visitors by pinpointing high-risk areas in the workplace where potential problems or emergency situations might occur. The survey is a comprehensive, detailed, technical on-site inspection and analysis of the current security and physical protection conditions. (See sample checklist in Appendix F.)

Survey findings should be the starting point for solutions. It is crucial that these solutions are actually implemented whenever feasible.

The following are some examples of ways to improve security in an office and/or building:

- Control access to the workplace (i.e., locking doors).
- Ensure key or card control access that does not allow for sharing of access codes.
- Use signage to indicate secure areas.
- Issue all employees photo identification cards and assign temporary passes to visitors, who should be required to sign in and out of the building.
- Brief employees on steps to take if a threatening or violent incident occurs. Establish code words to alert coworkers and supervisors that immediate help is needed.
- Install silent, concealed alarms at reception desks.
- Post a security guard at the main building entrance or at entrances to specific offices.
- Install a metal detector or CCTV (closed-circuit television) camera or other device to monitor people coming in at all building entrances.

The following are some examples of methods to improve security in “front-line” offices that deal with the public:

- Ensure a clear view of all customer service areas.
- Arrange office furniture and partitions so that front-line employees in daily contact with the public are surrounded by “natural” barriers (desks, countertops, partitions) to separate employees from customers and visitors.
- Provide an under-the-counter “panic button” to signal a supervisor or security officer if a customer becomes threatening or violent.

- Establish an evacuation plan that may include a safe haven for employees and/or customers to escape to if they are confronted with violent or threatening people.
- Provide an access-control lock on access doors.
- Mount closed circuit television cameras for monitoring customer service activity from a central security office for the building.

Upon completion of the survey and the implementation of security measures, organizations must train employees about their responsibility to adhere to the procedures. Managers must ensure compliance with the plan.

Computer Security

Organizations should address ways to safeguard computer systems. There have been cases where employees have sabotaged computer equipment, computer systems, and computer records. Therefore, whenever a threat of sabotage is suspected, procedures should be initiated to prevent the person from having access to the facility's computer system.

It is important to act quickly whenever there is reason to believe that an employee or ex-employee may commit such an act. It is standard practice to collect IDs, building passes, keys, and parking passes when employees leave their jobs. Often, however, no one thinks to block access to computer systems or networks.

Some organizations, when terminating employees, bar them from the premises and eradicate their passwords to computer systems that are accessible from outside the premises.

Examples of Useful Handouts for Employees

This handout summarizes actions that may be helpful in a hostile or threatening situation. It is recommended that the employer develop training that is appropriate to the particular work setting.

Coping With Threats and Violence

It is recommended for an angry or hostile customer or coworker who may be shouting, swearing, and/or threatening:

- Keep the situation in your control by not responding in kind.
- Stay calm. Listen attentively.
- Maintain eye contact.
- Lower voice tone.
- Be courteous. Be patient.
- If behavior persists or escalates, signal a coworker or supervisor that you need help.

If issue escalates:

- Have someone call security or the police if necessary. Do not make the call yourself.

If it escalates or a weapon is involved:

- Stall for time.
- Keep talking but follow instructions from the person who has the weapon.
- Don't risk harm to yourself or others. Don't be a hero.
- Never try to grab a weapon.
- Watch for a safe chance to escape to a safe area.
- Increase your physical distance if possible.



Handy Reference

Everyone in the office, including supervisors and managers, should follow these same procedures:

Telephone Threats

Follow your company's bomb threat procedures.

- Keep calm. Keep talking.
 - Don't hang up.
 - Signal a coworker to get on an extension.
 - Ask the caller to repeat the message and write it down.
 - Repeat questions, if necessary.
 - For a bomb threat, ask where the bomb is and when it is set to go off.
 - Listen for background noises and write down a description.
 - Write down whether it's a man or a woman; pitch of voice, accent; anything else you hear.
 - Try to get the person's name, exact location, telephone number.
 - If or when warranted, signal a coworker to immediately call the local police.
 - Notify your immediate supervisor.
-

Emergency Phone Numbers

Carefully tear out the "Emergency Phone Numbers" card at the dotted lines. Write in all the emergency numbers for your building. Tape this card on your desk by your phone or somewhere else close to your phone for handy reference. (Photocopy and place near your phone[s].)

Police/Fire Department/Ambulance **911**
Building Security _____
Building/Property Manager _____
Alarm Company _____
EAP Provider _____

**When calling 911, treat all calls as if they were an emergency.

Phone Threat Checklist

The Phone Threat Checklist is based on a similar form used by California State government offices. It should be near all phones likely to receive calls from the public.

The Checklist allows employees to document telephone threats in an organized way. Once the checklist is completed, it should be routed to the employer's Security Department or Threat Management Teams for review.

Additionally, the Checklist's questions 5 through 9 have assisted employees in getting to the heart of callers' complaints. It is possible for employees to defuse callers' anger and frustration by allowing them to explain why they are mad and what help they would like.

Sometimes upset callers do not realize that their words are coming across as threatening. When callers are directly asked question 9, they may be startled. Some have been known to apologize and then become reasonable.

Of course, if the call is in fact intended as a threat, completing the form with the caller's own words will be strong evidence for later consideration by the employer's Threat Management Team, Security Department, or even Law Enforcement.

Prior to distribution, the "Notify" box should be filled in with the name, telephone and fax numbers of the person or office within the organization that should be notified when telephone threats are received.

Employees should also be advised to call for emergency police assistance if they believe that they or others are in imminent danger of harm.



Phone Threat Checklist

1. Date of Call	2. Time of Call	3. Caller I.D.
-----------------	-----------------	----------------

4. Exact Words of the Caller:

ASK THE CALLER (ASK THE QUESTIONS IN THE FOLLOWING ORDER)

5. Who are you talking about (where do you think you are calling)?	
--	--

6. Why are you making these comments?	
---------------------------------------	--

7. Is there any other way to help you?	
--	--

8. What is your name and telephone number?	
--	--

9. Are you really threatening someone?	
--	--

Note the Following

10. <input type="checkbox"/> Male <input type="checkbox"/> Female	11. Estimated Age: _____	12. Accent? <input type="checkbox"/> Yes <input type="checkbox"/> No Description:
---	--------------------------	--

13. Speech Pattern <input type="checkbox"/> Slow <input type="checkbox"/> Excited <input type="checkbox"/> Disguised <input type="checkbox"/> Broken <input type="checkbox"/> Normal <input type="checkbox"/> Rapid <input type="checkbox"/> Loud <input type="checkbox"/> Slurred <input type="checkbox"/> Sincere <input type="checkbox"/> Other _____

14. Background Noises

15. Additional Comments

Name of Person Receiving Call: _____

Office: _____ Phone: _____

<i>NOTIFY</i>

Organizational Recovery After a Traumatic Incident

Introduction

Despite the best-laid prevention plans, deadly violence in the workplace can and does happen. Just as employers develop policies and procedures designed to head off these occurrences, employers must be equally prepared to deal with the aftermath of such incidents. Quite often management's focus will be on getting the operational side of the office back in working order. However, just as important is attending to the impact such incidents can have on personnel. This section will provide information designed to assist management with helping an organization to recover after an incident of workplace violence.

Management Steps to Help an Organization Recover

Listed below are several initial steps management can take when an incident of workplace violence occurs.

Ensure a management presence in the work site

Managers need to spend ample time with their employees, in the workplace or wherever they may be. Employees need to be reassured of management's concern, and they need to be able to ask questions. Senior management should ensure that immediate supervisors are supported in this role, relieved of unnecessary duties, and not pulled away from their subordinates to write lengthy reports or prepare elaborate briefings. Senior management also needs to be directly involved in the aftermath of an incident of workplace violence so that employees get the message that their employer cares.

Share accurate and appropriate information with employees

Employees will have many questions, and they need the answers, often more than once, so accurate and appropriate information needs to be shared. Staff meetings, where employees can hear and process the information together, will help to dispel rumors and speculation. Develop strategies for on-going information dissemination.

Include union leadership

Bargaining union representatives can help in reassuring and supporting employees after an incident. They can also assist in communicating information to their members.

Bring in crisis response professionals

Before an incident ever occurs, the planning group should identify trained mental health professionals, Employee Assistance Programs, or Critical Incident Stress Management (CISM) providers and other resources in the community who would be available to respond in the event of an incident. It should not be assumed that all mental health specialists are experienced in trauma and crisis. It is important to ask ahead of time what kind of specialized training and experience the professionals have in dealing with trauma, crisis, and workplace violence. When an incident occurs, involve these emergency mental health consultants as soon as possible.

They will generally meet with management first and then with line employees. Based on what the consultants learn, qualified EAP or trauma specialists will offer services such as debriefings and defusings (see discussion of these processes later in this section) and informal counseling, often at the work site.

Provide counseling support for employees and family members

A family is as affected by trauma as an involved employee, and family support is crucial in assisting employees in resolving the effects of trauma. Not only should employees be supported on site by mental health professionals experienced in trauma, but they and their family members should be provided with contact information on counseling resources or be referred to an employee's health benefit plan to manage the ongoing effects of the violent or traumatic incident.

An EAP or other contracted mental health trauma professional is able to provide assessment and appropriate referral to both employees and their family members. Additionally, if there was loss of life or serious injury, a human resources representative should be assigned to a family in order to assist them with benefit needs.

Support informal processing of the event

The formal debriefing doesn't end the recovery process. Provide opportunities for employees to talk informally with one another when they feel a need to discuss the experience. A comfortable break area and flexibility about break times may be all that is needed.

Support care-giving within work groups

Keep work groups together as much as possible, and try not to isolate employees from their normal support groups at work. Show respect and support for employees' efforts to care for one another.

Handle critical sites with care

Initially, the site of a violent incident will be secured as a crime scene. After the authorities are finished with it, management needs to be sensitive to a number of issues. It is helpful if employees don't have to come back to work and face painful reminders such as bloodstains or broken furniture. But on the other hand, the area should not be so "sanitized" that it gives the appearance that management is pretending nothing happened. If someone has died, that person's work area will be a focus of grieving, and it needs to be respected as such. Employers should involve their employees in making decisions about how these events and loss of life, if applicable, should be acknowledged. The following are some ways that Hawaii's employers have recognized individuals and workplaces in the aftermath of violence.

- Placing lei and cards at the workstation.
- Conducting a memorial service at the workplace.

- Scheduling a blessing.
- Establishing or naming a company event or practice in honor of those employees lost.

Buffer those affected from post-event stresses

Effective coordination with the media and timely dissemination of information can help reduce media pressure on those who are the most vulnerable. Employers may wish to consult with or utilize the services of a professional public relations individual or firm who is skilled in media management. Assistance with benefits and other administrative issues can reduce the burden on victims and families and special efforts should be made for this information to be readily accessible. Employers should also consider increased workplace security to protect employees from media inquiries.

Help employees face feared places or activities

Returning soon, if only briefly, to a feared site can help prevent lasting effects such as phobic responses. Having a friend or loved one along, or being supported by close work associates, may make the first step much easier.

Be mindful of significant milestones

Remember to acknowledge and prepare for significant milestones of a traumatic event, such as a year anniversary. An organizational response to such milestones, such as a memorial or other ritual, will help in the recovery process.

Remember the healing value of work

Getting back to work can be reassuring, and a sense of having a mission to perform can help the group recover its morale. But the return to work must be managed in a way that conveys appropriate respect for the deceased, the injured, and the traumatized.

The Critical Incident Stress Management Process

Formal crisis intervention processes for victims of critical incidents, such as workplace violence, have been used and recommended by mental health professionals for years. One such process is Critical Incident Stress Management (CISM), pioneered by Dr. Jeffrey Mitchell of the University of Maryland. Most mental health experts who provide CISM services in Hawaii have been trained in the Mitchell model.

Critical Incident Stress Debriefing (CISD) and Defusing

The CISD and defusing processes may be defined as group meetings or discussions about a traumatic event, or series of traumatic events. The CISD and defusing processes are solidly based in crisis intervention and educational intervention theory. A CISD is generally scheduled 1-3 days after an event and runs 2-3 hours in length. The defusing, a shortened version of the CISD, is designed to take place immediately after an event (within the first few hours), and takes 30 minutes to an hour.



The CISD and defusing processes are designed to:

- Mitigate psychological impact of a traumatic event;
- Prevent subsequent development of a post-traumatic syndrome; and
- Serve as an early identification mechanism for individuals who will require professional mental health follow-up subsequent to a traumatic event.

Impact of Trauma and Violence

There is great variation in the way people react after a traumatic incident such as an event of workplace violence. Two individuals experiencing the same incident may have entirely different responses. One person may have no difficulty returning to work and resuming his or her normal routine, while the other may be physically and emotionally devastated.

The most common reactions people have after a traumatic incident include: loss of appetite, difficulty sleeping, confusion, feeling helpless, scared or unsafe. Some people develop physical symptoms like headaches, nausea, dizziness, and nervousness. A traumatic incident can also trigger memories of past experiences, like the death of a family member, which can intensify these stress reactions. These reactions may last a few days, weeks, months and occasionally longer depending upon the severity of the trauma.

Unfortunately there is no way to determine who will have difficulties recovering from a traumatic incident and who will not. When a significant event has occurred at the workplace, therefore, it is recommended that the employer mandate attendance at either a defusing or a debriefing. Mental health experts can help an employer determine whether or not a debriefing is necessary. Employees who have participated in these processes often express afterwards that it was helpful to be able to talk about the impact of the event and to feel the support of others. Many also feel a sense of relief upon learning that their reactions are normal and that there are specific ways to alleviate some of their uncomfortable symptoms.

Guidelines for Employers

1. Establish your CISM resources for trauma and violence support before an incident occurs.
2. Select EAP or mental health personnel who are trained in debriefing and experienced in working with crisis or trauma.
3. Post-incident and at the time of intervention assign one mental health team to coordinate all mental health assistance, if you have several groups responding, e.g., Police, Red Cross, EAP.

4. Allow interventions, i.e., defusing or debriefings, to occur during paid work time if at all possible and require that all affected employees attend.
5. Ensure that enough time (1-3 hours) is set aside for defusing and debriefings and that they are scheduled in a private area where there will be no interruptions from the work environment.
6. Consider added security measures to reassure employees and to provide some protection from the surge of media inquiries.
7. Consider the services of a professional public relations firm to deal with the media and to protect the company image.
8. Consult with a labor attorney for direction in employee and company response during a criminal investigation.
9. Consult with mental health experts about whether or not some individuals may need time off from work.
10. Follow-up with employees to ensure that they are continuing to cope in the aftermath of an event.

Response Evaluation and Debriefing

A post-incident debriefing and evaluation of the organization's response efforts are important in identifying the quality of the response to the threat, "lessons learned," and mitigation strategies. The information developed through the event period will be important in evaluating the response plans, and will be valuable in plans adjustment, and identification of required resources for future response actions. The precise documentation of the event may serve as the foundation for historical, legal, and evaluative purposes.

In conclusion, as mentioned earlier, both critical incident stress debriefing and defusing are among the most utilized processes under the CISM umbrella. Neither model should be employed by anyone other than trained mental health professionals and other trained CISM team personnel.



PART III
Resources

The information provided in this section is for the convenience of the reader only. This information is distributed without representation, guarantee, or warranty as to its reliability, accuracy, or completeness. The listing or omission of resources does not constitute an endorsement or approval of those resources, nor is it intended to favor any resource over the exclusion of other suitable resources.

The following key reflects the type of resource available at the listed organization.

P = Prevention resource

I = Intervention resource

R = Recovery and/or Post-Crisis resource

Alternative Dispute Resolution

ADR Hawaii - Alternative Dispute Resolution **P I R**
735 Bishop Street, Suite 224
Honolulu, HI 96813
Phone: 808.531.6789
Fax: 808.523.9999
Email: tcrowley@aloha.net
Description: Provides mediation, arbitration, and facilitation services.

The Mediation Center of the Pacific, Inc. **P**
680 Iwilei Road, Suite 530
Honolulu, HI 96817
Phone: 808.521.6767
Fax: 808.538.1454
Email: mcp@pixi.com
Website: www.mediatehawaii.org
Description: Provides affordable and accessible dispute resolution services including mediation, facilitation and conflict resolution training to prevent and resolve problems before they escalate.

Background Checks

Goodenow Associates, Inc. **P I R**
1000 Bishop Street, Suite 608
Honolulu, HI 96813
Phone: 808.526.2002
Fax: 808.523.3826
Email: info@goodenow.com
Website: www.goodenow.com
Description: Provides pre-employment screening (education and employment verification, professional and vocational license histories, criminal, credit, traffic) and fingerprints.

Background Checks
(continued)

Hawaii Criminal Justice Data Center **(P)**
465 South King Street, Room 101
Honolulu, HI 96813
Phone: 808.587.3100
Fax: 808.587.3109
Email: hcjdc@hcjdc.state.hi.us
Website: www.state.hi.us/hcjdc
Description: Provides conviction criminal history data via public access computers for a fee.

Crisis Management

American Red Cross, Hawaii State Chapter **(I) (R)**
4155 Diamond Head Road
Honolulu, HI 96816
Phone: 808.734.2101
Fax: 808.735.8739
Email: redcrosshawaii@hawaii.rr.com
Description: An emergency response organization that works with local law enforcement agencies to support victims of disasters, including workplace violence.

Business Advisory Group **(P) (I) (R)**
P.O. Box 4407
Honolulu, HI 96812
Phone: 808.255.7591
Fax: 808.946.7500
Email: hallof@att.net
Website: www.businessadvisorygroup.net
Description: Provides consulting and training in workplace violence and stress management including assessment, proactive preparation, and recovery management for both groups and individuals.

Gary M. Farkas, Ph.D., M.B.A., CSAC **(P) (I) (R)**
1188 Bishop Street, Suite 2602
Honolulu, HI 96813
Phone: 808.521.2433
For Emergencies: 808.753.0988
Email: gary@garyfarkas.com
Website: www.garyfarkas.com
Description: Provides violence risk and threat assessment, training on workplace violence prevention, and Critical Incident Stress Debriefing, which is a process of education and counseling of victims and witnesses in the aftermath of a crisis.

Helping Hands Hawaii (P) (I) (R)
2100 North Nimitz Highway
Honolulu, HI 96817
Phone: 808.521.4555
Fax: 808.440.3864
Email: suicidecrisiscenter@hotmail.com
Website: www.helpinghandshawaii.org
Description: A crisis outreach team and 24-hour hotline comprised of trained personnel who provide on-site emergency crisis intervention with acute, life-or-death situations in the community.

International Assessment Services, Inc. (P) (I) (R)
Dr. Jack Annon, Senior Consultant
680 Ainapo Street
Honolulu, HI 96825
Phone: 808.396.5450
Fax: 808.395.5157
Pager: 1.800.GTE.GRAM
Email: jack@drjannon.com
Description: Provides violence risk and threat response assessments and training in the prevention of workplace violence and other unacceptable workplace behaviors.

Employee Assistance Programs

Employee Assistance Professionals Association (EAPA) (P)
2101 Wilson Boulevard, Suite 500
Arlington, VA 22201-3062
Phone: 703.387.1000
Website: www.eap-association.org
Description: The EAPA represents more than 8,000 members who assist work organizations, employees, and their family members with personal and work-related problems, including substance abuse, legal or financial issues, and mental health problems which can adversely affect an employee's productivity and job performance. Its mission is to foster the highest ethical practices and standards among employee assistance providers by providing research, education, training, and networking for its members.

Employee Assistance Professionals Association (P) (I) (R)
Hawaii State Chapter
P.O. Box 235096
Honolulu, HI 96823-3501
Website: www.eap-association.org
Description: International professional association providing training and support to EAP providers.

Employee Assistance Programs
(continued)

Gary M. Farkas, Ph.D., M.B.A., CSAC (P) (I) (R)
1188 Bishop Street, Suite 2602
Honolulu, HI 96813
Phone: 808.521.2433
For Emergencies: 808.753.0988
Email: gary@garyfarkas.com
Website: www.garyfarkas.com
Description: Offers management support through training and ongoing consultation, as well as providing psychological assessment, short-term treatment, and referral services for troubled workers.

Hawaii Employee Assistance Services (P) (I) (R)
A Division of Child and Family Service
200 North Vineyard Boulevard, Building B
Honolulu, HI 96817
Phone: 808.543.8445 or 800.994.3571 (for neighbor islands)
Fax: 808.543.8487
Website: www.heas.org
Description: Employee assistance program providing counseling, training, consultation, and crisis recovery services.

Straub Employee Assistance Program (P) (I) (R)
839 South Beretania Street
Honolulu, HI 96813
Phone: 808.522.2474
Fax: 808.522.4077
Email: cbrown@straub.net
Website: Straubhealth.com
Description: Provides employee assistance services including assessment, counseling, referrals, critical incident debriefing, consultation to management, and training on workplace violence prevention.

Rob B. Welch, Ph.D., CSAC (P) (I)
615 Piikoi Street, Suite 1603
Honolulu, HI 96814
Phone: 808.596.8778
Fax: 808.596.8558
Email: DrWelch@aol.com
Description: Provides prevention, assessment, and intervention services to public and private supervisors and employees.



Workplace Solutions, Inc. **P I R**
567 South King Street, Suite 178
Honolulu, HI 96813
Phone: 808.545.5632 or 800.361.2200 (from neighbor islands)
Fax: 808.263.2310
Email: worksols@lava.net
Description: Provides training for supervisors and employees; post-incident recovery; counseling.

Employer Association

Hawaii Employers Council **P**
P.O. Box 29699
Honolulu, HI 96820
Phone: 808.836.1511
Fax: 808.833.6731
Email: joinhec@hecouncil.org
Website: www.hecouncil.org
Description: Provides employment policies, employee handbooks, training programs, human resource, and labor relations consulting.

Society for Human Resources Management (SHRM) **P**
Hawaii Chapter
P.O. Box 3175
Honolulu, HI 96801
Description: Hosts workplace violence workshops.

Fitness for Duty Evaluation

Gary M. Farkas, Ph.D., M.B.A., CSAC **P I R**
1188 Bishop Street, Suite 2602
Honolulu, HI 96813
Phone: 808.521.2433
For Emergencies: 808.753.0988
Email: gary@garyfarkas.com
Website: www.garyfarkas.com
Description: Provides Fitness for Duty evaluations, which are a component of the threat assessment and management process and which involve a thorough evaluation conducted by licensed and specially trained psychologists, who evaluate the person and situation and provide recommendations for management based upon detailed information about the employee.

Fitness for Duty Evaluation
(continued)

International Assessment Services, Inc.
Dr. Jack Annon, Senior Consultant
680 Ainapo Street
Honolulu, HI 96825
Phone: 808.396.5450
Fax: 808.395.5157
Pager: 1.800.GTE.GRAM
Email: jack@drjannon.com
Description: Provides violence risk and threat response assessments and training in the prevention of workplace violence and other unacceptable workplace behaviors.

P **I** **R**

Law Enforcement

For EMERGENCIES, call 911 (on all islands)
For information on workplace violence prevention,
contact your local police department.

P **I** **R**

Hawaii County Police Department
Officer Dexter Veriato
349 Kapiolani Street
Hilo, HI 96720
Phone: 808.961.2264

Honolulu Police Department
Informational Resources Section
801 South Beretania Street
Honolulu, HI 96813
Phone: 808.529.3602

Kauai County Police Department
Deputy Chief Wilfred Ihu
3060 Umi Street
Lihue, HI 96766
Phone: 808.241.6718

Maui County Police Department
Captain Wayne Ribao
Internal Affairs
55 Mahalani Street
Wailuku, HI 96793
Phone: 808.244.6353

Legal

Dwyer Schraff Meyer Jossem & Bushnell



1800 Pioneer Plaza
900 Fort Street Mall
Honolulu, HI 96813
Phone: 808.524.8000
Fax: 808.537.4667

Email: jjossem@dwyerlaw.com

Description: Prepare company policy; train management; train employees; counsel employers in risk and crisis management.

Goodsill Anderson Quinn & Stifel



A Limited Liability Law Partnership LLP
1099 Alakea Street, Suite 1800
Honolulu, HI 96813
Phone: 808.547.5739
Fax: 808.547.5880

Email: rphilpott@goodsill.com

Description: Provides training for supervisors and managers in identification, intervention, and prevention of workplace violence; legal consequences of intervening or failure to intervene; termination and other disciplinary action; dealing with issues regarding concerns of other employees.

Lawyer Referral and Information Service



Hawaii State Bar Association
1132 Bishop Street, Suite 906
Honolulu, HI 96813
Phone: 808.537.9140
Fax: 808.521.7936

Email: iris@hsba.org

Website: hsba.org

Description: Provides referral to attorneys who handle employment issues, discrimination, personal injury. Twenty-four hour call-in service, neighbor islands may call collect or visit the website.

Torkildson, Katz, Fonseca, Jaffe, Moore, and Hetherington



Amfac Building, 15th Floor
700 Bishop Street
Honolulu, HI 96813
Phone: 808.523.6000
Fax: 808.523.6001

Email: info@torkildson.com

Website: www.torkildson.com

Description: Employment and business law representing management, including workplace violence policy implementation and training.

Outplacement Services

Business Advisory Group (P) (I) (R)
P.O. Box 4407
Honolulu, HI 96812
Phone: 808.255.7591
Fax: 808.946.7500
Email: hallof@att.net
Website: www.businessadvisorygroup.net
Description: Provides consulting and training in workplace violence and stress management including assessment, proactive preparation, and recovery management for both groups and individuals.

Rudolph Dew & Associates, LLC (P) (R)
Pauahi Tower, 1001 Bishop Street, Suite 705
Honolulu, HI 96813
Phone: 808.528.4321
Fax: 808.545.5576
Email: rudydew@aloha.net
Website: outplacement.com
Description: Provides career coaches specializing in helping employees design positive career management and career transition plans.

HR Pacific, Inc. (P) (R)
841 Bishop Street, Suite 1621
Honolulu, HI 96813
Phone: 808.521.8941
Fax: 808.521.8943
Email: hrpac@pixi.com
Description: Prevention: Provides policy development and training of supervisors and staff. Recovery/Post-incident: Provides outplacement counseling and services to terminated employees.

Inkinen & Associates (P)
1001 Bishop Street, Pauahi Tower, Suite 477
Honolulu, HI 96813
Phone: 808.521.2331
Fax: 808.521.2380
Email: akatekaru@inkinen.com
Website: www.inkinen.com
Description: Provides outplacement transition support; management/supervisory coaching and counsel.

Oahu WorkLinks ®
711 Kapiolani Boulevard, Room 315
Honolulu, HI 96813
Phone: 808.523.4221
Fax: 808.527.6938
Email: rcrisafulli@co.honolulu.hi.us
Description: Provides job search assistance and possibly training opportunities for terminated or about-to-be terminated employees.

State of Hawaii P
Department of Labor and Industrial Relations
Workforce Development Division
830 Punchbowl Street, Room 112
Honolulu, HI 96813
Honolulu Office - Phone: 808.586.8740 Fax: 808.586.8724
Kaneohe Office - Phone: 808.233.3700 Fax: 808.233.3709
Kapolei Office - Phone: 808.692.7630 Fax: 808.692.7643
Waipahu Office - Phone: 808.675.0010 Fax: 808.675.0011
Kauai Branch - Phone: 808.274.3056 Fax: 808.274.3059
Maui Branch - Phone: 808.984.2091 Fax: 808.984.2090
Kaunakakai Office - Phone: 808.553.1755 Fax: 808.553.1754
Hawaii Branch - Phone: 808.974.4126 Fax: 808.974.4125
Kona Office - Phone: 808.327.4770 Fax: 808.327.4774
Description: Provides employment and training services for job seekers and employers.

Security Equipment Vendors

SecureView Systems LLC P
1126 12th Avenue, Suite 105
Honolulu, HI 96816
Phone: 808.738.5959
Fax: 808.738.5955
Email: don@svshawaii.com
Website: svshawaii.com
Description: All types of security systems (CCTV, access control, panic buttons) engineered and installed.

Security Resources P ®
810 Richards Street, Suite 748
Honolulu, HI 96813
Phone: 808.524.7700
Fax: 808.524.0750
Email: pobsec@aol.com
Description: Designs, furnishes, and implements physical security systems to prevent or reduce workplace violence including access control, video, and communication systems.

Security Equipment Vendors
(continued)

SimplexGrinnell (P) (R)
935 Makahiki Way
Honolulu, HI 96826
Phone: 808.949.6679
Fax: 808.955.4367
Email: Enojiri@tycoint.com
Website: www.simplexgrinnell.com
Description: A leader in integrated security applications to meet today's growing need in the workplace for access control, CCTV, and intrusion detection.

Threat Assessment and Management

American Executive Security (P) (I) (R)
P.O. Box 30382
Honolulu, HI 96820
Phone: 808.523.0931
Fax: 808.488.7151
Email: rmack1@prodigy.net
Description: Provides security and workplace violence consulting and threat assessment/training.

Business Advisory Group (P) (I) (R)
P.O. Box 4407
Honolulu, HI 96812
Phone: 808.255.7591
Fax: 808.946.7500
Email: hallof@att.net
Website: www.businessadvisorygroup.net
Description: Provides consulting and training in workplace violence and stress management including assessment, proactive preparation, and recovery management for both groups and individuals.

Gary M. Farkas, Ph.D., M.B.A., CSAC (P) (I) (R)
1188 Bishop Street, Suite 2602
Honolulu, HI 96813
Phone: 808.521.2433
For Emergencies: 808.753.0988
Email: gary@garyfarkas.com
Website: www.garyfarkas.com
Description: Provides threat assessment and management services. Threat assessment is an investigative process, examining relevant information about the situation. The purpose of threat assessment is to provide an opinion about the seriousness of a circumstance, and the likelihood that the situation may escalate and pose a hazard. Threat management involves using the information gained in a threat assessment process to develop a strategy that seeks to mitigate the risk of violence. Since each situation is unique, threat management recommendations employ innovative approaches to minimize the risk of violence.

International Assessment Services, Inc. **P** **I** **R**
Dr. Jack Annon, Senior Consultant
680 Ainapo Street
Honolulu, HI 96825
Phone: 808.396.5450
Fax: 808.395.5157
Pager: 1.800.GTE.GRAM
Email: jack@drjannon.com
Description: Provides violence risk and threat response assessments, and training in the prevention of workplace violence and other unacceptable workplace behaviors.

Pacific Threat Management **P** **I**
1000 Bishop Street, Suite 608
Honolulu, HI 96813
Phone: 808.526.2006
Fax: 808.523.3826
Email: PTM@Safeguard-hi.com
Website: www.Safeguard-hi.com
Description: Prevention: Provides integrated workplace violence prevention program consultation services. Intervention: Provides high-stakes threat assessment and management services in developing situations.

Rob B. Welch, Ph.D., CSAC **P** **I**
615 Piikoi Street, Suite 1603
Honolulu, HI 96814
Phone: 808.596.8778
Fax: 808.596.8558
Email: DrWelch@aol.com
Description: Provides prevention, assessment, and intervention services to public and private supervisors and employees.

Trainers and Consultants

American Executive Security **P** **I** **R**
P.O. Box 30382
Honolulu, HI 96820
Phone: 808.523.0931
Fax: 808.488.7151
Email: rmack1@prodigy.net
Description: Provides security and workplace violence consulting and threat assessment/training.

Trainers and Consultants
(continued)

Business Advisory Group **P** **I** **R**
P.O. Box 4407
Honolulu, HI 96812
Phone: 808.255.7591
Fax: 808.946.7500
Email: hallof@att.net
Website: www.businessadvisorygroup.net
Description: Provides consulting and training in workplace violence and stress management including assessment, proactive preparation, and recovery management for both groups and individuals.

CDT - Hawaii **P** **I**
86-116 Leihoku Street
Waianae, HI 96792
Phone: 808.697.1341
Fax: 808.697.1341
Email: recunlimit@aol.com
Website: cdt-hawaii.com
Description: Provides non-deadly force training focused on avoiding conflict, personal and subject safety, including third party entry and control tactics.

EMA Inc. **P** **I** **R**
1357 Kapiolani Boulevard, Suite 1130
Honolulu, HI 96814
Phone: 808.383.4334
Fax: 808.946.3598
Email: kpayton@ema-inc.com
Website: www.ema-inc.com
Description: Provides organizational assessment, consultations, training and coaching pertaining to the establishment of a healthy organizational culture.

Gary M. Farkas, Ph.D., M.B.A., CSAC **P** **I** **R**
1188 Bishop Street, Suite 2602
Honolulu, HI 96813
Phone: 808.521.2433
For Emergencies: 808.753.0988
Email: gary@garyfarkas.com
Website: www.garyfarkas.com
Description: Offers consultation on workplace violence policies, as well as methods geared for prevention, intervention, and recovery. Also provides training for staff from executive to entry-level to increase awareness and stimulate action-orientation.

Human Resources Solutions
Six Waterfront Plaza, 2nd Floor
500 Ala Moana Boulevard
Honolulu, HI 96813
Phone: 808.544.3961
Fax: 808.537.9680
Email: hrs@hrhawaii.com
Website: www.hrhawaii.com

P **I**

Description: Offers instructional classes on the basic understanding of what constitutes workplace violence, types of violence, threat assessment, profiles of individuals who commit workplace violence and prevention. HRS' course offering is approved by the Employment Training Fund (ETF) Office, State Department of Labor and Industrial Relations, and registration fees are paid by ETF for eligible participants.

International Assessment Services, Inc.
Dr. Jack Annon, Senior Consultant
680 Ainapo Street
Honolulu, HI 96825
Phone: 808.396.5450
Fax: 808.395.5157
Pager: 1.800.GTE.GRAM
Email: jack@drjannon.com

P **I**

Description: Provides violence risk and threat response assessments and training on the prevention of workplace violence and other unacceptable workplace behaviors.

Laulima Hawaii
P.O. Box 29039
Honolulu, HI 96820
Phone: 808.842.4940
Fax: 808.845.6833

P **I**

Description: Gary Shimabukuro and Jerry Trinidad form a training team with a special chemistry that educates and motivates participants in preventing workplace violence.

Jeffrey B. Owens/Owens Unlimited
45-934 Kamehameha Highway, C-173
Kaneohe, HI 96744
Tel: 808.722.5311
Fax: 808.693.8668

P **R**

Email: owensunltd@hotmail.com

Description: Provides training, program development, and consultation; Creating a More Effective Workplace Through Knowledge, Respect and Communication.

Trainers and Consultants
(continued)

Pacific Threat Management **(P)** **(I)**
1000 Bishop Street, Suite 608
Honolulu, HI 96813
Phone: 808.526.2006
Fax: 808.523.3826
Email: PTM@Safeguard-hi.com
Website: www.Safeguard-hi.com
Description: Prevention: Provides integrated workplace violence prevention program consultation services. Intervention: Provides high-stakes threat assessment and management services in developing situations.

Rob B. Welch, Ph.D., CSAC **(P)** **(I)**
615 Piikoi Street, Suite 1603
Honolulu, HI 96814
Phone: 808.596.8778
Fax: 808.596.8558
Email: DrWelch@aol.com
Description: Provides prevention, assessment, and intervention services to public and private supervisors and employees.

Other Services

Crime Victim Compensation Commission **(R)**
333 Queen Street, Room 404
Honolulu, HI 96813
Phone: 808.587.1143
Fax: 808.587.1147
Description: Provides compensation for eligible crime victims for funeral expenses, medical and mental health expenses, lost wages, and pain and suffering. Mental health counseling expenses for individuals working or attending school at the site of a mass casualty. The Commission is a payor of last resort.

Hawaii Occupational Safety and Health (HIOSH) Division **(P)** **(I)**
State of Hawaii
Department of Labor and Industrial Relations
830 Punchbowl Street, Room 423
Honolulu, HI 96813
Phone: 808.586.9100 for information - answering machine
808.586.9092 complaints by employees
Fax: 808.586.9104
Website: www.state.hi.us/dlir/hiosh
Description: Provides hazard assessment; "How to" for employers (web-site); and handles complaints from employees if management fails to protect workers from threats.

NCNS Environmental, Inc. ®

1644 Kahai Street

Honolulu, HI 96819

Phone: 808.847.7875

Fax: 808.847.5438

Description: Provides clean-up of bodily fluids and blood, treatment and proper disposal; 24-hour service.

Quality of Life, Inc. P

P.O. Box 61741

Honolulu, HI 96839-1741

Phone: 808.566.8600 or 808.988.7886

Fax: 808.739.9549

Description: Helps clients explore the long-term consequences of violent behavior.

Safeline, The Employees Hotline P

1000 Bishop Street, Suite 608

Honolulu, HI 96813

Phone: 808.526.2006

Fax: 808.523.3826

Description: Provides 24-hour, employer-paid hotline allowing employees to anonymously provide information of concern to executive management.

American Red Cross State Disaster Mental Health Center

Oahu	
Central Community Mental Health Center	808.455.1051
Diamond Head Community Mental Health Center	808.733.9260
Kalihi-Palama Community Mental Health Center	808.832.5800
Oahu Community Mental Health Center	808.832.5770
Windward Community Mental Health Center	808.233.3775
Kauai Community Mental Health Center	808.274.3190
Maui Community Mental Health Center	808.984.2150
Lanai Community Mental Health Center	808.565.6189
Molokai Community Mental Health Center	808.533.3691
Hawaii (Big Island)	
East Hawaii Community Mental Health Center	808.974.4300
North Hawaii Community Mental Health Center	808.855.7357
West Hawaii Community Mental Health Center	808.322.4818

Hotlines

Domestic Violence

East Hawaii	808.959.8864
West Hawaii	808.322.7233
Kauai	808.245.8404
Lanai (call collect)	808.579.9581
Maui	808.579.9581
Molokai	808.567.6888
Oahu	808.841.0822
Windward Oahu	808.528.0606

Temporary Restraining Order 808.538.5959

U.S. Attorney's Office 808.541.2850

Stalking Resource Center at the National Center for Victims of Crime 202.467.8700

Rape Abuse and Incest National Network (RAINN) Hotline 1.800.656.4673

National Domestic Violence Hotline 1.800.799.7233

Internet Resources

AFSCME Preventing Workplace Violence

<http://www.afscme.org/health/violtc.htm>

Infosyssec-The Security Portal for Information System Security Professionals
Corporate Security and Workplace Safety

<http://www.infosyssec.org/infosyssec/corpsafe1.htm>

MINCAVA Minnesota Center Against Violence and Abuse Electronic Clearinghouse
Workplace Violence: Weblinks, articles, fact sheets, and other informative resources.

<http://www.mincava.umn.edu/workviol.asp>

National Institute for Occupational Safety and Health (NIOSH)

<http://www.cdc.gov/niosh/homepage.html>

Stalking Resource Center at the National Center for Victims of Crime

www.ncvc.org

U.S. Department of Agriculture Handbook on Workplace Violence Prevention and Response

<http://www.usda.gov/news/pubs/violence/wpv.htm>

U.S. Department of Labor Occupational Safety and Health Administration (OSHA)

<http://www.osha.gov/>

<http://www.osha-slc.gov/SLTC/workplaceviolence/index.html>

U.S. Office of Personnel Management

Dealing with Workplace Violence: A Guide for Agency Planners

<http://www.opm.gov/workplac/>



PART IV

Case Studies and Practice Exercises

These case studies have been prepared to provide specific risk and threat factors for examination and to create useful learning tools. They are intended to provide assistance to organization planners as they develop workplace violence prevention programs and assess their readiness to handle these types of situations. The characters in the case studies are fictional and have been created for educational purposes. No reference to any individual, living or dead, is intended or should be inferred.

Introduction

Case Studies

The call comes in.

Someone's being stalked – two employees get into a shoving match – a woman flees a violently abusive mate – a sometimes-disoriented employee keeps showing up at coworkers' homes – a supervisor's constant abuse infuriates a subordinate – an employee in a fit of rage destroys company property – a fired employee makes a direct threat.

These are just a few examples of the types of incidents that can happen in the workplace.

How each employer responds to these reports will differ, not only among different organizations, but sometimes within the same organization, depending upon the circumstances of each situation. Even in organizations with highly structured, well-thought-out procedures in place, the handling will have to depend on:

- The nature of the incident;
- The circumstances surrounding the incident;
- Who is available to respond;
- Who has the skills to deal with the particular situation.

What has been learned from many years of experience in the American workplace is that the most effective way to handle these situations is to take a team approach, rather than having one manager, function or office handle situations alone.

Not using a team approach is laden with problems. In some cases of workplace homicide, it became apparent that the situation got out of control because human resources managers did not inform security about a problem employee, coworkers were not warned about the threatening behavior of an ex-employee, or one specialist felt he had to "go it alone" in handling the situation. Also, presenting all cases to a team to consider lessens the chance that one person's denial of reality could result in a failure to act.

A team allows for the linking of multiple disciplines and experience-bases for use in the examination and management of potentially dangerous circumstances. Where available, management, human resources, employee assistance program, security, union, legal, and psychological service representatives should be considered for inclusion on the team. In cases where the full range of resources are not part of the organization, outside consultants are often pre-identified and join the team when critical cases are being handled. This would typically be the case in smaller organizations without in-house attorneys, psychologists, security personnel, or threat management professionals.

Employers should have plans in place ahead of time so that emergency and non-emergency situations can be dealt with as soon as possible. However, it is also necessary to build the maximum amount of flexibility possible into any plan.

Basic Concepts

Since organizations and situations differ, a list of specific steps or procedures to follow in all workplaces would be inappropriate and impractical. However, there are some basic concepts that all employers should keep in mind when formulating a strategy to address workplace violence:

- Respond promptly to immediate dangers to personnel and the workplace.
- Investigate threats and other reported incidents.
- Take threats and threatening behavior seriously; employees may not step forward with their concerns if they think that management will dismiss their worries.
- Deal with the issue of what may appear to be frivolous allegations (and concerns based on misunderstandings) by responding to each report seriously and objectively.
- Take disciplinary actions when warranted.
- Support victims and other affected workers after an incident.
- Attempt to bring the work environment back to normal after an incident.

Forming the team's approach

For any kind of team to work well in actual tasks, be it in sports or crisis management, it is important that the team develop its approach to common situations. In all teams, including those formed to lead organizations' responses in situations involving workplace violence, training and group practice are key factors to real-world success. It is important that a workplace violence management team discuss possible situations and workable solutions before being assembled for actual situations. This allows for coordination and feasibility issues to be worked out in advance.

How to Use the Case Studies

These case studies have been prepared to provide specific risk and threat factors for examination and to create useful learning tools. They are intended to provide assistance to organization planners as they develop workplace violence prevention programs and assess their readiness to handle these types of situations. The characters in the case studies are fictional and have been created for educational purposes. No reference to any individual, living or dead, is intended or should be inferred.

As you read the case studies keep in mind that there is no one correct way to handle each situation. The case studies should not be taken as specific models of how to handle certain types of situations.

Rather, they should be a starting point for a discussion and exploration of how a team approach can be instituted and adapted to the specific needs of each organization. A successfully used alternative may not be useful in other instances, and there are probably several different approaches that could be equally useful. Each group in its discussions should strive to identify several workable approaches.

Questions for discussion

The case studies are intended to raise questions such as:

1. Do we agree with the approach the employer took in the case study?
2. If not, why wouldn't that approach work for us?
3. What other approaches would work for us?
4. Do we have adequate resources to handle such a situation?

Questions for program evaluation

Establish a system to evaluate the effectiveness of a response in actual situations that arise so that procedures can be changed as necessary. Ask the following questions after reviewing each of the case studies and after planning how your organization would respond to the same or a similar situation:

1. Does our workplace violence prevention program have a process for evaluating the effectiveness of the team's approach following an incident?
2. Would our written policy statement and written procedures limit our ability to easily adopt a more effective course of action in the future, if an evaluation of our response showed that a change in procedures was necessary?
3. Do we have plans to test our response procedures and capability through practice exercises and preparedness drills, and to change procedures if necessary?

Case Study 1 - "A Threat"

The Incident

A top executive of a major company telephoned the Director of Security and explained that he had just received a threatening message. The message was constructed from words and letters cut out of a magazine and glued to a piece of paper. The message indicated that the executive would be killed. Later, the same executive received a dead cockroach taped to an index card with a straight pin through the body. The message written on the card was, ". . . This could be you . . .".

Incident Response

The Company's president, Director of Security, and Corporate Counsel immediately conferred and reviewed the facts regarding the situation and developed a course of action. They concluded that other law enforcement agencies should be brought into the case. They also decided that special physical security measures must be taken immediately to protect the executive.

Investigation

The Company had a total population of over 21,000 people, which included employees, visitors, and guests. The executive could not narrow the list of suspects. Over the next several months, the executive received numerous unsolicited items in the mail at his office and home. The U.S. Postal Inspector was contacted to assist in the case. The original requests for the unsolicited items were retrieved and handwriting samples obtained. The investigator compared the sample with thousands of notes and documents written by employees.

Approximately a year later, several employees expressed concern over receiving harassing unsolicited items in the mail. The original requests were obtained and it was concluded that they were made by the same individual. The employees were asked to list the individuals that they believed to be the most likely suspect. One name appeared on all the lists. The investigator obtained previously prepared handwritten documents and the handwriting appeared to be that of the same person. The information was turned over to a special investigative team with another law enforcement agency who brought the individual in for questioning. The individual denied writing the threatening notes or being responsible for the harassing mail. Finally, the individual relented and provided the handwriting samples, then returned to his desk at his office where he then committed suicide. The suicide note explained why the harassing mail and threatening note were sent. The individual also explained in the suicide note that he had never met the executive or even knew what he looked like.

Conclusion

Although it cannot be determined if anything could have changed the outcome of this tragic event, there are many lessons that can be learned that may avert future incidents.



Lessons Learned

1. The Company was faced with heavy competition and was downsizing. Employees were being asked to do more with less. Some incidents of workplace violence involve companies that are downsizing or that have recently done so.
2. The employee was dedicated and hard working, and proud of his work. Employees who commit workplace violence are not always underachievers.
3. Many times top executives become the target of a disgruntled employee because they are seen as the company or corporate image.
4. It is important to actively pursue cases of workplace violence.
5. Once the person is identified, immediate action should be taken to assess his or her actions.
6. If an incident does occur, it is important to consider all victims and their families. Use the services of a priest or clergy. Decide how you are going to inform coworkers.

Case Study 2 - "Horseplay or Fighting?"

The Incident

On Monday afternoon, a member of the organization's newly established Incident Response Team was visited by a supervisor who wanted to discuss a situation in his section. The Friday before he had been walking to his car after work and noticed a group of employees congregating under a tree on the premises. They were obviously enjoying a few beers and were grilling meat on a small charcoal barbecue. They called him over and he accepted one of the offered beers and took a seat in the shade.

About an hour later, two of the workers began to horse around and show off their boxing skills. One employee misjudged his aim and, instead of merely coming close, actually made contact and bloodied the other worker's nose. The injured worker swore and started throwing blows as if intending to cause harm. The two were pulled apart and everyone told them to cool down. The gathering continued and during the banter back and forth the bloodied employee had commented, "You're lucky they pulled me off, or I'd have kicked your butt." Everyone laughed.

This morning at work, the supervisor had heard the workers teasing that employee about being "beaten up." This seemed to be taken in good humor at first, but one of the men kept laughing about it and telling all the employees who had missed the fun about what had happened. Over a few hours a number of the other employees had told him to "drop it already," but he seemed unwilling to do so. The supervisor noticed the butt of the jokes seeming to get more and more sullen about the ribbing. One of the other employees came up to the supervisor and warned him that if he didn't do something there might be trouble.

The supervisor talked to the harasser and told him to knock it off, which ended the teasing. The other employees seemed to appreciate the intervention. The supervisor mentioned the situation while having lunch with the Human Resources Manager. He was surprised when the Human Resources Manager said that the "I'd have kicked your butt" comment on the prior Friday was a violation of the company policy against verbal threats and that he wanted the employee fired under the "Zero Tolerance" clause of the workplace violence policy.

The supervisor felt that this was ridiculous and wanted the Incident Response Team to decide what should be done.

Incident Response

The Incident Response Team met and considered the situation. Some members argued that “Zero Tolerance” required firing of both the employees whose horseplay had gone too far. Others argued that the situation simply had been a brief spate of alcohol-fueled temper that had resolved itself before the gathering had broken up.

There was also a lot of debate over the supervisor allowing the employees to drink on the premises after work, as well as his own participation in the drinking. The legal advisor to the team said that any threat, no matter how unlikely to be carried out, should result in firing. Otherwise, the managers involved might be personally liable if the situation ever developed into violence.

The discussion also involved the conduct of the worker who could not let up teasing on Monday. The team also considered that the “boxing” itself possibly violated the company’s rule against horseplay. The Industrial Relations member of the Incident Response Team said that, due to the after-hours nature of the activity, and the fact that a supervisor had failed to prevent the horseplay, there would be no way any discipline would go uncontested by the union.

After listening to all views, the organization’s senior executive separately called in the two employees from the Friday incident. They were both surprised that anyone would think that the words spoken could have been mistaken for anything but good-natured ribbing. Both said that they continued to have a good relationship and thought the whole matter overblown. They also agreed that the employee who kept bringing up the incident on Monday was a loudmouth whom no one took seriously, and that the supervisor’s verbal correction had been all that was necessary.

Resolution

It was decided that the entire section would be retrained on the company house rules relating to remaining after hours on premises, and the alcohol and horseplay prohibitions. The supervisor met with senior managers who pointed out how his lack of proper supervision had set the stage for what could have become a major liability for the company, either through fist-fights or vehicle accidents arising from employees being allowed to drink on premises before driving home. He acknowledged his failures and accepted the written reprimand without dispute.

The employee who had made the “kicked your butt” comment was verbally counseled that such comments, even in jest to friends, could be misconstrued by others and cause concern.

The employee who had taunted his coworker on Monday, was counseled to consider how his words could have been irritating to everyone he worked with. He apologized and said he would not do it again.



Questions for Discussion

1. Will “Zero Tolerance” in your organization require firing of all violators of your workplace violence or safe workplace policy?
2. Are your supervisors properly enforcing work rules in order to prevent situations conducive to potential violence or other injury?
3. Does your Incident Response Team consist of diverse disciplines and perspectives to allow for all aspects of situations to be addressed?
4. Does your team have a single leader who can listen to conflicting views of members and make decisions as to what course of action to take in the absence of consensus?

Case Study 3 - "Sexual Assault"

The Incident

A female employee came into the office of the Director of Security and reported that a male coworker had sexually assaulted her.

Incident Response

The Incident Response Team was not activated.

Investigation

The female employee explained that while the two employees were leaving a work area, the male coworker turned off the lights, reached both arms around her and grabbed her breasts. The male coworker was interviewed and denied intentionally touching her breasts. He did admit he might have brushed against her breast with his elbow. Both employees indicated that they had been working together for approximately one year. They also both admitted that they had a close working and personal relationship on and off the job. They indicated that they had lunch together on a daily basis and had met outside the workplace at a cocktail lounge for drinks. They also admitted that they had hugged and kissed each other in the past.

Conclusion

There was insufficient evidence to prove sexual assault and the matter was turned over to the Equal Employment Opportunity (EEO) and Sexual Harassment personnel in the Human Resources Office for further determination.

Lessons Learned

1. The EEO Manager wanted the case turned over to their office; however, it was important to treat the incident as a criminal matter. A copy of the investigation was sent to them after the investigation was completed. It is much more difficult to bring criminal charges of sexual assault/ harassment if the investigation is not conducted by a trained criminal investigator.
2. Although 50% of marriages start in the workplace, companies should discourage employees from having a personal relationship at work.

Case Study 4 - “Drug and Alcohol Problem”

The Incident

A female employee, who had been sent home for being under the influence, struck her manager on the side of the head with a board, pulled out a knife, and threatened to cause bodily harm.

Incident Response

The Incident Response Team was not activated.

Investigation

On Friday, a female employee was sent home by her supervisor because she appeared to be intoxicated. The female employee returned to work on Monday and walked into the manager’s office and proclaimed that she was drunk and asked what he was going to do about it. The female picked up a board off the manager’s desk and struck him on the side of his head. She then pulled out her knife and threatened to cause him bodily harm. The manager was able to escape from his office. As he ran down the corridor, the female was in close pursuit, waving the knife in the air, and screaming unintelligible utterances. As the manager passed a set of double metal doors, he stopped, closed the doors, held them closed with his foot, and called out for help. While waiting for the police to arrive, the female employee continually jabbed the knife blade through the crack in the doors in an attempt to cut the manager. The police arrived and arrested the female employee.


During the court hearing and her appeal for wrongful dismissal, the employee admitted to being addicted to illegal drugs and to being an alcoholic. She claimed that her father had sexually abused her as a child. The female’s representative also claimed that the inappropriate behavior by her supervisor and manager, combined with the illegal drug and alcohol abuse, caused her to flashback to her childhood, resulting in her violent behavior. The expert witnesses supported this concept and the judge ordered the company to reinstate the female to her original position. A sexual harassment case was opened against the manager, who left his position. The case is under appeal.

Conclusion

Legal experts say that once the employee declares that she is an alcoholic and asks for help, she falls into a protected class under the Americans with Disabilities Act and must be treated as such.

Items for Consideration

1. When employees are told they cannot work because it appears that they are under the influence of alcohol or an illegal substance, the company should not let them drive by themselves. The company should arrange for a family member or friend to pick them up or have a taxi take them home. If the employee is involved in an accident after being sent home, there may be significant legal issues raised.

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2. Supervisors and managers who believe an employee may become violent should use a conference room or keep objects that can be used as weapons off their desks or behind them.
 3. Behavioral psychologists indicate that many times a person's outward behavior is their way of asking for help. Supervisors and managers need to understand their role and responsibilities when handling such cases. Legal experts indicate that an employee must declare they are an alcoholic or have a condition that falls into one of the protected classes under the Americans with Disabilities Act prior to the commission of the crime or violation of company policy in order to be protected under ADA.
 4. The Threat Assessment Team should get involved in the early stages, even after an incident has occurred, to provide the necessary advice.

Case Study 5 - "Gun Threat"

The Incident

On Friday afternoon, several employees reported to their supervisor that an employee told them that he was going to bring in a gun with a silencer and shoot someone.

Incident Response

Immediate action was required. Therefore, the Incident Response Team was not activated.

Investigation

An employee who had worked for the company for over 25 years became upset with rumors being spread by coworkers. The employee told a group of coworkers that he was going to bring in a gun with a silencer and shoot someone. Several coworkers provided statements to that effect. When interviewed by the Corporate Director of Security, the witnesses denied making any such statements. The employee was interviewed and freely admitted to making the statements; however the employee indicated that he did not mean the threats seriously. The employee just wanted the other employees to stop spreading rumors.

Conclusion

Intimidation or the threat of violence violates various laws. In this case, the employee was not charged criminally; however, the matter was handled administratively.

Items for Consideration

1. It is important that businesses have a clear policy regarding these types of threats and intimidation.
2. Businesses must consider each case on the material facts and weigh all aggravating and mitigating factors. When do you terminate an employee with over 25 years of service?
3. What can businesses do to help the employee?

Case Study 6 - "Threat from a Termination"

The Incident

The Human Resources Manager received a call from a supervisor who had just completed a firing meeting. The supervisor said that at the time the employee was notified of the termination, which was prompted by six no-show, no-call incidents over a five-week period, the employee became visibly angry and said, "You can't fire me! You sure as hell can be terminated, though!"

The supervisor had told the employee to calm down and offered that "we all say things we don't mean." The employee did appear to calm down, but stood and said, "You're taking away the only thing I have left. And I'll see you tomorrow morning at your house and then you'll know what it's like."

The supervisor was very afraid. She asked the Human Resources Manager what to do.

Incident Response

The Human Resources Manager immediately contacted the company threat management team, which consisted only of herself, the Operations Vice President, and President. They interviewed the supervisor and a number of other workers. They learned the following:

- The supervisor had talked several times with the employee about the attendance situation. The employee was a 40-year-old former school teacher who at first was apologetic about missing his shifts, but became increasingly sullen at each subsequent counseling. His hygiene and appearance had begun to suffer, and it was rumored that he was living in his car. There had also been a few complaints about him being extremely abrupt with visitors whom he was supposed to serve.
- When given a last-chance warning letter, the employee had merely crumpled the paper and left it on the supervisor's desk before walking out and slamming the door.
- The supervisor noted that she believed that the employee's wife had recently left and taken their three children to the Mainland. The employee was himself from the Mainland, but no one really knew exactly where.
- He had mentioned to an employee recently that he wondered what the last thing had been on the mind of someone who had committed suicide by jumping off the Pali.
- The supervisor lived about five miles away from the last known residence of the employee. She was married and had two small children. A year ago she had hosted a party at her home for her employees and the fired employee had spent much of the evening playing with her children.

- The supervisor said that a week earlier there had been a story on the national news about a triple murder at a workplace on the mainland which had ended with the gunman, a former worker, being shot and killed by the police. The supervisor said that the fired employee had commented that this was probably a pretty good way to go and had said, "I hope that doesn't hurt too bad." Another employee, reporting about the same situation, said that the fired coworker had noted that he could see how somebody could get so fed up with his boss that he would "come back with a gun." He had ended the conversation by saying that he had always wanted a quick death himself, "like from a police sniper."
- Another employee reported receiving a call from the fired employee in which he was told to stay home tomorrow and that he could keep the binoculars loaned to him by the fired employee. In the same call, the fired employee appeared at times incoherent but did mention that the recent divorce had forced him to lose his home. He also said that without his job he would not be able to make his child support payments and he knew his wife would retaliate by preventing their children from visiting him during their next school break. The call ended with the fired employee asking his friend to tell his kids that he had always tried his best.
- The company called the police and was told by the responding officers that the circumstances did not yet amount to a crime and at this point there was little that could be done. The police did confirm that the employee had purchased a shotgun one week earlier.
- The Incident Response Team consulted with a Threat Assessment Professional who pointed out that the employee exhibited a number of extremely serious warning signs and pre-incident indicators: a) he had suffered a series of recent significant losses (family, job, home); b) he had exhibited an interest in, and identification with, a recent workplace murderer; c) he had exhibited an interest in suicide; d) he had discussed being killed himself; e) he had indicated deep despair over his current situation; f) he had given away a personal object, and seemed to be settling his affairs; g) he had issued a non-conditional statement of intent to harm; and h) he had made a recent firearm purchase, coinciding with his likely termination. The Threat Assessment Professional also noted that the employee was familiar with his supervisor's home and family.

Based on a number of recommendations, the organization did the following:

- The company arranged with the police department to have uniformed special duty officers stationed at the company premises around the clock for seven days. Extension of the coverage would be considered as the situation developed.
- The company sent the supervisor and her family to stay at a hotel for a week and agreed to pay the expenses.

- The company engaged the services of an investigative firm to conduct surveillance of the supervisor's home by remote video.
- The supervisor's neighbors were advised that a problem individual might be visiting the supervisor's home. They were given a description of the fired employee and his vehicle and were asked to call the investigators or the police if he was spotted in the area.
- The local police district commander was contacted and it was agreed that for the next two days increased patrols of the supervisor's neighborhood would be attempted as other calls for service allowed.
- Attempts were made to contact the fired employee's ex-wife to obtain any information she might have regarding likely locations where the employee could be found.
- A psychologist with experience dealing with violence was retained to assist with any further contact from the former employee or to assist any current employees who might be experiencing anxiety over the situation.

Resolution

The next morning a neighbor getting his newspaper noticed a strange car pull up and park half a block away from the supervisor's home; the driver was a lone male. The neighbor noted the license number and upon going indoors confirmed that it was the fired employee's vehicle. He called the police and the investigation company. Arriving police officers saw the man walking up the driveway of the supervisor's home with a golf bag slung over his shoulder and carrying an ax. They ordered him to halt and, when he brandished the ax at them, they fired a beanbag round, disarming him. They found a loaded shotgun in the golf bag. He subsequently confessed that he had intended to break down the door with the ax and murder his supervisor and her family. He was convicted of attempted murder and weapons charges and was incarcerated.

Questions for Discussion

1. Would your organization have moved as rapidly to assess and manage this kind of situation, or would the prevailing attitude have been that the employee was simply "blowing off steam" and the organization should simply "wait and see?"
2. Has your organization identified a Threat Assessment Professional who is experienced in assessing information about troubling situations? What about a psychological/psychiatric resource for advice and counseling?
3. Would your organization be willing to take measures to assure an employee's safety if a work-related threat extended off-premises?
4. Has your organization identified the resources available through local law enforcement to assist in situations such as this?
5. What else would your organization do if confronted with this situation?
6. What would your organization do to monitor the situation in the future?

Case Study 7 - “Random Vandalism or Retaliation?”

The Incident

The Human Resources Manager for the organization receives a visit from a female employee. Later, as the employee leaves for lunch, she finds her car, in the office parking lot, damaged by numerous dents on all four doors. It is evident from clear impressions of muddy boot soles on parts of the damage areas, that someone had been kicking the car. The woman had recently been the victim of a serious long-term sexual harassment that had been investigated by the organization. The result had been the firing, two days earlier, of the senior manager who had coerced the woman into a sexual relationship. The Human Resources Manager had met that morning with the fired manager to complete certain required separation paperwork.

The woman employee said that she remembered once hearing the former manager boasting of damaging the car of someone who had cut him off in traffic, *after he had pulled the elderly driver from the car and slapped him around*. The woman employee is afraid that the former manager is responsible for the damage to her car, and also fears that he will harm her as well.

The woman says that, when she first brought the matter to her present supervisor, she was told that there was nothing about the situation that the organization could do and that there was no connection to the workplace. Besides, says her manager, because no articulated threat had been made, she should call a body shop and not the Incident Response Team.

The woman, remembering a briefing given on Workplace Violence to all employees, did not accept this response and went to the Human Resources Manager. She says that she thinks she is being retaliated against for providing a truthful statement in the company’s sexual harassment investigation and is primarily concerned for her safety.

Incident Response

The Human Resources Manager speaks with the members of the Incident Response Team. As a result of their conference, the following occurs:

- An experienced investigator is contacted to conduct an investigation of the vandalism.
- The police are called and a report is made of possible Criminal Property Damage.

- The Human Resources Manager speaks to other employees formerly supervised by the fired manager. They confirm that he had frequently spoken of angry confrontations he had initiated when subordinates had frustrated him. Two of the employees reported that he had threatened to “teach them a lesson” if they ever crossed him. Both reported that they felt physically threatened by his words and menacing manner.
- A background research firm conducts a check of public records in the locations where the former manager has lived in the past.
- The organization’s Chief of Security conducts a security briefing for the woman employee. As a courtesy, a security survey is made of her residence, which is in an apartment complex with excellent access controls, CCTV cameras and twenty-four hour security guards who monitor the main building entrance. Grills and gates secure the parking garage.
- The woman changes her unlisted telephone number and she is given a new extension number at work.
- The organization sends a letter to the former manager informing him that he may no longer visit the facility. He is told that all contact between himself and the company should be through the Human Resources Manager.
- The woman’s parking stall is changed to another located closer to the parking garage elevators and directly under view of the building security cameras.
- The building security guards are instructed to escort the woman to and from her parking stall if she requests.
- The woman is referred to the organization’s EAP provider for counseling and support. She attends a few sessions, and appreciates having a sympathetic professional with whom she can confidentially confide her thoughts and feelings.

Resolution

Upon receiving the letter, the fired manager leaves an angry voice mail message for the Human Resources Manager. While not containing any overt threat, it does transmit one piece of welcome news. He says they don’t have to worry about him coming back to their lousy building since he’s gotten a much better job on another island.

The investigation into the vandalism proves inconclusive. A passerby recalls walking into the building an hour before the discovery of the damage and seeing no vandalism. The same man walked out as the woman was showing it to the Human Resources Manager, and is certain that the car was fine when he arrived. A check of the parking lot tickets and access computer records shows that only the fired manager exited the parking lot during the relevant time period.

Through records found in California it is discovered that the fired manager was arrested for beating an ex-lover when she tried to break up with him. He was not convicted of that crime, but in a plea arrangement he entered a deferred plea to a charge of harassment.

Although the Human Resources Manager does not receive any further communications from the former manager she does learn from friends on the other island that the former manager is indeed working there. No background inquiries were made to his former employer by his new employer.

The woman employee reports no further instances of vandalism. The woman expresses frustration with her own manager's initial reaction, but express great appreciation for the subsequent handling by the organization.

Questions for Discussion

1. Do you agree or disagree with the handling of this situation by the organization?
2. Do you think the position of the woman's current manager is appropriate for your organization: *short of incontrovertible proof of direct connection, the organization should do nothing to make an employee feel more secure?*
3. What else do you think the organization should have done in this situation?
4. Does your organization conduct thorough background checks of prospective employees?
5. Does your organization:
 - a) Stress SAFETY with all managers?
 - b) Promote upward reporting of employee safety and security concerns to the attention of the Threat Management Team or other responsible executives?

Case Study 8 - “Temporary Restraining Order”

The Incident

The supervisor of an outlying office of a mid-sized organization telephones the Threat Management Team coordinator at the headquarters office. The outlying office is located in a large shopping center. The supervisor tells the coordinator that a female employee has just told him that at the urging of relatives, and with misgivings, she has obtained a Temporary Restraining Order (TRO) to prevent her ex-husband from approaching within 300 feet of her. She revealed that he had frequently choked and beat her during their seven-year marriage. He is an ex-felon, presently on parole for an armed robbery.

She has recently left her ex-husband for the first time and is living with a cousin whose address her ex-husband does not know. He is, of course, familiar with her regular work site.

The employee had delivered the TRO to the local police station earlier that morning. She also said that the ex-husband used to have access to a number of guns owned by his friends. He had warned her on numerous occasions that if she ever told anyone about his violence he would find her and kill her. For that reason she is afraid that by starting the TRO process she will cause him to become enraged and carry out his threats. The police told the woman that they would try to serve the TRO on her ex-husband as soon as possible.

Incident Response

The Incident Response Team coordinator, who is the company’s Human Resources Manager, calls an immediate meeting of the team.

While waiting for the team to assemble, the coordinator places a call to the outside threat assessment consultant on contract with the company. The consultant advises that the following steps should be immediately taken at the site:

- The woman should be asked for a copy of the TRO and any other court orders detailing the locations and person(s) from whom the ex-husband was ordered to stay away.
- The woman should be asked to supply a full description of the ex-husband, a recent photograph (if available), and a description of all vehicles he is known to use.
- The information obtained from the woman should be supplied to the security guards for the shopping center where the woman’s office is located.

- The woman should be consulted with and directed to make herself available to her ex-husband as little as possible and to have no communication of any kind with him.
- The team should develop a plan for what callers or visitors will be told about the woman's presence or absence from her work site.

The threat assessment consultant agrees to remain available by telephone to the company.


The Incident Response Team meets and, in addition to the consultant's advice, decides on the following:

- The site manager is to be told to keep the main entry-door to the office locked. As the office where the woman works rarely has visitors who do not make advance appointments, the supervisor does not think this will be a problem. Because the door contains a narrow glass window, visitors with appointments can be seen and admitted.
- The office receptionist is to be told to call the police and the shopping center security force upon any appearance made by the ex-husband at or near the office. Callers are to be told that the woman is on vacation and that messages are being taken.
- The woman is to be offered an opportunity to work at another office site on the other side of the island. Her ex-husband is not familiar with this location.
- The other five employees of the office are to be briefed on the situation and are to take specific measures to safeguard information about their coworker and her transfer.
- Contact will be made with the police in order for the company or the woman to be notified once the ex-husband has been served with the TRO.

Resolution

The same day, the woman moved to another office of the company, located approximately 25 miles from her normal office. The office staff at that location was also briefed on the situation and given the information about the ex-husband's vehicles and description. A copy of the TRO was given to the second office manager. It specified that the ex-husband was to remain a distance of 100 yards away from the woman and her workplace (her regular work site address was listed).

At 7:30 the next morning, the Incident Response Team coordinator listened to voice mail left by the police the previous night advising that the ex-husband had been served the TRO. His demeanor had been angry.



At 8:00 a.m., the coordinator received a call from the manager of the first office. Arriving employees had spotted the ex-husband sitting in his car 50 yards from the entry to the office. They had called the police and shopping center security. When the police arrived, they spoke to the ex-husband and noticed the butt of a pistol protruding from under some papers on the front passenger seat. The ex-husband was arrested for violating the TRO and a loaded revolver was recovered from the vehicle, hidden beneath a copy of the TRO. The pistol was determined to have been stolen. He was also charged on the weapons-related offenses.

At a subsequent court hearing, a high bail was set. Later, the ex-husband's parole was revoked and he was convicted on a felony gun charge.

Questions for Discussion

1. What other steps might the Incident Response Team have taken to ensure the safety of the woman employee?
2. As is often the case, the TRO was of mixed value. In your opinion, was it the likely precipitator of the ex-husband's pre-attack behavior?
3. What alternatives to a TRO could have been used to facilitate the woman employee's safety?

Case Study 9 - “Behavioral Problem”

The Incident

A supervisor calls the Corporate Director of Safety/Security over the concern of an employee. The supervisor indicates that the employee had asked if their neighbors had called. When asked why, the employee had related a story about his neighbors who have a machine that can read his mind. The employee had told the supervisor that this matter needs to be reported because only the FBI is authorized to have such a machine.

Incident Response

The Assistant General Manager, Department Head, Corporate Director of Safety/Security, Corporate Counsel, and Director of Human Resources reviewed the facts regarding the situation and developed a course of action. The Incident Response Team concluded that the employee should be sent to his personal physician and should return with a letter from his physician stating that the employee “. . . is not a threat to themselves or someone else . . .”. Several months later, the employee returned to work with a letter from the doctor. The letter stated that it was the doctor’s opinion that returning to work would be good therapy for the employee. The company did not have an Employee Assistance Program (EAP), which made it difficult to handle.

Investigation

While interviewing the employee, it was found that the employee had thrown rocks at the neighbors’ house causing damage to the windows and roof. The employee explained that this was an attempt to stop them from using the mind reading machine. The employee seemed confused. He indicated that he was seeing a state chiropractor, who suggested that he move because of the neighbors, which he did.

Conclusion

The employee did return to work under close supervision and is doing well.

Lessons Learned

1. Employees should be treated with respect at all times.
2. When dealing with this type of situation, the individual can be unpredictable. It is important that trained staff handle such matters and consult with an expert in human behavior and risk assessment.
3. It is also very important to consider not only violations of company policy but also violations of criminal laws. Not taking appropriate action to correct behavioral problems is actually giving permission to continue with the actions.
4. It is very important to identify who is on the Incident Response Team and to activate the Incident Response Team as soon as a potential threat is identified.

Case Study 10 - "Stalking"

The Incident

A supervisor called the Human Resources Manager to request a meeting of the Incident Response Team for assistance in handling a situation he's just learned about. He had been counseling one of his employees about her frequent unscheduled absences, when she told him a chilling story of what she's been going through for the past year. She had broken up with her boyfriend a year ago and he's been stalking her ever since. He calls her several times a week and she hangs up immediately. He shows up wherever she goes on the weekends and just stares at her from a distance. He often parks his car down the block from her home and just sits there. He's made it known he has a gun.

Incident Response

This organization's plan calls for the initial involvement of the Security Director, Human Resources Manager, and Employee Assistance Program in cases involving stalking. The security officer, EAP counselor, and the Human Resources Manager met first with the supervisor and then with the employee and supervisor together. At the meeting with the employee, after learning as much of the background as possible, they gave her some initial suggestions.

1. Contact the local police and file reports. Ask them to assess her security at home and make recommendations for improvements.
2. Log all future contacts with the stalker and clearly record the date, time, and the nature of the contact.
3. Let voice mail screen incoming phone calls.
4. Contact her phone company to report the situation.
5. Give permission to let her coworkers know what was going on (she would not agree to do this).
6. Vary her routines, e.g., go to different shops, take different routes, run errands at different times, report to work on a variable schedule.

The team then worked out the following plan:

1. The Human Resources Manager acted as coordinator of the response effort. He made a written report of the situation and kept it updated. He kept the team members, the supervisor, and the employee apprised of what the others were doing to resolve the situation. He also looked into the feasibility of relocating the employee to another work site.
2. The Security Director immediately reported the situation to the local police. With the employee's consent, she also called the police where the employee lived to learn what steps they could take to help the employee. She offered to coordinate and exchange information with them. The Security Director arranged for increased surveillance of the building and circulated photos of the stalker to all building guards with instructions to detain him if he showed up at the building.
3. The supervisor began to check the employee's voice mail in order to eliminate the number of times she would have to be exposed to the stalker's verbal harassment. He forwarded any non-harassing voice mail to a new voice mailbox established for the employee. The Security Director brought a tape recorder to the supervisor and showed him the best way to tape any future voice mail messages from the stalker. She also contacted the organization's phone company to arrange for its involvement in the case.
4. The Employee Assistance Program counselor provided support and counseling for both the employee and the supervisor throughout the time this was going on. He suggested local organizations that could help the employee. He also tried to convince her to tell coworkers about the situation.
5. The union arranged to sponsor a session on stalking in order to raise the consciousness of organization employees about the problem in general.

After a week, when the employee finally agreed to tell coworkers what was going on, the EAP counselor and Security Director jointly held a meeting with the whole work group to discuss any fears or concerns they had and give advice on how they could help with the situation.

Resolution

In this case, the employee's coworkers were supportive and wanted to help out. They volunteered to watch out for the stalker and to follow other security measures recommended by the Security Director. The stalker ended up in jail because he tried to break into the employee's home while armed with a gun. The Security Director believes that the local police were able to be more responsive in this situation because they had been working together with security on the case.

Questions for Discussion

1. Do you agree with the employer's approach in this case?
2. What would you do in a similar situation if your organization doesn't have security guards or a Security Director?
3. What would you do if coworkers were too afraid of the stalker to work in the same office with the employee?
4. What would you do if/when the stalker gets out of jail on bail or out on probation?
5. If the stalker had not precipitated his arrest, how long would your organization have been willing to continue supporting the employee with enhanced procedures?
6. Would your union and management have agreed to conduct stalking training for employees?

Case Study 11 - “Frightening Behavior”

The Incident

A supervisor contacts the Human Resources Office because one of his employees is making the other employees in the office uncomfortable. He said the employee does not seem to have engaged in any actionable misconduct but, because of the employer’s new workplace violence policy, and the workplace violence training he had just received, he thought he should at least mention what was going on. The employee was recently divorced and had been going through a difficult time for over two years and had made it clear that he was having financial problems which were causing him to be stressed out. He was irritable and aggressive in his speech much of the time. He would routinely talk about the number of guns he owned, not in the same sentence, but in the same general conversation in which he would mention that someone else was causing all of his problems.

Incident Response

At the first meeting with the supervisor, the Human Resources Supervisor and Employee Assistance Program (EAP) counselor suggested that, since this was a long-running situation rather than an immediate crisis, the supervisor would have time to do some fact-finding. They gave him several suggestions on how to do this while safeguarding the privacy of the employee (for example, request a confidential conversation with previous supervisors, go back for more information from coworkers who had registered complaints, and, if he was not already familiar with the employee’s personnel records, pull his file to see if there are any previous adverse actions in it). Two days later they had another meeting to discuss the case and strategize a plan of action.

The supervisor’s initial fact-finding showed that the employee’s coworkers attributed his aggressive behavior to the difficult divorce situation he had been going through, but they were nevertheless afraid of him. The supervisor did not learn any more specifics about why they were afraid, except that he was short-tempered, ill-mannered, and spoke a lot about his guns (although, according to the coworkers, in a matter-of-fact rather than in an intimidating manner).

After getting ideas from the Human Resources Supervisor and the EAP counselor, the supervisor sat down with the employee and discussed his behavior. He told the employee it was making everyone uncomfortable and that it must stop. He referred the employee to the EAP, setting a time and date to meet with the counselor.


Resolution

As a result of counseling by the supervisor and by the Employee Assistance Program counselor, the employee changed his behavior. He was unaware that his behavior had been scaring people. He learned new ways from the EAP to deal with people. He accepted the EAP referral to a therapist in the community to address underlying personal problems. Continued monitoring by the supervisor showed the employee's conduct improving to an acceptable level and remaining that way.

Questions for Discussion

1. Do you agree with the approach in this case?
2. Can you think of other situations that would lend themselves to this kind of low-key approach?
3. Does your organization have effective EAP training so that supervisors are comfortable in turning to the EAP for advice?

Case Study 12 - “Disruptive Behavior”

The Incident

After workplace violence training was conducted at the organization, during which early intervention was emphasized, an employee called the Employee Assistance Program (EAP) member of the workplace violence team for advice on dealing with his senior coworker. He said the coworker, who had been hired at a senior professional level six months earlier, was in the habit of shouting and making demeaning remarks to the other employees in the office. The senior coworker was skilled in twisting words around and manipulating situations to his advantage. For example, when employees would ask him for advice on a topic in his area of expertise, he would tell them to use their own common sense. Then when they finished the assignment, he would make demeaning remarks about them and speak loudly about how they had done their work the wrong way. At other times, he would demand rudely in a loud voice that they drop whatever they were working on and help him with his project. The employee said he had attempted to speak with his supervisor about the situation, but was told not to make a mountain out of a molehill.


Incident Response

The EAP Counselor met with the employee who had reported the situation. The employee described feelings of being overwhelmed and helpless. The demeaning remarks were becoming intolerable. The employee believed that attempts to resolve the issue with the coworker were futile. The fact that the supervisor minimized the situation further discouraged the employee. By the end of the meeting with the counselor, however, the employee was able to recognize that not saying anything was not helping and was actually allowing a bad situation to get worse.

At a subsequent meeting, the EAP counselor and the employee explored skills to address the situation in a respectful, reasonable, and responsible manner with both his supervisor and the abusive coworker. The counselor suggested using language such as:

- I don't like shouting. Please lower your voice.
- I don't like it when you put me down in front of my peers.
- It's demeaning when I am told that I am...
- I don't like it when you point your finger at me.
- I want to have a good working relationship with you.

The employee learned to focus on his personal professionalism and responsibility to establish and maintain reasonable boundaries and limits by using these types of firm and friendly “I-statements,” acknowledging that he heard and understood what the supervisor and coworker were saying, and repeating what he needed to communicate to them.



After practicing with the Employee Assistance Program (EAP) counselor, the employee was able to discuss the situation again with his supervisor. He described the situation in non-blaming terms, and he expressed his intentions to work at improving the situation. The supervisor acknowledged that the shouting was annoying, but again asked the employee not to make a mountain out of a molehill. The employee took a deep breath and said, "It may be a molehill, but nevertheless it is affecting my ability to get my work done efficiently." Finally, the supervisor stated that he did not realize how disruptive the situation had become and agreed to monitor the situation.

The next time the coworker raised his voice, the employee used his newly acquired assertiveness skills and stated in a calm and quiet voice, "I don't like to be shouted at. Please lower your voice." When the coworker started shouting again, the employee restated in a calm voice, "I don't like being shouted at. Please lower your voice." The coworker stormed away.

Meanwhile, the supervisor began monitoring the situation. He noted that the abusive coworker's conduct had improved with the newly assertive employee, but continued to be rude and demeaning toward the other employees. The supervisor consulted with the EAP counselor and Human Resources Supervisor. The counselor told him, generally, people don't change unless they have a reason to change. The counselor added that the reasons people change can range from simple "I-statements," such as those suggested above, to disciplinary actions. The Human Resources Supervisor discussed possible disciplinary options with the supervisor.

The supervisor then met with the abusive coworker who blamed the altercations on the others in the office. The supervisor responded, "I understand the others were stressed. I'm glad you understand that shouting, speaking in a demeaning manner, and rudely ordering people around is unprofessional and disrespectful. It is unacceptable behavior and will not be tolerated." During the meeting, he also referred the employee to the Employee Assistance Program (EAP).

The coworker continued his rude and demeaning behavior to the other employees in spite of the supervisor's efforts. The others, after observing the newly acquired confidence and calm of the employee who first raised the issue, requested similar training from the EAP. The supervisor met again with the EAP counselor and Human Resources Supervisor to strategize next steps.


Resolution

When all of the employees in the office started using assertive statements, the abusive coworker became more cooperative. However, it took a written reprimand, a short suspension, and several counseling sessions with the EAP counselor before he ceased his shouting and rude behavior altogether.

Questions for Discussion

1. Does your workplace violence training include communication skills to put a stop to disruptive behavior early on (including skills for convincing reluctant supervisors to act)?
2. How would your organization have proceeded with the case if the coworker had threatened the employee who spoke to him in an assertive way?
3. What recourse would the employee have had if the supervisor had refused to intervene?

Case Study 13 - “Psychological Problem”

The Incident

A Division administrator contacted Human Resources because of a female employee who was displaying memory lapses, sudden physical disability, disorientation, agitation, inability to focus and retain information, sudden arrival at coworkers’ residences in a troubled state, threats to harm herself, and possession of a knife and a handgun while off-duty at the homes and in the presence of a coworker. The employee had been an unexpected overnight guest when she appeared at colleagues’ homes in a troubled state. She has been disoriented to her surroundings, and unable to identify those with whom she regularly works. Colleagues have transported her to hospital emergency rooms, and to scheduled medical and mental health treatments. Coworkers are distressed about the potential threat posed to them by the employee.

Incident Response

The Human Resources Division contacted the Employee Assistance Program (EAP) for initial consultation. The EAP recommended bringing in a psychologist with threat assessment expertise to meet and help devise a response plan.

The initial meeting consisted of several representatives of Human Resources, the Division administrator, the EAP and the threat assessment psychologist. At this meeting, the background of the case and the employee was discussed. The employer revealed that the goal of the intervention was to devise a strategy which would enable the safe retention of the employee.

Administrator The Division administrator was tasked with providing the personnel file to the psychologist for review. He would also arrange for the employee to be evaluated by the psychologist for purposes of providing a plan of action based upon a mental health, or Fitness for Duty evaluation. He arranged for coworkers to have access to the EAP program in order to address their fears and consequent mental health needs.

Human Resources The Human Resources administrator contacted security in order to develop background information related to the employee. Information about the employee’s criminal history of violence and weapons possession was desired. The Human Resources administrator also consulted with the Division administrator to make sure that the organization’s policies and procedures were implemented. The Human Resources office articulated questions that they wanted answered by the Fitness for Duty evaluation.

Employee Assistance Program


Timed to coincide with when the Fitness for Duty evaluation was being conducted, the EAP had a crisis debriefing session with all employees. The purpose of this debriefing was to address ongoing concerns of the employees, provide information that may lead to their reassurance that the organization was acting responsibly, and to provide linkage to individual counseling. The EAP also conducted individual short-term counseling and referrals for employees who expressed a need for these services. In a manner ensuring confidentiality, the EAP provided information to the threat assessment psychologist about behaviors of concern to these employees.

Threat Assessment Psychologist

The psychologist interviewed selected administrative staff and learned the employer's goal was the safe retention of the employee. Information was developed that the employee had no criminal history. Initial information was that the employee had recently been evaluated for a stroke, but that the physical complaints of this employee had no known medical causation. A referral had then been made for psychological care.

The threat assessment psychologist met with the employee and gained access to her mental health files. It was learned that she became depressed and anxious, and started to have flashbacks and disconnected memories of her childhood. She had trance-like dissociative states. She was suspected of being a victim of sexual abuse as a child, as well as some other violence. Her psychiatrist prescribed a number of medications commonly used in treating depressive, panic, seizure and psychotic disorders.

Psychological testing was conducted, with results indicating the employee was not in touch with her emotions, that may overcontrol the way that she expressed her anger. Her profile indicated that she tended to be impulsive and act out in socially unacceptable ways. She showed a pattern of guilt and remorse and negative self-evaluation after her impulsive behavior, but she tended to repeat this behavior. People with her profile tend to feel tense, agitated and unable to manage their problems. They engage in compulsive behavior and set high standards for themselves and feel guilty when such standards are not met. The test results showed that she had superior intellectual functioning. While she has admitted to recent suicidal ideation, her test results did not suggest a tendency to express anger outwardly. Her pattern of test results suggests that she may have symptoms of a number of psychological conditions.



The psychologist interviewed the employee. She admitted hearing voices. She described these voices as coming from within her head and that the identity of the voice was known to be her. At times, the voices argue. She showed no evidence of obvious delusional beliefs. At times, her memory and concentration appeared lacking for someone of her intellectual capacity. She said that she did not understand why her employer was involved in her situation. She expressed apprehension that she may lose her job.

The employee expressed distress over her recent behavioral changes. She claimed that she finds herself at different locations without remembering the circumstances of her travel.

The employee denied any homicidal ideation, thoughts, intent or plans. She admitted to suicidal ideation in the past, the last time 2-3 months ago. Her plan had involved shooting herself and at least on one occasion, she had placed a gun to her head. She had thoughts about driving her car over a cliff, but she did not pursue this because the outcome was “not guaranteed.”

She told the psychologist that a few months ago that she had attempted to acquire a handgun for target practice because she could not bring an unregistered weapon — which she possessed — to the range. She was unable to acquire one because she truthfully answered registration questions pertaining to her mental condition. She had, and may continue to have, access to two other weapons. She claimed that her husband’s unregistered handgun was dismantled. She said that a second unregistered weapon had been in a safe deposit box, but that she then anonymously had mailed it to the police. When the psychologist expressed skepticism that she had mailed this weapon to the police, she then denied mailing it and claimed that she had thrown the gun into the ocean after contemplating killing herself. The employee revealed that she is an experienced shooter of weapons, having been trained to shoot by her father when she was aged four or five. She said that she knows that she can always go to a shooting range to use a weapon there.

The employee disclosed that she had increased her level of alcohol consumption over the past six months. She admitted that she had consumed one and a half beers before coming into the psychological interview in an attempt to manage her anxieties. While she denied any history of problems with alcohol or craving to drink, she revealed that a friend of hers had told her that her drinking was making matters worse. She denied any current abuse of illegal substances, but admitted smoking marijuana and using Ecstasy on several occasions while in college.

An interview with the employee's supervisor indicated that over the past few weeks, she had been doing well in her work. He felt that she was getting better. He was able to tolerate her occasionally taking sick leave because of episodes that she may experience. He considered her one of the best employees he ever had.

The psychologist completed his evaluation and wrote a detailed report on his findings.


Resolution

The Fitness for Duty documented the severity and variety of her psychological conditions, that the conditions would become noticeable on a periodic basis, and that this would prevent her from working during that time period. During acute episodes of her disorder, she was viewed as being unable to perform some or all of her work functions, duties and responsibilities.

During the period of time that her condition flared, she was considered to be a mild-substantial danger to hurt herself. The level of risk varied as a function of her fluctuating psychological course. Also elevating the risk level was the potential presence of handguns, the location and security of which were not adequately documented. While the employee denied any thoughts, intent or plan to hurt others, the presence of weapons was perceived to elevate the risk that others could be inadvertently hurt in any attempt to hurt herself. Additionally, others who might seek to disarm her could be injured in this process.

The report concluded that if the employer wanted to keep the employee working under these conditions, that coworkers should not transport her for medical care, but should call an ambulance and security if such care was needed. It was also recommended that the employee be directed to have her weapons secured by police authorities. The Employee Assistance Program was suggested as a resource that could be tasked with making recommendations regarding the employee gaining access to specialized treatment programs on the mainland, which programs could be helpful to the employee.

The employer was advised that a comprehensive risk management approach would also involve retaining a security firm that could develop additional information about the behavior, thinking and plans of the employee. The security firm could engage in surveillance or pretext contacts in order to aid in managing the case. The employer was informed that this approach could serve as an early warning system if the employee were engaged in active measures to plan an act of violence. Despite this recommendation, the employer decided against these measures.



The employer decided to retain the employee and to continue to provide accommodation. The employer provided time off for psychological care and discontinued the practice of employees providing transportation to psychological and medical care. The employee has been performing her duties well. Another employee decided to quit because she was so traumatized about being exposed to the behavior of her coworker.

Questions for Discussion

1. Do you agree with the employer's willingness to retain the employee?
2. Would your organization handle the situation differently? How?
3. Has your organization identified a threat assessment professional if a similar situation occurred in your organization?

Case Study 14 - "Harassing Behavior"

The Incident

A Division administrator contacted Human Resources because of a male employee who, for a period of four years, had engaged in harassing behavior that included threatening hand gestures, facial sneers, hitting another employee with a refrigerator door, being confrontational and intimidating others. In addition, the one employee had made racially derogatory remarks and was badgering and confrontational. The employee had a history of complaining about alleged mistreatment at his workplace. Eight formal internal complaints were documented about the behavior of four coworkers. In formal and informal complaints, he had claimed sexual harassment, reprisals, retaliation, hostile behavior, and racial harassment. He claimed there was a conspiracy against him. He said that he had received prank calls from a coworker. In about a four-month period, he had filed five complaints alleging coworkers had engaged in racial discrimination and lying. No complaints were sustained. Over a four-year span, few of his complaints resulted in coworkers being counseled about their behavior. Most of his complaints were not sustained.

His supervisor and coworkers started to complain about his behavior. He asked if he could get directives in writing. He was observed making extensive use of the telephone for personal calls. He yelled at a coworker. His continuous talking was interfering with other coworkers' productivity. He was tardy to work. His supervisor complained about the employee causing her stress. He was noted as moody, making threatening gestures (punching his fist into the palm of his hand), and recording his conversations with everyone by means of a tape recorder. He was asked to calm down as his voice escalated and got very loud. He was unwilling to work required overtime.

He asked a supervisor if he could bring a gun to work in order to protect himself. When he was told "no," he asked if he could bring pepper spray to work. A coworker claimed that the employee confided that he carried a knife in his socks.

The employee was placed on leave with pay in order to conduct an investigation of his work environment. Three years later, the company sought to take action to resolve this situation.

Incident Response

The Human Resources Division contacted a psychologist with threat assessment expertise to meet and help devise a response plan.

The initial meeting consisted of a representative of the Human Resources office and the threat assessment psychologist. At this meeting, the background of the case and the employee was discussed. The employer revealed that the goal of the intervention was to devise a strategy which would enable the **safe return to work** of the employee.

Human Resources

The Human Resources administrator was tasked with providing the personnel file and other documents (including the complaint file) to the psychologist for review. He would also arrange for the employee to be evaluated by the psychologist for purposes of providing a plan of action based upon a mental health, or Fitness for Duty evaluation.

Threat Assessment Psychologist

The psychologist interviewed selected administrative staff and learned that the employer's goal was the safe return to work of the employee. The psychologist was provided information that the employer had sent the employee to a psychiatrist at the time he was removed from work status. The psychiatrist conducted one interview and performed no testing. The psychiatrist's report indicated that coworkers had anxiety about the employee's potential for dangerousness.

Psychological testing results indicated the employee may have tried to present a distorted and overly positive impression of himself, thereby limiting confidence in the psychological test results. His psychological test results showed that he desires to dominate in relationships and that he may have occasional exaggerated aggressive responses. He has strong need for attention and affection from others and he may fear that these needs will not be met if he is more honest and open about his attitudes. People with his profile are perfectionists and condemnation causes them considerable tension, especially if conveyed by persons in authority. There was no evidence that the employee suffered from disorders such as psychosis, depression, or anxiety disorders. He operated at a normal level of intellectual functioning. There was evidence that he may have various personality disorders.

The psychologist interviewed the employee, who was tense and cautious. He had an unusual affect, a prominent and intermittent facial grimace. He was articulate, deliberate and overtly cooperative. He denied any homicidal or suicidal ideation, thoughts, intent or plans. He claimed that he owned no weapons. He denied any intent to bring a firearm to work, claiming that he only wanted permission to carry a "pepper spray gun." The reason for this was his purported fear of a coworker. He denied telling this same coworker that he carried a knife on his person, or that he ever does carry a knife.

The employee showed no evidence of hallucinatory behavior or obvious delusional beliefs. He said that he had no problems with alcohol, and previously used it very rarely. He denied any current substance abuse, but admitted smoking marijuana while in high school. He does not take any medication.

The employee was asked if he would be willing to disavow any rights to gun ownership in order to return to work. Initially he responded by saying that he would have to consult with his union in order to not give up any rights. When told that some people are willing to disclaim such ownership rights in order to regain their position, he instructed this evaluator to write that he would do so.


The psychologist completed his evaluation and wrote a detailed report on his findings.

Resolution

The Fitness for Duty report documented that the employee currently showed evidence that he represents a low risk of present danger to himself or others. There was no recent or past specific threat. There was no known substance abuse or psychotic disorder. There was no known history of violence, other than a reported incident when he hit a co-worker with a refrigerator door. However, the request to bring a gun to work and allegations that he wore a knife on his person were concerns. It was suggested that if the employee was allowed to return to the workplace, it would be prudent to accept his offer to disavow any gun ownership rights by having him submit a statement to this effect to authorities.

The psychologist stated that because of the employee's personality disorder, he was likely to continue to have problems dealing tactfully with people. Training classes in anger management, stress management, and conflict resolution were suggested. However, the employer was warned that supervisory tactics would need to be employed to observe his work behavior and document whether or not he meets all requirements, including interpersonal comportment.

The threat assessment psychologist suggested to the employer that the services of a security firm be retained in order to develop more information on the criminal background and weapons ownership profile of the employee. The employer was advised that a comprehensive risk management approach would also involve the security firm engaging in surveillance or pretext contacts in order to aid in managing the case. The employer was informed that this approach could serve as an early warning system if the employee was engaged in active measures to plan an act of violence. Despite these recommendations, the employer decided against these measures.



The employer decided to retain the employee. The employer required the employee to attend extensive anger management training. The employee complained about this requirement and continues to be uncooperative with the employer.

Questions for Discussion

1. Do you agree with the employer's willingness to retain the employee?
2. Would your organization handle the situation differently? How?
3. Has your organization identified a threat assessment professional if a similar situation occurred in your organization?

Practice Exercises*

Introduction

This section contains exercises that will encourage you to utilize the information learned in the manual, and to think about the best ways to handle the issue of violence in the workplace.

How to Use the Practice Exercises

It would be helpful if you could use an experienced trainer who would ask you to work in small groups. First approach the exercise as a fellow employee. Then you might approach the exercise as a supervisor or manager.

For these exercises, follow the steps below.

1. Read the assigned exercises.
2. Discuss “Things to Think About” and formulate responses.
3. Have someone in your group take notes and present your responses to the larger group.
4. Ask your trainer for assistance when needed.

*From *Understanding and Responding to Violence in the Workplace*, U. S. Department of Health and Human Services, March 1997. Reproduced by U. S. Department of Commerce, National Technical Information Service, Springfield, VA 22161 (703) 605-6000.

Exercise 1: “Thank Goodness It’s Friday!”

You are sitting at your desk quietly winding up your work for the day. It’s Friday afternoon and your thoughts turn to your plans for the weekend. Suddenly you are startled by some commotion you hear in the hall. You recognize the voices of your coworkers John and Sarah. Sarah is yelling at John to stop bothering her, that she is sick and tired of his sexual harassment. John is yelling back at her, telling her she’s crazy and that he can’t stand to be with her, much less sexually harass her. The screaming continues and you step out into the hall to try to intervene. About that time, John storms off saying to Sarah, “I hope you have a horrible weekend, I’ll make sure that you do!”

Sarah is shaking and runs out the door. You start thinking about what you should do. All you really want to do is go home and forget this event. It will cool down by Monday. Something bothers you, though. You know that John is an avid gun collector and user and there have been rumors that he has hit his wife. Suddenly you are worried about Sarah.

THINGS TO THINK ABOUT:

1. Do you think you should get involved in this situation?
2. What are you going to do now?
3. Is John a violent person?

Exercise 2: “Helping Mary”

Mary is a coworker in your agency. She has been a valuable employee to your group and one of the most respected experts in her field. You notice lately, though, that she is more reserved and is absent quite a bit. You hear her quietly crying or having a fight with someone on the phone frequently. She is a bit jumpy while she is at work, always looking over her shoulder when she goes somewhere.

You ask her to lunch one day and voice your concern. Mary says she is having some problems at home but that they are nothing to worry about; she can handle them herself. Several weeks later you notice that Mary’s fear has escalated. She rarely leaves the building. When she must leave, she moves quickly, always covering her face. She works erratic hours. Her fear is really beginning to affect everyone at work. You are all concerned for her but don’t know what is going on. You begin to wonder if there is a real danger, both to Mary and to the rest of you who work with her.

THINGS TO THINK ABOUT:

1. Do you believe this is a situation that requires further action on your part? Why or why not?
2. What are the appropriate interventions in this situation? Think about those things that you and the other coworkers can do, what Mary’s supervisor can do, what security staff can do, and what any other agency staff can do.
3. Are there other protections that should be considered for Mary and her coworkers?

Exercise 3: “The Unhappy Customer”

Your job in this Department is to assist recipients of substance abuse grants. It involves working with customers face-to-face each day. Since there are many recipients of these grants, it is impossible to know all of them personally. Due to recent budget cuts, some of the grantees have been eliminated.

Some of the discontinued recipients have been calling you. They are extremely upset and have even screamed at you. One even threatened to get even since you ruined his life. You ignore these calls and threats, attributing the behavior to the situation of losing their livelihoods. In fact, you actually feel sorry for them and decide you would also be upset if you lost your program.

One morning, you are sitting in your office and a man bursts in and starts waving a gun at you. You do not recognize him. He starts screaming, “It’s time to get even and don’t act like you don’t know what I’m talking about!”

THINGS TO THINK ABOUT:

1. Detail what you would do in this situation.
2. Could this situation have been prevented? If so, what are some of the preventative actions you and your Department could have taken?

Exercise 4: “The Burnt-Out Administrator”

In the last few months, your agency has undergone a re-organization. You are the computer network administrator and have been working very hard to reconfigure everyone’s computers. You have been putting in a lot of hours at night so you cause as little disruption as possible. You are starting to feel extremely stressed. Your attitude has been bad and you don’t particularly like coming to work. You tell yourself that this will end soon, after the new system is put in place.

One morning, after a particularly long night, you come in to work and sit down to read your email messages. There is a message from a very angry employee whose computer has crashed and she needs your help immediately. You walk around to her space and the woman starts to verbally attack you.

She screams, “YOU ARE SO STUPID! ONLY STUPID PEOPLE WOULD MESS UP A COMPUTER THE WAY YOU DID. WHY DON’T YOU GET A JOB THAT YOU CAN HANDLE? DON’T YOU FEEL ASHAMED FOR WHAT YOU HAVE DONE TO ME?”

THINGS TO THINK ABOUT:

1. What are your thoughts about this woman right now?
2. Based on these thoughts, how do you think you will respond to her?
3. What are some effective thoughts that would let you see this situation in a different light?
4. What are some things you can do to handle the stress you are feeling at work lately?

Exercise 5: “The Strange Visitor”

In the middle of the day, you leave your office to go the restroom. You notice that the back emergency door has been propped open to let in the cool breeze. Once you are in the restroom, you notice a woman acting very strange. She is talking to herself and seems to be agitated. You have never seen her before and she does not have an ID badge on. When you leave the restroom, she follows you to your office. She states she is a job applicant but no one will talk to her and she doesn't know where to go. Her voice starts to get more frantic.

You offer to take her to the personnel office but she refuses to cooperate and becomes belligerent. She begins to scream about how the government is out to get her. It becomes clear that this woman is going to be a problem. You wonder how she ever got past the guard.

THINGS TO THINK ABOUT:

1. Now that this situation has escalated, what are the best ways to intervene?
2. Would you be concerned about the physical security precautions in your building? Why or why not? If you are concerned, what would you do to address these concerns?

Exercise 6: “The Suspicious Caller”

You are a health care worker at the agency’s clinic in Wotakki. As you are filling out your patient charts one evening, you hear the phone ring at the nurse’s station and pick it up. The caller’s voice is muffled, as if he had a handkerchief over the receiver. You also think you hear traffic in the background so it makes it even harder to hear. He starts talking very quickly and says, “I DON’T LIKE WHAT YOU ARE DOING AT THAT CLINIC AND I WANT IT TO STOP. I HAVE A BOMB PLANTED IN THE BUILDING AND PLAN TO SET IT OFF VERY SOON. YOU WILL BE SORRY NOW FOR WHAT YOU DID!” He hangs up the phone.

THINGS TO THINK ABOUT:

1. What would you do now?
2. Based on this conversation, what information would you provide to law enforcement personnel?

Exercise 7: “Another Visit With John”

Monday morning

This morning you receive an anonymous note from a female employee in your Department who has accused John of sexual harassment. The note states that he has placed several calls to this employee’s home and asked her out on dates. The employee has refused and has asked John to stop calling her. The employee complaint was anonymous, but because you only have 25 female employees in your area, you have been able to narrow it down to five possibilities, based upon facts you received in the complaint. The complaint also alleges that while the female employee was standing at the copy machine, John rubbed up against her and made a comment about being physically attracted to her.

John is a 56-year old employee who has worked for the Government for 28 years. While John has not been a stellar employee, his performance has been adequate and he has received regular pay increases consistent with his longevity.

During the last five years, John has applied for two promotions and has been turned down both times. On those two occasions, he was disappointed that he was not chosen and made negative comments to his coworkers about affirmative action. However, it did not seem to have a significant impact on his work.

About six months ago, John and his wife of thirty years separated. They have three grown children, none of whom live in this area. While John didn’t really talk about his separation and the details, there were some quiet rumors that John was abusing his wife. In addition, there have been many rumors over the years that John has an alcohol problem. However, since he has a very good attendance record and his performance is adequate, his supervisors decided to respect his privacy and not look into the rumors.

John has only a few friends at work. In his spare time, he is an avid hunter and competitive pistol shooter. In fact, he has won several national awards in competitions sponsored by the NRA. To your knowledge, he has never brought a firearm into the workplace.

THINGS TO THINK ABOUT:

1. What are you going to do now?
2. Do you want to change any plans you made at the beginning of this training?

Next day 8:00 am

You read the complaint carefully again several times after not having slept well all night. You decide to contact the human resources office and speak to a special investigator who regularly conducts sexual harassment investigations. Since you do not know the identity of the complainant, it is impossible for you to conduct any interviews of that person. The human resources investigator calls John to come join you for a discussion.

9:00 am

John arrives and you and the investigator inform him that someone has complained about his behavior. You ask him if he will cooperate with the investigation. John expresses outrage that his reputation is being tarnished and demands to know the identity of the accuser. You tell him the complaint was anonymous, but he does not believe you. He insists that he is a good loyal employee with many years of services who is being unfairly maligned by some “bitch.” This language and this type of behavior are fairly unusual for John.

Toward the end of the meeting with John, he becomes belligerent and says, “You have some nerve; I have worked here for 28 years and done a damn good job. Now, you have accused me of sexual harassment. This is outrageous.” Then his face becomes beet red and he says, “I’ll show all of you; nobody messes with me. I’m going to teach all of you a lesson you’ll never forget!” With that, John bolts out of the meeting, walks out and grabs his coat, looks back and says, “I’ll be back later, after I’ve taken care of a few things.”

THINGS TO THINK ABOUT:

1. What would you do now?
2. Would you involve others at this point? What are the consequences if you do?
3. Do you think John has made a threat?
4. Do you think a request for a medical exam is appropriate at this time?

Exercise 8: “The Bickering Coworkers”

You are the supervisor of a large group of employees. Over the last few months, you notice that two of your employees, Bob and Ed, have not been getting along. They have been calling each other names and have been raising their voices at each other. You have ignored this up until now thinking, “Boys will be boys.” But the situation has escalated now and you are afraid one of them will harm the other. Coworkers are starting to complain that they are afraid and that they can’t concentrate with the disruptions. When you try to sit them down and talk to them, they are belligerent and tell you to stay out of the situation. They tell you this has nothing to do with work and they will handle it on their own. They get up and leave your office.

THINGS TO THINK ABOUT

1. Do you think this is a violent situation? Why or why not?
2. What would you do at this point?
3. Do you think disciplinary action is warranted? If so, identify the behavior or conduct that is inappropriate. What is your recommended action?
4. Would you consider terminating these employees if the behavior did not stop? If so, what precautions would you take to assure the safety of everyone involved?



Appendix A

NIOSH Publication Abstract
Violence in the Workplace:
Risk Factors and Prevention Strategies



ABSTRACT

This document reviews what is known about fatal and nonfatal violence in the workplace to determine the focus needed for prevention and research. The document also summarizes issues to be addressed when dealing with workplace violence in various settings such as offices, factories, warehouses, hospitals, convenience stores, and taxicabs.

Violence is a substantial contributor to occupational injury and death, and homicide has become the second leading cause of occupational injury death. Each week, an average of 20 workers are murdered and 18,000 are assaulted while at work or on duty. Nonfatal assaults result in millions of lost workdays and cost workers millions of dollars in lost wages.

Workplace violence is clustered in certain occupational settings: For example, the retail trade and service industries account for more than half of workplace homicides and 85% of nonfatal workplace assaults. Taxicab drivers have the highest risk of workplace homicides of any occupational group. Workers in health care, community services, and retail settings are at increased risk of nonfatal assaults.

Risk factors for workplace violence include dealing with the public, the exchange of money, and the delivery of services or goods. Prevention strategies for minimizing the risk of workplace violence include (but are not limited to) cash-handling policies, physical separation of workers from customers, good lighting, security devices, escort services, and employee training. A workplace violence prevention program should include a system for documenting incidents, procedures to be taken in the event of incidents, and open communication between employers and workers. Although no definitive prevention strategy is appropriate for all workplaces, all workers and employers should assess the risks for violence in their workplaces and take appropriate action to reduce those risks.

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DHHS (NIOSH) Publication No. 96-100



Appendix B

**Weingarten Rights
5 USC 7114(a)(2)(B)**

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5 USCA S 7114
5 U.S.C.A. ' 7114

UNITED STATES CODE ANNOTATED
TITLE 5. GOVERNMENT ORGANIZATION AND EMPLOYEES
PART III--EMPLOYEES
SUBPART F--LABOR-MANAGEMENT AND EMPLOYEE RELATIONS
CHAPTER 71--LABOR-MANAGEMENT RELATIONS
SUBCHAPTER II--RIGHTS AND DUTIES OF AGENCIES AND LABOR ORGANIZATIONS

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Current through P.L. 107-11, approved 5-28-01

' 7114. Representation rights and duties

(a)(1) A labor organization which has been accorded exclusive recognition is the exclusive representative of the employees in the unit it represents and is entitled to act for, and negotiate collective bargaining agreements covering, all employees in the unit. An exclusive representative is responsible for representing the interests of all employees in the unit it represents without discrimination and without regard to labor organization membership.

(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at--

(A) any formal discussion between one or more representatives of the agency and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practices or other general condition of employment; or

(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if--

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

(ii) the employee requests representation.

(3) Each agency shall annually inform its employees of their rights under paragraph (2)(B) of this subsection.

(4) Any agency and any exclusive representative in any appropriate unit in the agency, through appropriate representatives, shall meet and negotiate in good faith for the purposes of arriving at a collective bargaining agreement. In addition, the agency and the exclusive representative may determine appropriate techniques, consistent with the provisions of section 7119 of this title, to assist in any negotiation.

(5) The rights of an exclusive representative under the provisions of this subsection shall not be construed to preclude an employee from--

(A) being represented by an attorney or other representative, other than the exclusive representative, of the employee's own choosing in any grievance or appeal action; or

(B) exercising grievance or appellate rights established by law, rule, or regulation; except in the case of grievance or appeal procedures negotiated under this chapter.

(b) The duty of an agency and an exclusive representative to negotiate in good faith under subsection (a) of this section shall include the obligation--

(1) to approach the negotiations with a sincere resolve to reach a collective bargaining agreement;

(2) to be represented at the negotiations by duly authorized representatives prepared to discuss and negotiate on any condition of employment;

(3) to meet at reasonable times and convenient places as frequently as may be necessary, and to avoid unnecessary delays;

(4) in the case of an agency, to furnish to the exclusive representative involved, or its authorized representative, upon request and, to the extent not prohibited by law, data--

(A) which is normally maintained by the agency in the regular course of business;

(B) which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and

(C) which does not constitute guidance, advice, counsel, or training provided for management officials or supervisors, relating to collective bargaining; and

(5) if agreement is reached, to execute on the request of any party to the negotiation a written document embodying the agreed terms, and to take such steps as are necessary to implement such agreement.

(c)(1) An agreement between any agency and an exclusive representative shall be subject to approval by the head of the agency.

(2) The head of the agency shall approve the agreement within 30 days from the date the agreement is executed if the agreement is in accordance with the provisions of this chapter and any other applicable law, rule, or regulation (unless the agency has granted an exception to the provision).

(3) If the head of the agency does not approve or disapprove the agreement within the 30-day period, the agreement shall take effect and shall be binding on the agency and the exclusive representative subject to the provisions of this chapter and any other applicable law, rule, or regulation.

(4) A local agreement subject to a national or other controlling agreement at a higher level shall be approved under the procedures of the controlling agreement or, if none, under regulations prescribed by the agency



Appendix C

Kalkines vs. the United States
473 F.2d 1391 (1973)

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473 F.2d 1391
200 Ct.Cl. 570
(Cite as: 473 F.2d 1391)

United States Court of Claims.

George KALKINES
v.
The UNITED STATES.

No. 534-71.

Feb. 16, 1973.
As Amended on Rehearing June 1, 1973.

Action by customs bureau employee challenging his discharge. The Court of Claims, Davis, J., held that employee could not be discharged for failure to answer questions concerning his finances and payments from importers, where, although there was pending criminal investigation, he was not advised that his answers or their fruits could not be used in criminal case.

Judgment for plaintiff.

West Headnotes

[1] Officers and Public Employees k66
283k66

Public employee cannot be discharged simply because he invoked Fifth Amendment privilege against self-incrimination in refusing to respond to questions but he can be removed for not replying if he is adequately informed both that he is subject to discharge for not answering and that his replies and their fruits cannot be employed against him in criminal case. U.S.C.A.Const. Amend. 5.

[2] Criminal Law k412.1(1)
110k412.1(1)

Later prosecution of public employee cannot constitutionally use statements or their fruits coerced from employee in earlier disciplinary investigation or proceeding by threat of removal from office should he fail to answer question. U.S.C.A.Const. Amend. 5.

[3] United States k36
393k36

Bureau of customs employee could not be discharged for failure to answer questions concerning his finances and payments from importers, where, although there was pending criminal investigation, employee was not advised that his answers or their fruits could not be used in criminal case. U.S.C.A.Const. Amend. 5.

[4] Officers and Public Employees k110
283k110

Public employee cannot be held to have violated his duty to account to employer where interrogator acquiesces in request that questioning be deferred.

[5] United States k36
393k36

Treasury agent's statement to customs bureau employee, prior to questioning, that answers given cannot and would not be used against him in any criminal action, was insufficient warning to permit discharge for failure to answer, where statement did not refer to fruits of answers and remainder of colloquy showed that, although employee remained concerned about prospective criminal prosecution, agent never brought home that he would have

immunity with respect to his answers. U.S.C.A.Const. Amend. 5.

*1391 Arthur Goldstein, Huntington, N.Y., attorney of record, for plaintiff. Goldstein & Hirschfeld, Huntington, N.Y., and David Serko, New York City, of counsel.

Judith A. Yannello, Washington, D. C., with whom was Asst. Atty. Gen. Harlington Wood, Jr., for defendant.

Before COWEN, Chief Judge, DAVIS, SKELTON, NICHOLS, KASHIWA, KUNZIG, and BENNETT, Judges.

ON PLAINTIFF'S MOTION AND
DEFENDANT'S CROSS-MOTION FOR
SUMMARY JUDGMENT

DAVIS, Judge:

Plaintiff George Kalkines worked for the Bureau of Customs of the Treasury Department from November 1960 until his suspension in June 1968, rising from an initial rating of GS-7 to the position of import specialist, GS-13. His suspension and subsequent discharge came about because of his alleged failure, in violation of the Customs Manual, the Customs Personnel Manual, and the *1392 Treasury Personnel Manual, [FN1] to answer questions put to him by the Bureau of Customs relating to the performance of his duties. According to management, this failure occurred at four separate interviews, three in New York and one in Washington, each listed as an individual specification of the charge. The agency sustained his removal on this charge, upholding each of the four specifications. [FN2] The Civil Service Commission affirmed. The validity of this determination is brought before us by the parties' cross-motions for summary judgment, both of which invoke the administrative record on which we rest for our decision. [FN3]

FN1. The Customs Manual provided (§ 27.39 (j)):
"Customs employees shall disclose any information in their possession pertaining to customs matters when requested to do so by a customs agent, and shall answer any proper questions put to them by customs agents."

The Customs Personnel Manual stated (ch. 735, § 3, ¶ 3f): "Every customs employee is required to disclose any information he has concerning customs matters when requested to do so by a customs agent. Every customs employee is required to answer any proper questions posed by a customs agent. Every customs employee, when requested to do so by a customs agent, shall furnish to such agent, or authorize him in writing to obtain, information of the employee's financial affairs which bears a reasonable relationship to customs matters."

The Treasury Personnel Manual declared (ch. 735, § 0.735-48): "When directed to do so by competent Treasury authority, employees must testify or respond to questions (under oath when required) concerning matters of official interest. See further 31 CFR 1.10."

FN2. The original notice contained three other charges which were not sustained by the agency and are not before us.

FN3. There was a full-scale hearing within the Treasury Department (the "agency hearing"), which the record sets forth in question-and-answer form, as well as some additional testimony taken by the Civil Service Commission's Regional Office, of which we have a narrative summary.

In November 1967 the Bureau of Customs began an investigation sparked by information saying that plaintiff had accepted a \$200 payment from an importer's representative in return for favorable treatment on valuation of a customs entry. The inquiry initially disclosed that plaintiff had had lunch with the representative on November 16th and had made a \$400 deposit in his personal bank account on November 17th. He was then visited or summoned by customs agents (acting as investigatory arms of the Bureau) on several occasions, at four of which (November 28, 1967, May 2, 1968, May 8, 1968, all in New York, and June 5, 1968, in Washington) he did not answer, or indicated that he would not answer, certain questions relating to the \$400 deposit, his finances, and some aspects of the performance of his customs duties. At other interviews he did answer the queries then put to him. Plaintiff's defense is that his failure to reply at the four specified times was excusable and justifiable in each instance, and therefore not

contrary to the directives cited in footnote 1, *supra*.

The most important fact bearing on the propriety of Mr. Kalkines' conduct at the interviews is that, for all or most of the time, a criminal investigation was being carried on concurrently with the civil inquiry connected with possible disciplinary proceedings against him. The United States Attorney's Office had been informed about the possible bribery before the customs agents' first interview with plaintiff, and it became active in investigating the matter in December 1967; witnesses were subpoenaed to, and did, testify before the grand jury. This criminal inquest continued until well into the spring of 1968, and perhaps even longer. Plaintiff was never indicted, the United States Attorney ultimately declining prosecution, but Mr. Kalkines saw the Damoclean sword poised overhead during the entire period with which we are concerned.

[1][2] In recent years the courts have given more precise content to the obligations of a public employee to answer his employer's work-related questions *1393 where, as here, there is a substantial risk that the employee may be subject to prosecution for actions connected with the subject of management's inquiry. It is now settled that the individual cannot be discharged simply because he invokes his Fifth Amendment privilege against self-incrimination in refusing to respond. *Gardner v. Broderick*, 392 U.S. 273, 88 S.Ct. 1913, 20 L. Ed.2d 1082 (1968); *Uniformed Sanitation Men Ass'n v. Commissioner of Sanitation*, 392 U.S. 280, 88 S.Ct. 1917, 20 L. Ed.2d 1089 (1968). Conversely, a later prosecution cannot constitutionally use statements (or their fruits) coerced from the employee—in an earlier disciplinary investigation or proceeding—by a threat of removal from office if he fails to answer the question. *Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616, 17 L. Ed.2d 562 (1967). But a governmental employer is not wholly barred from insisting that relevant information be given it; the public servant can be removed for not replying if he is adequately informed both that he is subject to discharge for not answering and that his replies (and their fruits) cannot be employed against him in a criminal case. See *Gardner v. Broderick*, *supra*, 392 U.S. at 278, 88 S.Ct. 1913, 20 L. Ed.2d 1082; *Uniformed Sanitation Men Ass'n v. Commissioner of*

Sanitation, *supra*, 392 U.S. at 283, 284, 285, 88 S.Ct. 1917, 20 L. Ed.2d 1089 [hereafter cited as *Uniformed Sanitation Men I*]; *Uniformed Sanitation Men Ass'n v. Commissioner of Sanitation*, 426 F.2d 619 (C.A.2, 1970), cert. denied, 406 U.S. 961, 92 S. Ct. 2055, 32 L. Ed.2d 349 (1972) [hereafter cited as *Uniformed Sanitation Men II*].

This requirement for a sufficient warning to the employee, before questioning, was foreshadowed by the Supreme Court in *Uniformed Sanitation Men I*, and has been set forth more exactly by the Second Circuit in *Uniformed Sanitation Men II*. The highest court said that public employees "subject themselves to dismissal if they refuse to account for their performance of their public trust, after proper proceedings, which do not involve an attempt to coerce them to relinquish their constitutional rights." 392 U.S. at 285, 88 S.Ct. at 1920. "Proper proceedings" of that type means, according to Chief Judge Friendly in *Uniformed Sanitation Men II*, inquiries, such as were held in that case, [FN4] "in which the employee is asked only pertinent questions about the performance of his duties and is duly advised of his options and the consequences of his choice." 426 F.2d at 627 (emphasis added). The same opinion said: "To require a public body to continue to keep an officer or employee who refuses to answer pertinent questions concerning his official conduct, although assured of protection against use of his answers or their fruits in any criminal prosecution, would push the constitutional protection beyond its language, its history or any conceivable purpose of the framers of the Bill of Rights." 426 F.2d at 626 (emphasis added). We think that the general directives of the various Treasury and Customs manuals (footnote 1, *supra*) should be read with *1394 this specific gloss supplied by the *Uniformed Sanitation Men* opinions.

FN4. Those employees were advised as follows at the time management put the questions to them (426 F.2d at 621): "I want to advise you, Mr.-----, that you have all the rights and privileges guaranteed by the Laws of the State of New York and the Constitution of this State and of the United States, including the right to be represented by counsel at this inquiry, the right to remain silent, although you may be subject to disciplinary action by the Department of Sanitation for the failure to answer

material and relevant questions relating to the performance of your duties as an employee of the City of New York.

"I further advise you that the answers you may give to the questions propounded to you at this proceeding, or any information or evidence which is gained by reason of your answers, may not be used against you in a criminal proceeding except that you may be subject to criminal prosecution for any false answer that you may give under any applicable law, including Section 1121 of the New York City Charter."

[3] The only issue we need address is whether plaintiff was "duly advised of his options and the consequences of his choice" and was adequately "assured of protection against use of his answers or their fruits in any criminal prosecution." For the reasons which follow, we hold that this requirement was not fulfilled on any of the four occasions at which he is charged with failing to respond, that as a consequence he did not transgress the duty-to-reply regulations, and therefore that he was invalidly discharged for not answering the questions put to him.

At the interview of November 28, 1967, it is clear that no advice or warnings as to his constitutional rights was given to Mr. Kalkines, though he was told of the requirement of the Customs Manual that he answer. Despite the fact that the matter had already been presented to the United States Attorney (as the customs agents knew), plaintiff was not told that his answers (or information stemming from them) could not be used against him in a criminal proceeding. So as far as the investigators were concerned, he was left sharply impaled on the dilemma of either answering had thereby subjecting himself to the possibility of self-incrimination, or of avoiding giving such help to the prosecution at the cost of his livelihood. The record shows conclusively that at this interview Mr. Kalkines was keenly aware of, and troubled by, the possible criminal implications, and that his failure to respond stemmed, at least in very substantial part, from this anxiety. *See also* note 6 *infra*.

[4] The next specification is that plaintiff refused to answer pertinent questions on May 2, 1968. [FN5] By this time, he had retained an attorney, but

counsel was not present. Mr. Kalkines declined to answer unless he had the opportunity of consulting with his lawyer. After an exchange on this subject, the customs agent did not attempt to question him further, but called the attorney on the telephone and arranged for a joint meeting on May 8th. The Regional Office of the Civil Service Commission "concluded that there was at the least an implied acquiescence to the [plaintiff's] request for the presence of his attorney as of May 2, 1968, and, in the circumstances, the [plaintiff's] failure to answer questions on that date may not be recognized to have established a substantive basis to support" the specification as to May 2d which, accordingly, the Regional Office held not to be sustained. Without overturning the Regional Office's factual finding on this point, the Board of Appeals and Review ruled that plaintiff was nevertheless guilty of failing to respond on May 2d. The basis for this holding appears to be that an employee's obligation to answer is so absolute that it cannot even be waived by the interrogating agent's agreement to wait until the lawyer is present. This, we hold, was plain error. If, as in this instance, the interrogator acquiesces in a request that questioning be deferred, the employee cannot be held to have violated his duty to account. The directives of the manuals cannot reasonably be interpreted in so absolute, rigid, and insensitive a fashion. [FN6]

FN5. Between November 28, 1967, and May 2, 1968, he had been called for an interview on December 15th. On this occasion he was informed, according to the Civil Service Commission's Regional Office, "of his constitutional rights to remain silent and to have the presence of an attorney for consultation during the questioning, *and that anything he said could be used against him in court proceedings*" (emphasis added). He answered the questions posed, and his conduct at that interview is not charged against him in the present proceedings.

FN6. We are also very dubious about a related holding of the Board of Appeals and Review with respect to the first interview on November 28th, *supra*. The Regional Office accepted plaintiff's testimony that on that day he was first confronted with a serious allegation of misconduct on his part (with criminal implications) and as a consequence became nervous and flustered, being unable to

continue the interview and just "closed down." He did return the next day and answered detailed and extensive questions, including inquiries as to the \$400 deposit on November 17th. On the basis of these facts, the Region found that plaintiff's "first refusal to reply on November 28, 1967 was effectively set aside as basis for the adverse action" and that the specification involving November 28th "is not sustained as substantive cause in support of that action."

Again, without reversing the Regional Office's finding of fact-paraphrased by the Board as: "the Region was persuaded that Mr. Kalkines' refusal to cooperate at the first interview could be attributed to shock and mental stress"- the Board of Appeals and Review reinstated that specification on the ground, apparently, that the duty to respond is so absolute that failure cannot be excused by "shock and mental stress", and even though the questions were answered the next day. This harsh position is very questionable. We have the greatest doubt that a federal employee can be validly discharged if it is determined, first, that his failure to answer queries on one day is due to such a disabling mental or emotional condition and, second, that he did respond to the questions shortly thereafter.

In addition, there is no indication whatever that plaintiff was told on May *1395 2d that any answers could *not* be used against him criminally. At the last meeting on December 15th (*see* note 5 *supra*), the agent had specifically informed Mr. Kalkines that his answers *could* be used against him in a criminal proceeding, and in the absence of an explicit disavowal that advice could be expected to retain its force. Plaintiff justifiably remained under the impression that his replies could lead to his conviction of a criminal offense.

The third day on which plaintiff is accused of not answering was May 8, 1968. At that time he appeared with counsel. There is a dispute in the testimony as to whether the attorney improperly interfered with the questioning by preventing, in effect, the putting of particular questions. In any event, no specific questions were asked or answered, and the agent ultimately directed counsel to withdraw from the room while a statement was taken from Mr. Kalkines. Thereupon both the attorney and plaintiff left the room. Plaintiff was

told that he had to answer and that he had no right to have his counsel present but declined to stay or respond. Again, the significant element is that it is indisputable that neither the employee nor the lawyer was ever advised on May 8th that the responses to the questions, and their products, could not be used against plaintiff in a criminal trial or proceeding. In whatever way one interprets the controverted evidence as to the course of that meeting, this much is clear-no such caution was given, expressly or impliedly, by the agents.

On these facts, the only outcome, for the first three of the four specifications (November 28, 1967; May 2, 1968; May 8, 1968), must be that plaintiff cannot be held to have violated his obligation to answer. At those times a criminal investigation was either in the immediate offing or was actively being carried on. At the least, there is no question but that plaintiff thought so, and had no good reason to think otherwise. He obviously obtained a lawyer primarily because he was disturbed at the possibility of a criminal accusation; that danger was uppermost in his mind. It was reasonable for him to fear that any answer he gave to the customs agents might help to bring prosecution nearer; indeed, it was sensible to think that the civil and the criminal investigations were coordinated, so that the former would help the latter. He was never told that under the law his responses to the customs agents could not be used or would not be used as bricks to build him a prison cell. On the contrary, the one time the subject was mentioned by the agents (on December 15th, *see* note 5 *supra*), they said that his replies *could* be used against him. Under the standard of the *Uniformed Sanitation Men* decisions, these three proceedings cannot be called "proper." Plaintiff was not "duly advised of his options and the consequences of his choice." Quite the opposite, he was left to squirm with a *1396 choice he should not have been put to the possibility of going to jail or of losing his job. *Cf.* *Stevens v. Marks*, 383 U.S. 234, 86 S.Ct. 788, 15 L.Ed.2d 724 (1966).

The Government suggests that Mr. Kalkines, or at least his lawyer, should have known that his answers (and their fruits) could not be used to his disadvantage, and therefore that the explicit caution mandated by *Uniformed Sanitation Men II* might be omitted. With respect to the plaintiff, a frightened

layman, this is certainly an unacceptable position; he could not be expected to know what lawyers and judges were even then arguing about. The case is hardly better for insisting that the attorney should have known, and should have been responsible for alerting his client. *Garrity v. New Jersey*, *supra*, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562, was not decided until January 16, 1967, and its reach was uncertain for some years. *Gardner and Uniformed Sanitation Men I* did not come down until June 10, 1968-after the last failure-to-respond charged against this plaintiff. *Uniformed Sanitation Men II* was not decided until April 3, 1970 (the Supreme Court did not decline review until May 30, 1972). Many knowledgeable people believed that a specific immunity statute was necessary before anybody in the Federal Government could assure criminal immunity to individuals, including employees, being questioned in noncriminal proceedings. Perhaps, we may add, the law on the point is not yet wholly firm. At any rate, even the legendary Mr. Tutt, fictional legal genius of a generation or two ago, would have been hard put to know with any certainty, in the fall of 1967 and the spring of 1968, that this employee would be protected against prosecutorial use of his statements made to the customs agents.

This brings us to the last interview on June 5, 1968. Plaintiff was peremptorily ordered to come to Washington for this meeting with less than a day's notice; he came without his lawyer who was engaged at the time on other urgent legal business and could not leave the New York area. The record contains a transcript of a portion of the interview. An agent opened by informing Mr. Kalkines that he was required to answer questions, and inquired whether he would "answer such questions as they pertain to your employee- employer relationship to the Bureau of Customs and the duties you perform on behalf of the Customs Service." Plaintiff then said that he had "been advised by the customs agents that they are investigating me on an alleged criminal action. I was further advised by them to engage counsel." He denied that he had refused to answer proper questions and went on to say that his attorney had advised him that "since this is a criminal action" the counsel should be present; "all I [plaintiff] ask is that if there is a criminal action pending against me that I have a right to have my counsel present."

The agent replied "that the following interview is administrative in nature, that it is not criminal, that there is no criminal action pending against you and that the purpose of this interview is entirely on an employer-employee basis and that furthermore any answers given to questions put to you in the interview cannot and will not be used against you in any criminal action"; that if the interview were in connection with a criminal action the attorney would most certainly be permitted to be present and to advise; and "this is an administrative interview and do you understand that this interview is administrative and accordingly your attorney will not be permitted to be present during the interview." The agent concluded these observations by asking plaintiff whether he would answer questions in counsel's absence.

[5] The defendant urges that this was proper and sufficient advice to Mr. Kalkines that he had immunity against use of his responses. But even the agent's most explicit statement was incomplete since it did not refer to the fruits of the answers (in addition to the answers themselves). Moreover, and *1397 very significantly, the remainder of the colloquy shows that plaintiff was still very concerned about a criminal prosecution and that the agent never properly brought home that he would have immunity with respect to his answers. This portion of the interview is set forth in the footnote. [FN7]

FN7. "A. To go over what you just said, are you stating that there is no criminal investigation relative to this matter, has this been dropped?

"Q. This interview and the purpose of this interview is purely administrative and is not a criminal action or related to a criminal action as it pertains to you.

"A. I don't understand, you are not answering my question, is there an investigation relative to me, a criminal investigation?

"Q. No, there is a conduct investigation pending against you.

"A. For the record, may I state this is the first time that I have ever been told this. I have been advised for the last 6 months that I am under investigation for a criminal action and further I don't know the difference between a conduct and a criminal action.

"Q. It is possible that if you have acted improper in

the conduct of your business that your conduct may have involved conduct which is in violation of some criminal law. I restate that this interview is administrative and is not pursuing the violation of criminal law if one existed and in view of its administrative nature, your attorney will not be present. Please answer will you or will you not answer the questions I am about to put to you?

"A. I can't see the separation in which you call an administrative interview and the allegations that have unjustly been made against me. In my position, as I have stated, I will answer any and all questions regarding my customs duties gladly, cheerfully, openly, but I would like to be afforded the opportunity of having my counsel present."

The essential aspects are four: First, in describing a "conduct" investigation the agent clearly indicated that a criminal investigation or trial was still possible; he contented himself with reiterating that his own concern was "administrative" and he was not pursuing a violation of criminal law, without denying that a criminal proceeding could possibly eventuate. Second, the agent never really responded to plaintiff's query as to whether the criminal investigation had been dropped, and did not tell him that the U. S. Attorney had refused to go forward with prosecution. [FN8] Third, the agent failed to repeat or even refer to the earlier statement about non-use for criminal purposes of plaintiff's answers in this "administrative" inquiry. Fourth, the plaintiff was obviously, and quite reasonably, left uncertain as to the connection between the questioning he was then being asked to undergo and a potential criminal action. This last element seems to us reinforced by some confused remarks of plaintiff's later on in the exchange-after the agent had commenced to ask specific questions-which seem to express great doubt about the separation between the civil and criminal sides of the investigation. [FN9] Moreover, at the agency hearing, both the interrogating agent and the plaintiff made it clear in their testimony that plaintiff was fearful on June 5th that the criminal aspect was still inextricably *1398 linked to the so-called "conduct investigation."

FN8. This is clear enough from the transcript of the interview. It is confirmed, moreover, by Mr. Kalkines' explicit testimony at the agency hearing that at no time during that meeting did the agents tell

him that criminal proceedings were not pending against him or that all criminal charges had been dropped. The agents did not testify to the contrary.

FN9. When the agent began to ask about the questioned customs transaction, the plaintiff repeated that he had never refused, and did not then refuse, to answer about his customs duties, that he wished counsel, and that he had previously answered that question. He went on: "The records cannot substantiate that to sit here and to state that there is disassociation between the allegation made against me and that this is merely the ordinary practice of Customs, I don't think is correct. This is directly associated with an allegation against me and there is no disassociation, cannot be considered an administrative action, and again let me reiterate I have and will continue to answer every question relative to my customs duty, all I ask is that I have a right to have my counsel * * *."

The sum of this June 5th episode is that, by failing to make and maintain a clear and unequivocal declaration of plaintiff's "use" immunity, the customs agents gave the employee very good reason to be apprehensive that he could be walking into the criminal trap if he responded to potentially incriminating questions, and that in that dangerous situation he very much needed his lawyer's help. The record compels this conclusion. Perhaps the agents were not more positive in their statements because there still remained at that time the possibility of prosecution. [FN10] Whatever the basis for their failure to clear up plaintiff's reasonable doubts, we are convinced the record shows that he was not "duly advised of his options and the consequences of his choice." [FN11] His failure to respond was excused on this occasion, as on the earlier dates cited in the other specifications. The agency and the Civil Service Commission erred in disregarding this justification and in holding that the duty to respond was absolute and was violated.

FN10. There is a question whether the idea of a criminal proceeding had been entirely dropped by June 5th. The defendant says it had been but admits that formal notification to that effect was not given by the United States Attorney's Office until some months later. In any event, the customs agent who interrogated plaintiff on June 5th conceded at the

agency hearing that, if Mr. Kalkines had then made what appeared to the agents to be incriminating responses or had revealed circumstances which were obviously of a criminal nature, a report would probably have been made to the U.S. Attorney. The agent's superior, who was present at the interrogation, testified at the agency hearing to similar effect.

FN11. An example of proper advice is that given in *Uniformed Sanitation Men II*, see note 4 *supra*.

The result is that, for this reason, [FN12] plaintiff's discharge in 1968 was invalid, and he is now entitled to recover his lost pay, less offsets. His motion for summary judgment is granted and the defendant's is denied. The amount of recovery will be determined under Rule 131(c). [FN13]

FN12. We do not reach or consider any of plaintiff's other contentions, including the argument that in any event he was entitled to the assistance of a lawyer at the May 8th and June 5th interviews even if properly advised as to his options.

FN13. Plaintiff is granted 30 days to file, if he desires, an amendment to his petition requesting restoration under Public Law 92- 415, 86 Stat. 652 (August 29, 1972) to his position in the Bureau of Customs. See General Order No. 3 of 1972 (Dec. 12, 1972), paras. 3(a), 4(b).



Appendix D

Research Article

**“Threat Assessment: Defining an Approach for
Evaluating Risk of Targeted Violence”**

Threat Assessment: Defining an Approach for Evaluating Risk of Targeted Violence‡

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Although the field of risk assessment has made tremendous advances in the past 20 years, assessments of targeted violence continue to pose a significant challenge to law enforcement, mental health, and other professionals. These specific and critical assessments require an innovative approach. The threat assessment model, developed and refined by the U.S. Secret Service, provides a useful framework for thinking about assessments of potential for targeted violence. In this paper, we attempt to define this approach as it has been developed by the Secret Service, and apply it within the existing professional/scientific literature on risk assessment. We begin with a brief review of existing models and approaches in risk assessment, and identification of some gaps in our existing knowledge as it relates to assessments of targeted violence. We then proceed with an outline of the threat assessment approach, including a review of principles and guiding operational questions, and discussion of its use in assessment of targeted violence.

The effective assessment and management of people identified as being at risk for violence continues to be a significant concern in the mental health and criminal justice communities. Traditionally, mental health professionals have been involved in decisions about the risk that their clients may pose to third parties, and patients' readiness for discharge, need for secure treatment, or likelihood of violent recidivism (Borum, 1996; Borum, Swartz, & Swanson, 1996). Court and correctional systems have similarly been required to make risk-related decisions about pre-trial release, parole, and appropriateness of community sanctions (Melton, Petrila, Poythress, & Slobogin, 1997; Quinsey, Harris, Rice, & Cormier, 1998; Rice, 1997). These recommendations and decisions have usually been aimed at preventing violent behavior.

‡This article is a US government work and is in the public domain in the United States.

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In contrast, the primary role of law enforcement professionals in violent crime has historically been reactive, rather than preventive. Most investigators are called upon to investigate violent crimes *after* they have occurred, and to aid in bringing the perpetrators to justice.

Recent changes in the law, in protective responsibilities, and in contexts for violence, however, have changed the nature of some risk assessments tasks that professionals are required to perform (Bureau of Justice Assistance, 1996; de Becker, 1997; Fein & Vossekuil, 1998; Fein, Vossekuil, & Holden, 1995; Meloy, 1998; VandenBos & Bulatao, 1996; Wheeler & Baron, 1994). Specifically, mental health and law enforcement professionals are now being called upon, not just to assess risk for general violent recidivism, but to assess risk for specific types of violence. Others, such as corporate security managers, human resource of professionals, and school principals and counselors, also may be faced with situations of potential targeted violence. The task in such a situation is to determine the nature and degree of risk a given individual may pose to an identified or identifiable target(s). Although technologies and models have been developed for assessing risk of general recidivism and violence, assessing risk for targeted violence may require a very different approach.

We believe that a threat assessment model is most appropriate for use in assessing risk for targeted violence. In this paper, we attempt to define this approach as it has been developed by the United States Secret Service, and apply it within the existing professional/scientific literature on risk assessment.

This paper begins with a brief review of traditional risk assessment models and approaches in risk assessment, and identification of some gaps in our existing knowledge as it relates to assessments of targeted violence. It then proceeds with an outline of the threat assessment approach, including a review of principles and guiding operational questions, and discussion of its use in assessment of targeted violence.

Approaches to Risk Assessment

Over the past 20 years, there has been an evolution in the way mental health professionals have thought about and conducted assessments of violence potential (Borum *et al.*, 1996; Heilbrun, 1997; Litwack, Kirschner, & Wack, 1993; Melton *et al.*, 1997; Monahan, 1996; Webster, Douglas, Eaves, & Hart, 1997). Conceptually, there has been a shift from the violence prediction model, where dangerousness was viewed as dispositional (residing within the individual), static (not subject to change) and dichotomous (either present or not present) to the current risk assessment model where dangerousness or “risk” as a construct is now predominantly viewed as contextual (highly dependent on situations and circumstances), dynamic (subject to change) and continuous (varying along a continuum of probability).

The evolution has not only changed the way that professionals think about assessments, but also the way that they conduct them. Many behavioral scientists are aware of the classic “clinical versus actuarial” debate, the thrust of which is a polemic about whether clinical decisions, including decisions about violence risk, should be made by clinical judgement (“using our heads”) or by using statistical formulas (Dawes, Faust, & Meehl, 1989; Melton *et al.*, 1997; Miller & Morris, 1988; Quinsey *et al.*, 1998).

Fairly read, the existing literature on the comparison of these two methods, across a number of decisional tasks, suggests that statistical formulas consistently perform as well or better than clinical judgements (Borum, Otto, & Golding, 1993; Dawes *et al.*, 1989;

Garb, 1994; Grove & Meehl, 1996; Meehl, 1970; Melton *et al.*, 1997; Quinsey *et al.*, 1998). This is a logical conclusion since it is well known that reliability sets the lower threshold for validity, and statistical equations, when properly applied, will always predict with perfect reliability, whereas clinical judgements may not (Borum, 1996).

The potential for improved accuracy has led some scholars to suggest that actuarial methods (statistical equations) are the preferred method for making decisions about likelihood of future violence (Dawes *et al.*, 1989; Faust & Ziskin, 1988; Grove & Meehl, 1996; Quinsey *et al.*, 1998). This position has been supported, in part, by pessimistic results from the first generation studies on predictive accuracy of clinical judgements by mental health professionals (Monahan, 1981). However, as Monahan (1988) has noted, those studies were plagued by weak criterion measures of violence (resulting in specious false positives) and restricted validation samples (because those who are at greatest risk for violence, and about whom there is likely to be the greatest professional consensus, cannot and will not be released into the community for follow-up).

A second generation of research, within the past 15 years, has resulted in conclusions which are much more optimistic and suggest that mental health professionals' assessments of risk do have some predictive validity (Borum, 1996; Lidz, Mulvey, & Gardner, 1993; Monahan & Steadman, 1994; Monahan, 1997; Mossman, 1994; Otto, 1992). Indeed, in a recent review of 58 existing data sets on violence prediction, Mossman (1994) found that although actuarial equations performed better than human judgements for long-term follow up (one year or more), the average accuracy of the formulas for shorter time periods (less than one year) were comparable to the average for clinical predictions (p.789).

Even if actuarial methods were consistently superior, however, these methods can only be applied when appropriate equations exist, have been adequately validated, and are applicable to the question and population at issue (Melton *et al.*, 1997; Monahan, 1997). Although some positive efforts have been made in this regard, actuarial technology is still not well developed for many clinical populations or risk assessment tasks. Accordingly, the prevailing method for risk assessments is to conduct evaluations which are empirically based and informed by research, but where the ultimate decision relies on clinical judgement (Melton *et al.*, 1997).

This is similar to the model proposed by Monahan (1981) almost 20 years ago in which he recommended that clinicians identify the actuarial risk factors in a given case and establish a relevant base rate to anchor judgements about the probability of violence. This approach may be useful for making global assessments of risk for among criminal offenders or people with mental disorder. But the model is more difficult to apply to assessments of targeted violence because the base rates are extremely low and the research base is so far lacking. Most research studies have examined either convicted criminal offenders or people with mental disorders, and the criterion focus has been on general criminal and/or violent recidivism (Bonta, Law, & Hanson, 1998; Steadman, Mulvey, Monahan, *et al.*, 1998). Research regarding risk factors and patterns of behavior in these groups may not generalize well to other groups and other types of assessment such as workplace violence, relationship violence, stalking, school violence, or assassination of public figures. Similarly, little information is available about predictors for specific types of violence, although it is known that different types of violence may have different predictors (Campbell, 1995; Furby *et al.*, 1989; Hall, 1996; Hanson & Bussiere, 1996; Quinsey, Lalumiere, Rice, & Harris, 1995). Thus, although the risk assessment literature generally is quite substantial, it is unclear how, whether or to what

extent, the aggregate data from this research will generalize to assessments of risk for targeted violence (Fein & Vossekuil, 1998).

Despite the lack of empirical guidance, mental health, criminal justice, and other professionals are regularly and increasingly required to assess the nature and degree of threat for a specific type of violence posed by individuals who have come to official attention. Police officials, workplace supervisors, school principals, and others who are approached with information about an instance of potential targeted violence must increasingly take action to gather information about the risk of violence and then attempt to resolve any problematic situation.

While the base rates for these specific violent events are often quite low, this does not absolve investigators and evaluators from responsibility to assess risk in the instant case. For example, if a worker makes a threat against the life of his supervisor, that case cannot be dismissed based solely on the fact that the base rate for workplace homicides committed by co-workers is miniscule. The rarity of this event, however, limits the utility of an approach that is driven by base rates or is purely actuarial. Statistical formulas are likely never to be useful for predicting infrequent instances of targeted violence such as school or workplace homicides, because the base rate is so low that, mathematically, high rates of accuracy are nearly impossible. Similarly, a strictly clinical approach to assessment of targeted violence may also be limited. An alleged potential assailant may not be seriously mentally disordered. If the potential perpetrator does suffer from a mental disorder, the relationship of the disorder to potential targeted violence may be unknown. And exclusive reliance on clinical techniques, such as interviews and psychological tests—common features in clinical assessments—may provide only partial, inaccurate, or irrelevant information to the task of predicting an act of targeted violence. Thus, an alternate approach is required.

THREAT ASSESSMENT

Until recently, most law enforcement investigations of violent crime have been conducted *after* the offense has occurred. However, with new stalking laws, restraining orders, and increased concern about violence in schools and in the workplace, there is a growing impetus to develop responses to prevent violent behavior by responding to the threats and behavior of individuals that place other identifiable persons at increased risk of harm (Buzawa & Buzawa, 1996; Heide, 1998; Kelleher, 1996; Meloy, 1998).

Thus far, the United States Secret Service has been the main law enforcement agency with long-standing responsibilities to prevent targeted violence crimes: namely, assassination of national leaders. Since the early 1990s the Secret Service has been responsible for preventing attacks against the President and other national leaders. Secret Service agents routinely conduct investigations and “threat assessments” of individuals whose behavior causes concern about the safety of persons under Secret Service protection. While some military and other governmental agencies have responsibilities for assessing threats by groups or individuals in the context of counter-terrorism, the trend emerging from stalking laws and related concerns about threats and high risk persons is bringing, for the first time, threat assessment duties to almost every law enforcement department in the country.

Expectations for how to handle these cases are likely to be unclear and unfamiliar to most law enforcement personnel, even to those who are very skilled and experienced

investigators. The skills and background required to conduct competent threat assessments are in some ways different from those needed for other types of investigations (Fein *et al.*, 1995).

Traditionally, investigators have been asked to gather, document, and evaluate facts about an incident in order to establish that a crime was committed, to identify and apprehend the suspect, to recover any stolen property, and to assist the state in prosecuting the suspect (Swanson, Chemalin, & Territo, 1984). Threat assessment, in contrast, is a set of investigative and operational activities designed to identify, assess, and manage persons who may pose a threat of violence to identifiable targets (Fein *et al.*, 1995).

Threat assessments require a new way of thinking and a new set of skills for criminal justice professionals. These investigations involve analysis of a subject's behavior and examination of patterns of conduct that may result in an attack on a particular target(s). The level of threat posed by a given subject at a given time becomes a central concern in the investigation and management of the case.

Mental health professionals are sometimes called upon in these circumstances either to assist law enforcement or to conduct independent evaluations to assess risk and recommend strategies to prevent future violence. Mental health professionals faced with threat assessment responsibilities cannot rely on conventional models and data. The persons to be examined and the outcomes of concern may be different from those traditionally encountered in clinical and forensic evaluations. Adequate actuarial approaches have not been (and are not likely to be) developed. The extant research base may have limited generalizability. Therefore, mental health examiners will also have to develop new skills and new ways of thinking about these assessments.

Conceptual Approach

The threat assessment approach is a fact-based method of evaluation that has been developed, refined, and used by the U.S. Secret Service in its protective intelligence activities to protect the President of the United States and other U.S. and foreign leaders. Although the approach was developed based on data about persons who attacked or attempted to attack public officials and figures in the U.S., much of the general approach can be applied with some modification to evaluating risk for other forms of targeted violence.

Conceptually, this approach is innovative in two ways: (1) it does not rely on descriptive, demographic, or psychological profiles and (2) it does not rely on verbal or written threats as a threshold for risk (Fein & Vossekuil, 1998).

First, the threat assessment approach moves away from the idea of "profiling," and instead looks at pathways of ideas and behaviors that may lead to violent action. The notion of "psychological profiles" was initially developed as an investigative technique to aid in determining the "type" of person most likely to commit a given offense based on inferences from the evidence and/or the subject's behavior at the scene (Holmes & Holmes, 1996). While this may be an effective strategy for limiting the field of suspects after a crime has occurred, it is not a useful framework for prospectively identifying persons who are at greater or lesser degrees of risk for targeted violence. Nevertheless, the idea that there are "profiles" of perpetrators of targeted violence, including assassination, workplace violence, and school violence is a popular one.

For example, in the human resource literature, there are numerous references suggesting that the “profile” of the “violent employee” is of a white male in his mid-30s, who is a loner, etc. (e.g., Kinney & Johnson, 1993, p.40). The problem with this approach is that, since instances of targeted workplace violence are rare, profiles will neither be sufficiently sensitive nor specific. Given the relative infrequency of events such as workplace violence, assassination, or school homicide, the vast majority of people who “fit” any given profile will not engage in that behavior. Conversely, there have been (and will continue to be) people who commit these acts who do not fit any known profile.

In the literature on assassination, the classic “profile” of the “American assassin” is of a male attacker (Kirkham *et al.*, 1969). Although most persons who have attempted to assassinate presidents have been male, several assassins—including Lynette “Squeaky” Fromme and Sara Jane Moore—were female. Reliance on a profile of male presidential assassins would rule out the possibility that a woman might try to kill the President. Instead of looking at demographic and psychological characteristics, the threat assessment approach, focuses on a subject’s thinking and behaviors as a means to assess his/her progress on a pathway to violent action. The question in a threat assessment is not “What does the subject ‘look like?’” but “Has the subject engaged in recent behavior that suggests that he/she is moving on a path toward violence directed toward a particular target(s)?”.

Second, the threat assessment approach does not rely on direct communication of threat as a threshold for an appraisal of risk or protective action. Investigators make a distinction between people who *make* threats and those who *pose* a threat. Persons who appear to pose a threat provoke the greatest level of concern. Although some people who make threats ultimately pose threats, many do not.

The U.S. Secret Service investigates thousands of cases in which threats have been made toward protected officials. Analysis of Secret Service case files suggests that very few of these threateners have ever made an attempt to harm a protectee. Conversely, there are also some people who pose threats who never communicate direct threats. In fact, *none* of the 43 people who attacked a public figure in the last 50 years in the United States ever communicated a threat directly to the intended target (Fein & Vossekuil, 1999). In an earlier line of research, Dietz and Martell (1989) reached a similar conclusion:

“We have disproved the myth that threats and threateners are the only communications or people of concern. The most common assumption in all quarters—laymen, mental health professionals, law enforcement professionals and lawmakers—is that threats foretell more dangerous behavior, but that other odd communications do not. This is a groundless assumption and the source of more misguided policy and decision making than any other error in this field” (pp. 166-167).

Principles of Threat Assessment

There are three fundamental principles underlying the threat assessment approach (Fein & Vossekuil, 1998). The first principle is that targeted violence is the result of an understandable and often discernible process of thinking and behavior. Acts of targeted violence are neither impulsive nor spontaneous. Ideas about monitoring an attack usually develop over a considerable period of time. In targeted violence, the subject must engage in planning around a series of critical factors such as which target(s) to select, the proper

time and approach, and the means for violence. A potential attacker may collect information about the target, the setting of the attack, or about similar attacks. He or she may communicate ideas to others. For some of these individuals the process of planning and thinking about the attack dominates their lives and provides a sense of purpose or an attainable goal by which they see an end to their emotional pain.

The second principle is that violence stems from an interaction among the potential attacker, past stressful events, a current situation, and the target. As noted above in the discussion of the risk assessment model, researcher and practitioners are moving away from exclusive focus on the individual and toward a more situational/contextual understanding of risk.

An assessment of the attacker may consider relevant risk factors, development and evolution of ideas concerning the attack, preparatory behaviors, and an appraisal of how the individual has dealt with *unbearable* stress in the past. When usual coping mechanisms are ineffective, people often react by becoming physically ill, psychotic, self-destructive, or violent toward others. It is useful to consider how the potential attacker has responded in the past when stressful events overwhelmed his/her coping resources. An assessment of the risk may be informed by an examination of the person's history of response to traumatic major changes or losses, such as loss of a loved one (e.g., ending of an intimate relationship or loss of a parent) or loss of status (e.g., public humiliation, failure or rejection, or loss of job or financial status). The salience of the risk may be determined by examining the *types* of event that have led the individual to experience life as unbearably stressful, the *response* to those events, and the likelihood that they may *recur*.

In addition to assessing the potential attacker and past stressful events, the evaluator must also appraise the current situation and the target. Consideration of the current situation includes both an appraisal of the likelihood that past life events that have triggered consideration of self-destructive or violent behavior will recur (or are recurring) and an assessment of how others in the subject's environment are responding to his/her perceived stress and potential risk. Since others may act to prevent violence, it is useful to know whether people around the subject support, accept, or ignore the threat of violence or whether they express disapproval and communicate that violence is an impermissible and unacceptable solution to the problem.

Finally, an evaluator must assess relevant factors about the intended target, including the subject's degree of familiarity with the target's work and lifestyle patterns, the target's vulnerability, and the target's sophistication about the need for caution.

The third principle is that a key to investigation and resolution of threat assessment cases is identification of the subject's "attack-related" behaviors. Those who commit acts of targeted violence often engage in discrete behaviors that precede and are linked to their attacks, including thinking, planning and logistical preparations. Attack-related behaviors may move along a continuum beginning with the development of an idea about attack, and moving to communication of these ideas or an inappropriate interest in others, to following, approaching, and visiting the target or scene of the attack, even with lethal means. Learning about and analyzing these behaviors may be critical to an appraisal of risk.

Conducting the Assessment

As with any comprehensive risk appraisal, information in a threat assessment investigation should be gathered from multiple sources. More confidence can be placed in data which can be corroborated. Information sources may include personal interviews with the subject, material created or possessed by the subject, interviews with persons who know or have known the subject, and records and archival information. Information should be sought in at least five areas: facts bringing the subject to attention, the subject, attack-related behaviors, motive(s), and target selection (Fein & Vossekuil, 1998; Fein *et al.*, 1995).

As a preliminary matter, an assessor should evaluate the circumstances that first brought the individual to official attention (e.g., investigator, school principal, HR manager, etc.). If the initial concern was precipitated by the report of someone else, rather than by direct observation of the subject's behavior, then it is reasonable to consider the credibility of the informant. Sometimes, people will provide false information about another's behavior or propensity for violence as a retributive measure or as a diversionary tactic for their own violent intentions. Thus, the veracity of the facts bringing the subject to attention should be carefully investigated.

Three types of information about the subject are typically collected; identifying information, background information, and information about the subject's current situation and circumstances. Identifying information would include name, physical description, date of birth, identification numbers, etc. Background information would include residences, education, military and employment history, history of violence and criminal behavior, mental health/ substance abuse history, a relationship history, as well as information on the subject's expertise and use of weapons, history of grievances, and history of harassing others. Current life information would include stability of living and employment situations, nature and quality of relationships and personal support, recent losses, pending crises or changes in circumstances, hopelessness, desperation, and any "downward" progression in social, occupation, or psychological functioning.

The third area of inquiry is attack-related behaviors. As previously noted, attacks of targeted violence may be preceded by a series of preparatory behaviors including selection and location of the target, securing a weapon, subverting security measures, etc. Behaviors of concern include: (1) an unusual interest in instances of targeted violence, (2) evidence of ideas or plans to attack a specific target (e.g., diary notes, recent acquisition of a weapon), (3) communications of inappropriate interest or plans to attack a target (although direct threats to the target may be rare, subjects may communicate information about intentions to family, friends, co-workers, etc.), (4) following a target or visiting a possible location of an attack, and (5) approaching a target or protected setting. Any history of attack-related behaviors committed with a weapon and any illegitimate breaches of security are cause for concern. This is particularly true if a weapon was acquired proximate to the development of an inappropriate interest or plan of attack.

The fourth area of inquiry relates to the subject's motives. Motives may vary considerably depending on the nature and type of targeted violence (e.g., school homicide, relationship violence, assassination, workplace violence), but they are almost always directly related to target selection. Determining motive can give an indication of which potential target(s) might be at risk. Understanding motive might also be useful in determining the degree of risk. Attacks are not always motivated by animosity or hostility

toward the target. In fact, contrary to popular belief, in the area of American assassination, political ideology or objectives have motivated very few assassination attempts on political figures. Major motives of U.S. public official and public figure attackers and near-attackers were: to achieve notoriety or fame, to bring attention to a personal or public problem, to avenge a perceived wrong or retaliate for a perceived injury, and to end personal pain/to be removed from society/to be killed (Fein & Vossekuil, 1999). Motives for violence toward public figures may be different than those for violence toward other targets. In any case, the potential motive should be investigated and not just assumed.

Finally, attention should be given to target selection. Depending upon the motive, a potential assailant may consider multiple targets choosing one. An aggrieved worker, for example, might consider violence toward a given supervisor, or a human resources manager, or the CEO of a company before selecting one or more targets that permit the attacker to accomplish his/her symbolic or instrumental objectives. Evaluators should be aware of how a potential attacker's directions of interest may have shifted over time and may shift in the future. If multiple targets have been considered, it is useful to note why the subject has discounted them, as they may provide additional information about motive, planning, attack-related behaviors, and potential intervention.

Key Questions in Threat Assessment Investigations

The U.S. Secret Service, based on experience and assassination research, has identified 10 key questions to guide a protective intelligence or threat assessment investigation (Fein & Vossekuil, 1998). These questions flow directly from the fundamental threat assessment principles outlined above and can be adapted by evaluators for use in assessing other threats of targeted violence.

Question 1: What motivated the subject to make the statements, or take the action, that caused him/ her to come to attention?

This is the fundamental “why” question of any investigation. It is useful for an investigator to explore a variety of possibilities in direct and indirect ways, rather than relying exclusively on the subject's own insights or disclosure. It is worth considering whether the subject might be trying to obtain help, to cause problems for another individual (e.g., co-worker, student, intimate partner), to avenge a perceived wrong, to consider (or commit) suicide, or to bring attention to a particular problem. It is also helpful to inquire about whether the subject is using his/her actions as a means to end a “problem,” and the extent to which he/she views violence as a legitimate means to that end.

Question 2: What has the subject communicated to anyone concerning his/her intentions?

As noted above, the communication of a direct threat to the target should not be a necessary or sufficient condition for determining that a subject *poses* an actual threat—or the only basis for initiating an inquiry. Many individuals who engage in targeted violence do not direct threats to their targets, but communicate their ideas, plans, or intentions to others. Some also keep journals or diaries recording their thoughts and behaviors.

Collateral informants (family, friends, caregivers, and co-workers) should be questioned about any unusual or inappropriate ideas and any signs of the subject's desperation or deterioration.

Question 3: Has the subject shown an interest in targeted violence, perpetrators of targeted violence, weapons, extremist groups, or murder?

Some perpetrators of targeted violence show an unusual interest in acts similar to the one they are planning. They may talk excessively about these events, make inquiries about the consequences of such actions, make inquiries about obtaining a weapon, or even attempt to contact prior perpetrators of these acts. Affiliation with or interest in extremist groups may not be a specifically predictive factor but some perpetrators of targeted violence give themselves "permission" for violence by believing that they are acting in accord with extremist groups or ideology (Pynchon & Borum, 1999).

Question 4: Has the subject engaged in attack-related behavior, including any menacing, harassing, and/or stalking-type behavior?

Very few attackers of U. S. public official and figures had histories of arrests for violent crime or crimes involving a weapon; however, many had histories of harassing other persons. It is not yet known whether perpetrators of other kinds of targeted violence have similar histories. Patterns of harassment or menacing behavior may be cause for concern. If a subject engaged in harassment or menacing behavior in the past, how were they stopped? How were these situations resolved?

Consideration should also be given to the individual's willingness to use violence against a given target, blaming a target for a grievance, developing an unusual interest in the target, planning and discussing plans, preparatory behaviors, following a target, approaching a site, and attempting to breach security.

Question 5: Does the subject have a history of mental illness involving command hallucinations, delusional ideas, feelings of persecution, etc. with indications that the subject has acted on those beliefs?

Mental illness appears only rarely to play a key role in assassination behaviors (Fein & Vossekuil, 1999). The extent to which this applies to other forms of targeted violence is currently unknown. What is known, generally, however, is that mental illness *per se* does not have a strong association with violent behavior. Rather, any association between mental illness and violence appears primarily to be related to substance abuse and/or specific psychotic symptoms.

Evidence related to compliance with command hallucinations is mixed. (See Hersh & Borum, 1998.) Early studies suggested that rates at which people followed commands was low, yet more recent studies with larger samples show compliance rates ranging from 40% to 89%. Risk of compliance seems greatest when the voice is familiar and there is a delusional belief consistent with the command. Consideration of an individual's past history of compliance with commands is also relevant.

Similarly, delusions may not always be a basis for action, but they may increase risk, particularly if the delusion involves perceived threat of harm by others and overriding of internal controls. Persons who reported these symptoms were about twice as likely to engage in assaultive behavior as those with other psychotic symptoms, and six times more likely than those without mental disorder (Swanson, Borum, Swartz, & Monahan, 1996). Acting on delusions is not uncommon, but it is also not inevitable. Wessely *et al.* (1993) found that 60-77% of psychotic inpatients reported acting on a delusion at least once. Persecutory delusions were most likely to be acted on, and risk of action increased if the person was aware of evidence which supported the delusion and actively sought out such evidence. Likewise, in a study of 54 psychiatric inpatients Junginger, Parks-Levy, & McGuire (1998) examined the degree to which their past incidents of violence were motivated by concurrent delusions. Most violent incidents did *not* appear to be motivated by delusions, but 40% of subjects reported at least one violent event that was “probably” or “definitely” motivated by a concurrent delusion.

Question 6: How organized is the subject? Is he/she capable of developing and carry out a plan?

Rather than using the presence or absence of mental illness as a proxy for an individual's capacity to execute a plan of attack, it is more useful to take a “functional” approach. Many people with mental disorders are quite well organized in their ability to plan their behavior. The evaluator should determine what steps would be necessary to carry out a given plan of targeted violence and then assess whether and the extent to which the subject is capable of developing and executing a viable plan of attack, including acquiring weapons, gaining access to the target, and foiling security measures. If the subject is mentally ill, however, it is useful to determine whether the subject is in treatment and likely to comply, and what his/her capacities might be when treated, as opposed to untreated.

Question 7: Has the subject experienced a recent loss and or loss of status, and has this led to feelings of desperation and despair?

Here, the investigator/evaluator is trying to determine whether the subject has experienced an event that has caused him/her to experience life as unbearably stressful. Significant losses may be material (treasured object), relational (death or separation of close relationship), or losses of status (narcissistic injury). Potential losses can be examined in at least four domains: family relations, intimate/peer relations, occupational, and self-image/status. It is relevant here also to assess the degree of hopelessness/desperation and the subject's potential for suicide. Inquiry into past stressful events may help the evaluator to determine the type of negative event that may occur in the future and to gauge the subject's likely response to them.

Question 8: Corroboration—What is the subject saying and is it consistent with his/ her actions?

In any threat assessment investigation, an attempt should be made to corroborate as much information as possible from collateral sources. This information can then be used to assess the credibility and plausibility of the subject's statements and explanations. The

evaluator should compare the subject's own account of ideas, motives, and behavior to those of others who know the subject. Similarly, such corroboration can aid in the assessment of an individual's capacity for attack.

Question 9: Is there concern among those that know the subject that he/she might take action based on inappropriate ideas?

It is valuable to investigate whether others who know the subject are afraid of him/ her or are concerned that he/she may act violently. Such concern may be based on threats or "rantings." Others may have only noticed unexplainable changes in the subject's behavior or new and unusual ideas or interests. In any case, this concern and the specific bases for it should be carefully and thoroughly inquired.

Question 10: What factors in the subject's life and/or environment might increase/decrease the likelihood of the subject attempting to attack a target?

In addition to assessing the subject's current life circumstances, it is also necessary to evaluate foreseeable changes in circumstances that could serve either to stabilize or destabilize the individual. Destabilizers and "risky conditions" may be useful opportunities for intervention. Alternatively, they may be markers for periods in which additional investigative scrutiny is warranted, as in the case of a terminally ill family member who is expected to die within the next month, or in the situation of a volatile employee whose final appeal hearing of a termination decision is approaching. Conversely, the existence of a comprehensive system of support, and strong therapeutic alliances addressing the individual's social and security needs, may serve as a protective factor. Competent and adequate professional supervision and control will also influence the degree of risk for exposure to destabilizing factors. For people with psychological problems, involvement with treatment may also have a protective effect in reducing risk (Estroff & Zimmer, 1994; Estroff, Zimmer, Lachicotte, & Benoit, 1994; Swanson *et al.*, 1997).

CONCLUSION

Assessments of targeted violence pose a significant challenge to law enforcement, mental health, and other professionals. In the past 20 years, the field of risk assessment has made tremendous advances, particularly in actuarial methods for assessing risk in certain populations. However, extremely rare events such as school homicide, workplace violence, or assassination do not lend themselves well to predictability with statistical equations. Additionally, the extent to which existing knowledge about criminal offenders and people with severe mental illness will generalize to other populations (e.g., those in school or general employment settings) has yet to be determined. Nevertheless, those who engage in behavior or communication of concern must be assessed.

The threat assessment approach, developed and refined by the U.S. Secret Service, provides a useful framework for thinking about assessments of potential for targeted violence. This is a fact-based method of assessment/investigation that does not rely on profiles, but focuses on an individual's patterns of thinking and behavior to determine whether, and to what extent, they are moving toward an attack. This approach can

complement existing risk assessment technology and offer guidance for those who must assess and attempt to prevent targeted violence.

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Appendix E

Fitness for Duty/ Threat Assessment Evaluation Sample

April 1, 199X

Mr. John Doe
John Doe Company
P.O. Box 000
Honolulu, Hawaii 00000

Re: Fitness for Duty/Threat Assessment Evaluation of Mr. Lotsuv Fear

This report is intended for the sole use of the administrative officials for whom it was prepared. It should not be shown to the assessed individual. This report should be treated as a confidential management document. Decisions regarding the ultimate status of the assessed individual ultimately are a management responsibility that must be based on many issues, some of which may go beyond the scope or conclusions contained in this report.

Reason for Referral

At your request and with the consent of Mr. Fear, I am sending you this letter as my evaluation report. The immediate reason for this assessment was concern regarding Mr. Fear's violence potential. There have been several incidents in which Mr. Fear was perceived as verbally angry and hostile. A coworker expressed concern about whether Mr. Fear may represent a risk of violence. She documented an incident where he punched a desk and file cabinet. Because of these behaviors, she went on a stress-related leave. Mr. Fear has been suspended with pay pending the results of this evaluation. You indicated that you would like to retain Mr. Fear as an employee, if that could be done in a fashion that would promote a safe workplace

Sources of Information

My evaluation consisted of a review of Mr. Fear's personnel file, four psychological tests and a three-hour interview. Telephone interviews were conducted with Ms. Jane Roe. This evaluation was conducted between 04/1/9X and 04/X/9X. Finally, Court records -- in the form of the Ho`ohiki database -- were reviewed.

Background

A review of Mr. Fear's history indicated that he is a Jonesboro High School graduate who retired from the Army after 20 years of service as an infantryman. He received five good conduct medals and several other decorations. He was a small arms expert and served three tours in Vietnam. After his retirement from the Army in 198X, he worked for Big Corporation for several months as a clerk until his employment with John Doe Company.

Mr. Fear has been employed by John Doe Company since 198X. A year after he was hired, he received a promotion from his initial position as a Technical Specialist. Since 198X, he has served as the Chief Technical Specialist.

According to Mr. Fear's supervisor, Mr. Fear has had increasing conflicts over the past 3-5 years. He has not been physically abusive toward anyone, but he has sworn, has had an intimidating body language, banged his fists into a wall and file cabinets, and allegedly threw boxes at another employee. He has made no threats of violence. There has been a high turnover rate of employees who have worked for Mr. Fear. He tends to bark at his staff. He is intolerant of mistakes. He is resistant to change.

A review of Ho`okipa records indicated that Mr. Fear has not had any activity with the courts.

Psychological Test Results

Results of the psychological testing indicate that Mr. Fear's personality profile is that of a person with chronic suspiciousness and hostility. He may be rigid and perfectionistic. People with his profile may very quickly become indignant and hostile. They frequently have periods of intense, angry outbursts. They may have poor control over verbal or physical expressions of anger. They may be short-tempered and irritable.

People with Mr. Fear's personality profile may be perceived as reserved and distant. He may be introverted, preferring a narrow range of activity, and predictability in his environment. He may be self-absorbed and very stubborn. People with his profile may be ambitious and conscientious.

Mr. Fear's intellectual capacity is measured to be in the Superior Range. He can learn quickly and apply his new knowledge to a variety of situations. People with his intellectual capacity have the potential to work in higher levels of management.

Behavioral Observations & Interview

Mr. Fear reported to this examiner's office on two occasions. On both occasions, Mr. Fear was neatly-dressed and -groomed, and arrived on time for his appointments. He was cooperative and appeared to be forthright. His mood was stable and his range of affect was within normal limits. He was thoughtful and articulate. He showed no evidence of delusional ideation or hallucinatory behavior.

Mr. Fear expressed concerns about possibly being terminated. He was informed that a report would be generated by this examiner and provided to his employer. Mr. Fear discussed a number of personal and professional issues that will be briefly discussed in this report.

Mr. Fear indicated that he was raised in a physically abusive environment, and that he has been physically abusive in his own household. Over the past fifteen years, he has made a concerted effort to change his manner of relating to others. He has been troubled that he has been unable to fully control the expression of his anger in the work environment. Mr. Fear considers himself lacking in "tact," but wishes that others would focus on the intent of his communications, rather than the emotion that he displays.

Mr. Fear revealed that he has been working in a high stress environment secondary to his employer's downsizing. Because of a reduction in force, and his own high stress level, he voluntarily took a demotion to a position that would ensure his survival in the company, but would mean that he would not be supervising others.

Mr. Fear denied any suicidal or violent ideation. He gave reasons for living and for keeping his behavior under control. He admitted smashing a file cabinet at work as recently as three months ago. He denied ever throwing boxes at a coworker. He claimed that the coworker who made these allegations exaggerates. He denied any alcohol or drug abuse. He admitted possession of one firearm, a .38 caliber handgun.

Mr. Fear was asked whether he would consider voluntarily disavowing his rights of firearms ownership as a condition of return to his current employment. Without hesitating, Mr. Fear expressed willingness to turn his weapon over to police authorities, obtain a receipt, and disavow any rights to future firearms ownership. Mr. Fear said he was willing to take any actions necessary to retain his job.

Mr. Fear reported that he had used the services of the EAP about ten years ago. He said that he went because of earlier concerns about his "lack of tact." He claimed that his employer also sent him to conflict management courses. Mr. Fear said that he would be interested in attended counseling or anger management classes, but he expressed concern about the cost of these sessions as he recently had downgraded to a position of lower pay.

Summary and Recommendations

Based upon this evaluation, it is my assessment that Mr. Fear is a man who has a long history of inappropriately expressing his angry emotions. People with Mr. Fear's personality profile may be perceived as rigid and perfectionistic. He may become indignant and hostile very quickly, with periods of intense, angry outbursts. He may have poor control over verbal or physical expressions of anger. He may be introverted, preferring a narrow range of activity, and predictability in his environment. He may be self-absorbed and very stubborn. People with his profile may be ambitious and conscientious. He has Superior levels of intellectual capacity, of the type usually seen in higher levels of management.

There is little evidence suggesting that Mr. Fear represents a current and substantial risk of danger to himself or others. There is no evidence of a history of predatory or instrumental aggression, although there is a history of angry aggression involving physical violence at home. There is no history of violence toward people at work, although there have been displays of violence toward property. Mr. Fear denied any alcohol or drug use. He admitted possessing a .38 caliber handgun. He disavowed any interest in violence or future possession of weapons. He was willing to turn his weapon in to police authorities. He did not show any delusional beliefs or auditory hallucinations. He did present as rigid and self-righteous, but he also acknowledged problems in his own behavior control. It is clear that Mr. Fear may be intolerant and may easily express his anger in ways that are upsetting to others.

It is my recommendation that John Doe Company consider the following steps:

- (1) Referral of Mr. Fear to the Employee Assistance Program (EAP) who should refer him to a psychologist or psychiatrist for assistance with his anger management and related personality issues. An additional referral to an anger management program is indicated. The EAP may be used to continue to assess Mr. Fear's progress with his treating doctor and/or anger management program. Additionally, at your discretion, you may have him reassessed by this evaluator.
- (2) If Mr. Fear does seek individual counseling from a psychologist or psychologist, it may be helpful to have the testing results obtained during this evaluation forwarded to that professional.
- (3) Although Mr. Fear disavowed interest in violence, ready access to weapons increases the level of potential danger in a person who might contemplate violence. As a condition of continued employment, Mr. Fear agreed to turn his weapon in to local police authorities, and disavow rights to future firearms possession. It is advisable to consider verifying these actions on his part.
- (4) When administratively feasible, Mr. Fear may return to work in a non-supervisory position.

While no imminent threats have been noted, the conclusions and recommendations contained in this report are time-limited and based only upon current information known to this examiner. No information has been obtained from a security analysis of Mr. Fear, including possible possession of weapons other than the one he acknowledged, and attack-related behaviors. It is recommended that a security analysis be considered as a supplement to this report.

Thank you for your kind referral of Mr. Fear. Please contact me if you have any further questions, if you desire my assistance with a continuing threat assessment of Mr. Fear, or future consultation about this situation.

Aloha,

Gary M. Farkas, Ph.D., M.B.A., CSAC
Licensed Clinical Psychologist
Certified Substance Abuse Counselor
Human Resources Consultant

This sample Fitness for Duty/Threat Assessment Evaluation was submitted by Dr. Gary Farkas. It is used here by permission, and may not be further reproduced or copied. It represents a hypothetical case and any similarities to any organization or person, either living or dead, is purely coincidental.



Appendix F

Physical Security Checklist Sample



Physical Security Checklist

Introduction

It is often helpful to conduct a quick examination of an organization's current workplace violence posture. The Physical Security Checklist is a simple tool that should require less than an hour for a manager or executive to complete. Once completed, it can be used to identify those areas that may need attention.

While many of the concepts and methods described in this manual have been incorporated into the Physical Security Checklist, it is not intended to substitute for a full review of the manual or a thorough examination of an organization's policies, plans, and procedures.

Finally, the results of the checklist are at best a snapshot in time. An organization's situation, needs, and history will evolve. The checklist should be used periodically to determine what policies, plans, and procedures should similarly change.

PHYSICAL SECURITY CHECKLIST

NOTE: This checklist has been prepared and published for adaptation and use by employers. Attention is directed to the fact that individual organizations will have specific Workplace Violence (WPV) requirements which are not possible to list here. A "yes" response to the question does not necessarily indicate that the organization is free of WPV problems in that area.

POLICIES		Yes	No
1	Is there a formal workplace violence policy in place?		
2	Is it policy to use hiring processes as part of an integrated workplace violence screening/reduction procedure?		
3	Is there a drug-free workplace policy in effect?		
4	Is use/possession of alcohol prohibited in the workplace and during work hours?		
5	Is there a policy making workplace safety and security the responsibility of all employees?		
6	Is there a clearly defined and fair discipline policy?		
7	Is there a policy prohibiting the possession of weapons in the workplace?		
8	Are there policies that promote a respectful workplace by prohibiting harassment and requiring cooperation and civil communication (applicable to all employees and managers)?		
9	Are all policies relating to workplace violence clearly communicated to all employees?		
10	Are company WPV policies seriously regarded by management?		
11	Are company WPV policies enforced?		

PERSONNEL SCREENING		Yes	No
1	Does employer use a formal written application form for all hires?		
2	Do all applicants authorize in writing the employer to conduct a full background investigation?		
3	Does the employer reserve the right to withhold or terminate employment if background investigation results are unsatisfactory?		
4	Does the employer verify all periods of non-employment during prior 7-10 years?		
5	Does the employer call each previous employer and inquire into applicants' history of threats, violence, inappropriate behavior or illegal harassment in addition to normal job performance topics?		
6	Does the employer consider a demonstrated commitment to respectful/non-violent interaction with others to be a bona fide occupational qualification for all employees?		
7	Does the employer contact all listed personal references on application for information to verify items claimed on application?		
8	Are prior employers and references used to develop the names of persons who also know the applicant?		
9	Are these "developed" references contacted to provide information regarding the applicant?		

10	Are applicants required to disclose and discuss all prior incidents of violence in which they have been in any way involved?		
11	Are such prior violence accounts verified?		
12	Are employees required to disclose that they have ever applied for a temporary restraining order?		
13	Are employees required to disclose that they have ever been served with a temporary restraining order?		

WORKPLACE VIOLENCE THREAT ASSESSMENT & MANAGEMENT		Yes	No
1	Does employer encourage upward reporting of employee WPV concerns?		
2	Are employees notified that they are required to notify management of the following:		
	a. direct threats of harm to employees or customers?		
	b. allusions to violence made during conflict with co-workers, subordinates, or supervisors?		
	c. angry outbursts by employees or customers?		
	d. drug/alcohol use/possession on the job?		
	e. weapons in the workplace or employer-owned parking lot?		
	f. intimidation of employees at the workplace?		
	g. employee involvement in incidents of domestic violence?		
	h. employee involvement in incidents of stalking?		
	i. employee fears of harm at work from any cause?		
	j. applying for or being the subject of any temporary restraining order?		
3	Does employer use the following methods of obtaining WPV concerns information?		
	a. outside hotline?		
	b. designated senior manager for WPV concern reporting?		
	c. standard forms distributed to supervisors?		
	d. periodic discussions with employees and supervisors		
	e. outside consultants?		
	f. employee/supervisor surveys?		
	g. exit interviews?		
4	Are all supervisors trained to properly collect, document and refer reported incidents of threats of targeted violence?		
5	Is collected information reviewed by a person trained in WPV issues?		
6	Does employer have any established "Threat Management Team," or functional equivalent?		
7	Do all employees know how to access the "Threat Management Team?"		
8	Has the entire "Threat Management Team" received specific training in assessing and managing WPV?		
9	Did that training include managing scenarios that were realistic to the employer's workplace?		
10	Does the policy establishing the Team dictate that SAFETY is to be its primary guiding principle?		
11	If not SAFETY, what other primary principle is the Team mandated to use in its work?		
12	Does the Team include a Senior Management Executive who can commit the employer, and its resources, in order to undertake all necessary action?		

13	Are all employees/supervisors/managers required to cooperate with the Team in its inquiries?		
14	Is the Team immediately reachable to all employees 24 hours a day?		
15	Has the employer pre-identified the following specialists for the Team to use as necessary?		
	a. Employee Assistance Program professionals experienced in handling WPV matters?		
	b. Fitness-for-Duty assessors (psychologists/psychiatrists)		
	c. treatment professionals (psychologists/psychiatrists)		
	d. background researchers		
	e. licensed investigators		
	f. physical security consultants		
	g. outplacement/employment agencies		
	h. attorneys experienced in WPV matters		
	i. Threat Assessment and Management (TAM) Professionals		
	j. Critical Incident Stress counselors		
16	Does the Team monitor cases as necessary after immediate incidents are resolved?		
17	Has the Team fully determined law enforcement resources/responses available to the employer?		

RISK ASSESSMENTS

		Yes	No
1	Do employees frequently work during hours of darkness?		
2	Do customers visit during hours of darkness?		
3	Are customers/visitors frequently in distress/crisis during interactions with staff?		
4	Does employer dispense/serve/allow alcohol on premises?		
5	Do employees handle cash on premises?		
6	Are cash or other valuables kept on premises overnight?		
7	Are drugs dispensed/stored on premises?		
8	Are the premises in an immediate area that has experienced robberies/assaults/homicides or other violent crimes?		
9	Are employees expected to confront persons committing crimes (shoplifting, etc.?)		

ACCESS CONTROL

		Yes	No
1	Are there conspicuous signs communicating open/closed hours, prohibiting trespassing, and restricting the public to certain areas of premises?		
2	Private areas are separated by: (check all that apply)		
	a. signage		
	b. cordons		
	c. counters		
	d. partitions		
	e. fences		
	f. glass walls		
	g. walls (wallboard)		
	h. walls (masonry)		
	i. walls (ballistic resistant)		
	j. normally unlocked doors		

	k. normally locked doors		
3	Employees access private areas by:		
	a. key		
	b. combination lock (mechanical)		
	c. electronic combination keypad (shared code)		
	d. electronic combination keypad (employee-specific code)		
	e. electronic access device (card, fob, etc.)		
	f. admission by other staff only		
4	Logging of entry/exit is done for:		
	a. no one		
	b. all non-employee visitors		
	c. after-hours employees		
	d. customers/clients		
	e. vendors		
	f. deliveries		
	g. all persons and all hours		
5	Entry/exit log-ins compiled using:		
	a. manual system (sign-in sheets)		
	b. video camera recording		
	c. electronic data		
6	Entry/exit data is reviewed:		
	a. never		
	b. systematically as an assigned duty		
	c. only after incidents have occurred		
7	Visitors are controlled while on premises by:		
	a. no one (open access in all areas)		
	b. visitor badge/sticker only		
	c. escorted at all times by employees		
8	Are unauthorized persons excluded from premises?		
9	Are organization access control procedures enforced?		
10	Parking areas:		
	a. are publicly accessible at all hours without restriction		
	b. are fenced and gated		
	c. are access restricted to authorized parkers via permit		
	d. are access restricted to authorized parkers via card access/code or similar device		
	e. are access restricted to authorized parkers admitted by attendant/guard		
	f. are patrolled at least hourly by maintenance personnel		
	g. are patrolled at least hourly by security guards		
	h. are monitored via CCTV cameras		
	i. include emergency service intercom stations		
	j. are lit well during all hours.		
11	How are former employees/contractors prevented from accessing private areas?		
	a. no restrictions imposed on former employees/contractors		
	b. policy only		
	c. retrieval of keys/access devices		
	d. change of locks/combinations/codes upon separation		

	e. cancellation of computer/voicemail and electronic access code/devices upon separation		
	f. changes of combination/locks/codes whenever loss of keys/codes/combinations are reported		
	g. periodic changes of combination/locks/codes		
	h. special notice to all receptionists, security personnel or others who grant normal or after-hours access		
12	Persons at entrances are observable:		
	a. while approaching entry		
	b. while at entry		
	c. by CCTV camera system showing whole body		
	d. by CCTV camera system showing facial details sufficient for identification		
	e. through open sightline (no barriers)		
	f. through open sightline (over counter/through open window)		
	g. through closed window in/at doorway		
	h. through door viewer (peep hole)		
	i. enhanced by intercom/microphone/speaker		
13	The receptionist or others who meet with the public is visible:		
	a. from outside the premises		
	b. only within reception area		
	c. from secure areas by open space plan		
	d. from secure area through window		
	e. from secure area through video camera		
14	Sounds in the reception area can be heard:		
	a. only within reception area		
	b. from secure areas through open space plan		
	c. from secure area through window		
	d. from secure area through intercom		
15	Lighting is sufficient to observe people at a distance at all times in:		
	a. interior work areas		
	b. halls		
	c. stairways		
	d. outside building entrances		
	e. inside elevators		
	f. elevator lobbies		
	g. exterior walkways		
	h. parking areas		
	i. gates		
	j. exterior storage areas		
16	Does organization use security officers?		
17	Do security officers receive at least the same training in WPV given to all staff?		
18	Are security officers in uniforms clearly distinguishable from other employees?		
19	Do security officers receive formal classroom training in general security topics?		
20	Do security officers receive sufficient training on site to ensure full working knowledge of facility systems/procedures?		

21	Are all security officers provided with information/pictures relative to persons deemed to pose threats?		
22	Does organization use law enforcement special duty officers during high-risks periods?		

THREAT COMMUNICATIONS

		Yes	No
1	The organization uses:		
	a. panic buttons (to on-site staff)		
	b. panic buttons (to off-site alarm company)		
	c. premises perimeter alarms (local only)		
	d. premises perimeter alarms (to off-site alarm company)		
	e. verbal code words/phrases to indicate duress		
	f. hand or other signals to indicate duress		
	g. network-wide computer duress messages		
2	Does the organization use a telephone threat form?		
3	Are the telephone threat forms:		
	a. the subject of training for all staff?		
	b. collected and filed by a central designee?		
	c. reviewed immediately by supervisors/management?		
	d. referred as appropriate to incident management team?		
	e. referred as appropriate to law enforcement?		
4	Are all exits well-marked?		
5	Are all staff familiar with all exits for workspace?		
6	Saferooms/Refuges:		
	a. there is/are designated saferooms or refuges known to staff		
	b. saferooms have solid core doors with functioning locks or heavy duty slide bolts		
	c. saferooms have telephones		
	d. saferooms have first aid kits		
	e. doors to saferooms have viewers allowing exterior views		
	f. saferooms have alternate exits		
	g. saferooms have flashlights		
	h. staff knows to remain in saferoom until removed by law enforcement personnel		

PROCEDURES/TRAINING

		Yes	No
A	<i>Pre-incident</i>		
1	Staff is trained in recognizing/reporting pre-incident indicators		
2	Management trained in pre-termination procedures:		
	a. appropriate timing		
	b. appropriate location		
	c. removing potential hazards from site		
	d. adequate management staffing		
	e. adequate security staffing		
	f. meeting scripting		
	g. maintaining employee dignity		
	h. appropriate responses to threats and intimidation		
	i. return of company property by ex-employee		
	j. return of personal property to ex-employee		

	k. termination of computer and physical access		
3	Staff is trained in dealing with anxious/defensive persons		
4	Supervisors are trained in dealing with employee arguments and fights		
5	Staff trained in robbery prevention procedures?		
6	Staff trained in company violence reaction procedures?		
B.	<i>During incident</i>		
1	Staff employs techniques to reduce the stress/anxiety/anger in anxious and frustrated individuals		
2	Staff employs team approach whenever possible		
3	Staff moves bystanders to safe areas early		
4	Staff takes immediate steps to ensure own/others' safety		
5	Staff summons required security/police/medial assistance		
6	Staff takes steps to secure or evacuate facility as indicated?		
7	Staff notifies management of situation as early as appropriate?		
C.	<i>Post-Incident</i>		
1	Medical attention provided to all injured parties		
2	Facility and personnel security re-established		
3	Post-incident stress sessions held as indicated		
4	Management information communication plan initiated (internal and external publics)		
5	Liaison/cooperation with law enforcement is maintained		
6	Area clean up accomplished as soon as appropriate		
7	Organization legal/risk/liability review conducted		
8	Victims, witnesses, and families provided on-going mental-health and other services as necessary		
9	Post-incident review conducted by management assisted by impartial outside resources (i.e., consultants, investigators, psychologist, etc.)		
	a. fact-finding completed		
	b. involved parties counseled/disciplined as appropriate		
	c. Pre-existing procedures/training examined for possible revision in view of new history		
	d. changes made to facility security as indicated		
	e. staff re-training conducted		

MISCELLANEOUS

		Yes	No
1	Are all WPV policies/plans/procedures developed with the assistance of persons who have specialized training and experience in WPV?		
2	Do those persons provide expertise in:		
	a. employment law?		
	b. physical security?		
	c. employee assistance?		
	d. threat assessment and management?		
	e. psychology?		
3	Are organization WPV policies/plans/procedures reviewed by experts on a regular basis?		
4	Do all employees receive annual rebriefings on company WPV/safety/security policies/plans/procedures?		

NOTES:

COMPILED BY:
DATE: