U.S. Department of Justice
Federal Bureau of Investigation

WORKPLACE VIOLENCE

ISSUES IN RESPONSE

Critical Incident Response Group
National Center for the Analysis of Violent Crime
FBI Academy, Quantico, Virginia

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Table of Contents

Message from Director Mueller

The terrorist attacks that occurred in New York, Washington, D.C., and Pennsylvania on September 11, 2001, were a tragic reminder to the Nation of the threat posed by international terrorism. With the exception of the attack on the Pentagon, the targets chosen by the terrorists were not military in nature, but were workplaces where thousands of people work every day to support their families and their country.

Workplace violence was put in a new context that day. Prior to 9/11, this type of violence was viewed as perpetrated by disgruntled employees, customers, or a domestic violence/stalking relationship that surfaces at a workplace. Since that time, America's workplaces have to be prepared not only to face the more traditional internal workplace threats, but now have to consider the external threat of terrorism.

I am deeply appreciative of the effort put forth by the multidisciplinary group of experts from law enforcement, government, private industry, law, labor, professional organizations, victim services, academia, mental health, the military, and FBI experts in violent behavior and crime analysis, crisis negotiation, and management who came together to produce this practical guide, "Workplace Violence: Issues in Response."

This monograph is aimed at prevention, intervention, threat assessment and management, crisis management and critical incident response and, in consultation with the Department of Justice, makes legislative and research recommendations.

I would like to thank all who participated for their unselfish sharing of time, expertise, and commitment to safety in America's workplaces.

Robert S. Mueller, III

Foreword

The FBI's National Center for the Analysis of Violent Crime (NCAVC), part of the Critical Incident Response Group (CIRG), located at the FBI Academy at Quantico, Virginia, consists of FBI Special Agents and professional support staff who provide operational support in the areas of crimes against children, crimes against adults, counterterrorism, and threat assessment. Typical cases received for services include child abduction, serial murder, serial rape, single homicides, threats, and assessment of dangerousness in such matters as workplace violence, school violence, domestic violence, and stalking.

The NCAVC reviews crimes from behavioral, forensic, and investigative perspectives. This criminal investigative analysis process serves as a tool for client law enforcement agencies by providing them with an analysis of the crime as well as an understanding of criminal motivation and behavioral characteristics of the likely offender. The NCAVC also conducts research into violent crime from a law enforcement perspective in an effort to gain insight into criminal thought processes, motivations, and behaviors. Results of the research are shared with law enforcement and academic communities through publications, presentations, and training, as well as through application of knowledge to the investigative and operational functions of the NCAVC.

The assistance of the NCAVC can be requested only by law enforcement. Law enforcement, when responding to a request by an employer about a potentially dangerous employee, may contact the NCAVC to conduct a threat assessment and render an opinion as to the potential for violence posed by this employee to the company. If the threat is found to be credible, intervention strategies are provided to the requesting agency to lower the level of threat.

Mass murder on the job by disgruntled employees are media-intensive events. However, these mass murders, while serious, are relatively infrequent events. It is the threats, harassment, bullying, domestic violence, stalking, emotional abuse, intimidation, and other forms of behavior and physical violence that, if left unchecked, may result in more serious violent behavior. These are the behaviors that supervisors and managers have to deal with every day.

The NCAVC, working with a select group of experts in violence and violent behavior, and looking at this issue from a law enforcement and behavioral perspective, wanted to examine issues in prevention, threat assessment and management, crisis management, critical incident response, research, and legislation. This working group met with members of the NCAVC at a two-day meeting held at the FBI Academy, and it was through their recommendation that a symposium be held to bring together the many disciplines and groups who are involved in this issue.

From June 10 to 14, 2002, the NCAVC hosted a "Violence in the Workplace" symposium at the Lansdowne Resort and Conference Center in Leesburg, Virginia. A collabo-

rative effort, consisting of representatives from law enforcement, private industry, government, law, labor, professional organizations, victim services, the military, academia, mental health, and members of the NCAVC and CIRG's Crisis Negotiation Unit came together to share their expertise on this important issue.

The agenda included plenary sessions and presentations, panel discussions, and afternoon breakout groups. This monograph is the culmination of those efforts, looking at the latest thinking and best practices. It is hoped this monograph will serve as a useful and practical guide to businesses, small and large, and government in implementing a proactive workplace violence prevention strategy.

Acknowledgements

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I

INTRODUCTION

I. Introduction
What is Workplace Violence?

On August 20, 1986, a part-time letter carrier named Patrick H. Sherrill, facing possible dismissal after a troubled work history, walked into the Edmond, Oklahoma, post office, where he worked and shot 14 people to death before killing himself.

Though the most deadly, the Edmond tragedy was not the first episode of its kind in this period. In just the previous three years, four postal employees were killed by present or former coworkers in separate shootings in Johnston, South Carolina; Anniston, Alabama; and Atlanta, Georgia. The shock of the Edmond killings raised public awareness to the kind of incident now most commonly associated with the phrase "workplace violence"—murder or other violent acts by a disturbed, aggrieved employee or ex-employee against coworkers or supervisors. An early appearance of the phrase itself in Nexis, a database of articles in many major U.S. newspapers, was in August 1989, in a *Los Angeles Times* account of yet another post office shooting.*

As a result of this seemingly new trend, mass murders in the workplace by unstable employees have become media-intensive events. In fact, the apparent rise in such cases may have been an impression created by this increased media attention. Still, the frequency of episodes following the Edmond post office killings was startling. In Southern California alone, one summary showed, over an eight-year span from mid-1989 to mid-1997, there were 15 workplace homicide incidents, six with multiple victims, that killed 29 people.** In subsequent years, major workplace crimes across the country included four state lottery executives killed by a Connecticut lottery accountant (March 1998); seven coworkers killed by a Xerox technician in Honolulu (November 1999); seven slain by a software engineer at the Edgewater Technology Company in Wakefield, Massachusetts (December 2000); four killed by a 66-year-old former forklift driver at the Navistar Plant in Chicago (February 2001); three killed by an insurance executive at Empire Blue Cross and Blue Shield in New York City (September 2002); three killed by a plant worker at a manufacturing plant in Jefferson City, Missouri (July 2, 2003); and six killed by a plant worker at a Lockheed-Martin aircraft plant in Meridian, Mississippi (July 8, 2003). (The Chicago, New York , Mississippi, and Connecticut shooters killed themselves. In the Honolulu and Massachusetts cases, the shooters went to trial. Both pleaded insanity but were convicted, and both received the same sentence, life in prison without parole.)

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*Despite a number of highly publicized post office incidents, a Postal Service commission reported in 2000 that postal employees are actually less likely to be homicide victims than other workers. The phrase "going postal," which the commission noted has become a pejorative shorthand phrase for employee violence, is a "myth," the report said. (Source: Report of the United States Postal Service Commission on a Safe and Secure Workplace, quoted in U.S. Postal Service Annual Report, 2000.)

**"Armed and Angry," *Los Angeles Times*, June 6, 1997.

Workplace violence is now recognized as a specific category of violent crime that calls for distinct responses from employers, law enforcement, and the community. This recognition is relatively recent. Prior to the Edmond shootings, the few research and preventive efforts that existed were focused on particular issues—patient assaults on health care workers and the high robbery and murder risks facing taxi drivers and late-night convenience store clerks.

However, contrary to popular opinion, sensational multiple homicides represent a very **small** number of workplace violence incidents. The majority of incidents that employees/managers have to deal with on a daily basis are lesser cases of assaults, domestic violence, stalking, threats, harassment (to include sexual harassment), and physical and/or emotional abuse that make no headlines. Many of these incidents, in fact, are not even reported to company officials, let alone to police. Data on the exact extent of workplace violence "are scattered and sketchy," specialists acknowledged in a February 2001 report issued by the University of Iowa's Injury Prevention Research Center. Drawing on responses to the National Crime Victimization Survey, a Justice Department report estimated that an average of 1.7 million "violent victimizations," 95 percent of them simple or aggravated assaults, occurred in the workplace each year from 1993 through 1999.* Estimates of the costs, from lost work time and wages, reduced productivity, medical costs, workers' compensation payments, and legal and security expenses, are even less exact, but clearly run into many billions of dollars.

Average annual number, rate, and percent of workplace victimization by type of crime, 1993–99

Crime Category	Average annual workplace victimization	Rate per 1,000 persons in the workforce	Percent of workplace victimization
● All Violent Crime	1,744,300	12.5	100%
Homicide	900	0.01	0.1
Rape/Sexual assault	36,500	0.3	2.1
Robbery	70,100	0.5	4.0
Aggravated assault	325,000	2.3	18.6
Simple assault	1,311,700	9.4	75.2

Sources: Homicide data are obtained from the Bureau of Labor Statistics Census of Fatal Occupational Injuries. Rape and sexual assault, robbery, aggravated assault, and simple assault data are from the NCVS.

Workplace Violence: A Report to the Nation. University of Iowa Injury Prevention Research Center. Iowa City, Iowa: February 2001; *Violence in the Workplace, 1993-1999.* Special Report, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Washington, D.C.: December 2001, NCJ 190076

As the attention to the issue has grown, occupational safety specialists and other analysts have broadly agreed that responding to workplace violence requires attention to more than just an actual physical attack. Homicide and other physical assaults are on a continuum that also include domestic violence, stalking, threats, harassment, bullying, emotional abuse, intimidation, and other forms of conduct that create anxiety, fear, and a climate of distrust in the workplace. *All* are part of the workplace violence problem. Prevention programs that do not consider harassment in all forms and threats are unlikely to be effective. While agreeing on that broader definition of the problem, specialists have also come to a consensus that workplace violence falls into four broad categories. They are:

TYPE 1: Violent acts by criminals who have no other connection with the workplace, but enter to commit robbery or another crime.

TYPE 2: Violence directed at employees by customers, clients, patients, students, inmates, or any others for whom an organization provides services.
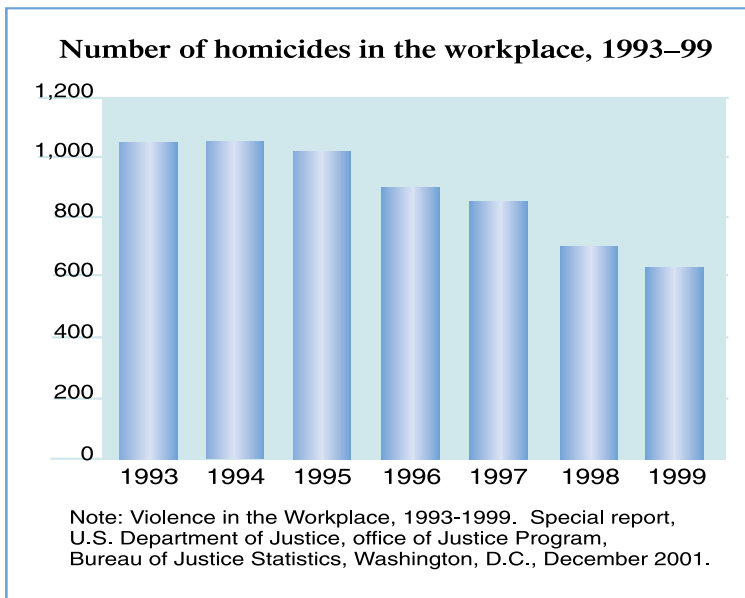
TYPE 3: Violence against coworkers, supervisors, or managers by a present or former employee.

TYPE 4: Violence committed in the workplace by someone who doesn't work there, but has a personal relationship with an employee—an abusive spouse or domestic partner.

Type 1, violence by criminals otherwise unconnected to the workplace accounts for the vast majority—nearly 80 percent—of workplace homicides. In these incidents, the motive is usually theft, and in a great many cases, the criminal is carrying a gun or other weapon, increasing the likelihood that the victim will be killed or seriously wounded. This type of violence falls heavily on particular occupational groups whose jobs make them vulnerable: taxi drivers (the job that carries by far the highest risk of being murdered), late-night retail or gas station clerks, and others who are on duty at night, who work in isolated locations or dangerous neighborhoods, and who carry or have access to cash.

Preventive strategies for Type 1 include an emphasis on physical security measures, special employer policies, and employee training. In fact, it is suggested that one of the reasons for the decline in workplace homicides since the early 1990s is due to the security measures put in place by businesses that may be vulnerable to this type of activity.

Because the outside criminal has no other contact with the workplace, the interpersonal aspects of violence prevention that apply to the other three categories are normally not relevant to Type 1 incidents. The response after a crime has occurred will involve conventional law enforcement procedures for investigating, finding and arresting the suspect, and collecting evidence for prosecution. For that reason, even though Type 1 events represent a large share of workplace violence (homicides in particular) and should in no way be minimized, the rest of this paper will focus mainly on the remaining types.

Number of homicides in the workplace, 1993–99

Note: Violence in the Workplace, 1993-1999. Special report,
U.S. Department of Justice, office of Justice Program,
Bureau of Justice Statistics, Washington, D.C., December 2001.

Type 2 cases typically involve assaults on an employee by a customer, patient, or someone else receiving a service. In general, the violent acts occur as workers are performing their normal tasks. In some occupations, dealing with dangerous people is inherent in the job, as in the case of a police officer, correctional officer, security guard, or mental health worker. For other occupations, violent reactions by a customer or client are unpredictable, triggered by an argument, anger at the quality of service or denial of service, delays, or some other precipitating event.

Employees experiencing the largest number of Type 2 assaults are those in healthcare occupations—nurses in particular, as well as doctors, nurses and aides who deal with psychiatric patients; members of emergency medical response teams; and hospital employees working in admissions, emergency rooms, and crisis or acute care units.

Type 3 and Type 4 violence—incidents involving violence by past or present employees and acts committed by domestic abusers or arising from other personal relationships that follow an employee into the workplace—will be the types most extensively treated in this paper. Violence in these categories is no less or more dangerous or damaging than any other violent act. But when the violence comes from an employee or someone close to an employee, there is a much greater chance that some warning sign will have reached the employer in the form of observable behavior. That knowledge, along with the appropriate prevention programs, can at the very least mitigate the potential for violence or prevent it altogether.

Whose Concern is It?

Clearly, violence in the workplace affects society as a whole. The economic cost, difficult to measure with any precision, is certainly substantial. There are intangible costs too.

Like all violent crime, workplace violence creates ripples that go beyond what is done to a particular victim. It damages trust, community, and the sense of security every worker has a right to feel while on the job. In that sense, everyone loses when a violent act takes place, and everyone has a stake in efforts to stop violence from happening.

The success of that effort will depend on the concern and actions of a number of constituents:

Employers have a legal and ethical obligation to promote a work environment free from threats and violence and, in addition, can face economic loss as the result of violence in the form of lost work time, damaged employee morale and productivity, increased workers' compensation payments, medical expenses, and possible lawsuits and liability costs. As more fully discussed in the sections below, employers' important roles in violence prevention can include:

- Adopting a workplace violence policy and prevention program and communicating the policy and program to employees.

- Providing regular training in preventive measures for all new/current employees, supervisors, and managers.

- Supporting, not punishing, victims of workplace or domestic violence.

- Adopting and practicing fair and consistent disciplinary procedures.

- Fostering a climate of trust and respect among workers and between employees and management.

- When necessary, seeking advice and assistance from outside resources, including threat-assessment psychologists, psychiatrists and other professionals, social service agencies, and law enforcement.

Employees have the right to expect a work environment that promotes safety from violence, threats, and harassment. They can actively contribute to preventive practices by doing the following:

- Accept and adhere to an employer's preventive policies and practices.

- Become aware of and report violent or threatening behavior by coworkers or other warning signs.

- Follow procedures established by the workplace violence prevention program, including those for reporting incidents.

Law enforcement agencies, over the last several years, have been leading the way in how they and the rest of the criminal justice system respond to domestic and school violence. Those changes have placed greater emphasis on prevention and responding to threats and minor incidents, rather than the traditional view that police become

involved only after a crime has occurred, that serious effort and police resources should be reserved for serious offenses. This proactive approach, utilizing community policing concepts, can be applied to workplace situations as well. This approach can include:

- Outreach to employers, especially to smaller employers that do not have the resources to maintain their own security staff.

- Establishing contact and regular consultation with mental health and social service providers.

- Setting up a system for assisting employers in background checks, workplace site reviews, evacuation plans, etc.

- Assisting employers in developing prevention programs and assuring that threats or less serious incidents will be responded to.

- Training officers in threat assessment and, if a department's resources permit, establishing a specialized threat assessment unit.

- Training officers in relevant laws (e.g. harassment and stalking) and response procedures for workplace problems.

Unions should regard workplace safety, including safety from violence, as an employee's right, just as worthy of union defense as wages or any other contractual right. A responsible union will include these among its obligations to its members:

- Support for employers' violence prevention policies and practices.

- Being a partner in designing and carrying out violence prevention programs.

- Defending workers' rights to due process, but also supporting appropriate disciplinary actions that protect everyone's safety (e.g. sanctions for bringing a weapon to the workplace).

- Cooperating with and contributing to training efforts.

Occupational safety and criminal justice agencies at the state and federal level can play an obvious and important role in meeting the workplace violence challenge. Their contributions can include efforts to:

- Improve monitoring and refine methods of calculating the incidence and costs of workplace violence.

- Continue developing and refining model policies and violence prevention plans and conduct public awareness campaigns to inform employers about preventive strategies.

- Give special attention to developing strategies that can improve violence prevention in smaller companies and for lower-paid, lower-status workers.

Medical, mental health, and social service communities also have a valuable role to play. Their contributions can include:

- Refining and improving threat assessment methods and intervention strategies.

- Outreach to employers, including smaller employers, to educate about risks and offer services for problem employees or in violence prevention planning.

- Additional research in such areas as detecting warning signs, treatment of potentially dangerous people, workplace violence prevention training, incident monitoring and measurement, support services for victims, and helping employees after a traumatic event.

Legislators, policymakers, and the legal community can review legal questions raised by efforts to prevent and mitigate threats and violence. Legislators, policymakers, and the legal community might consider whether adjustments to gun laws, laws governing privacy and defamation, the Americans with Disabilities Act, wrongful termination, and other legal areas have to be made to facilitate preventive efforts while still protecting individual rights.

II

PREVENTING VIOLENCE:

PLANNING AND STRATEGIC ISSUES

Where Do We Go from Here?

II. Preventing Violence: Planning and Strategic Issues

Planning Principles:

As with most other risks, prevention of workplace violence begins with planning. Also, as with other risks, it is easier to persuade managers to focus on the problem after a violent act has taken place than it is to get them to act before anything has happened. If the decision to plan in advance is more difficult to make, however, it is also more logical. Any organization, large or small, will be far better able to spot potential dangers and defuse them before violence develops and will be able to manage a crisis better if one does occur, if its executives have considered the issue beforehand and have prepared policies, practices, and structures to deal with it.

In forming an effective workplace violence strategy, important principles include:

- There must be support from the top. If a company's senior executives are not truly committed to a preventive program, it is unlikely to be effectively implemented.

- There is no one-size-fits-all strategy. Effective plans may share a number of features, but a good plan must be tailored to the needs, resources, and circumstances of a particular employer and a particular work force.

- A plan should be proactive, not reactive.

- A plan should take into account the workplace culture: work atmosphere, relationships, traditional management styles, etc. If there are elements in that culture that appear to foster a toxic climate—tolerance of bullying or intimidation; lack of trust among workers, between workers and management; high levels of stress, frustration and anger; poor communication; inconsistent discipline; and erratic enforcement of company policies—these should be called to the attention of top executives for remedial action.

- Planning for and responding to workplace violence calls for expertise from a number of perspectives. A workplace violence prevention plan will be most effective if it is based on a multidisciplinary team approach.

- Managers should take an active role in communicating the workplace violence policy to employees. They must be alert to warning signs, the violence prevention plan and response, and must seek advice and assistance when there are indications of a problem.

- Practice your plan! No matter how thorough or well-conceived, preparation won't do any good if an emergency happens and no one remembers or carries out what was planned. Training exercises must include senior executives who will be making decisions in a real incident. Exercises must be followed by careful, clear-eyed evaluation and changes to fix whatever weaknesses have been revealed.

- Reevaluate, rethink, and revise. Policies and practices should not be set in concrete. Personnel, work environments, business conditions, and society all change and evolve. A prevention program must change and evolve with them.

The components of a workplace violence prevention program can include:

- A statement of the employer's no threats and violence policy and complementary policies such as those regulating harassment and drug and alcohol use.

- A physical security survey and assessment of premises.

- Procedures for addressing threats and threatening behavior.

- Designation and training of an incident response team.

- Access to outside resources, such as threat assessment professionals.

- Training of different management and employee groups.

- Crisis response measures.

- Consistent enforcement of behavioral standards, including effective disciplinary procedures.

Written Workplace Violence Policy Statement

Here an employer sets the standard for acceptable workplace behavior. The statement should affirm the company's commitment to a safe workplace, employees' obligation to behave appropriately on the job, and the employer's commitment to take action on any employee's complaint regarding harassing, threatening, and violent behavior. The statement should be in writing and distributed to employees at all levels.

In defining acts that will not be tolerated, the statement should make clear that not just physical violence but threats, bullying, harassment, and weapons possession are against company policy and are prohibited.

Preventive Practices

Preventive measures can include preemployment screening, identifying problem situations and risk factors, and security preparations:

- Preemployment Screening. Identifying and screening out potentially violent people before hiring is an obvious means of preventing workplace violence. Preemployment screening practices must, however, be consistent with privacy protections and antidiscrimination laws.

A thorough background check can be expensive and time-consuming. The depth of preemployment scrutiny will vary according to the level and sensitivity of the job being

filled, the policies and resources of the prospective employer, and possibly differing legal requirements in different states. However, as an applicant is examined, the following can raise red flags:

- A history of drug or alcohol abuse.

- Past conflicts (especially if violence was involved) with coworkers.

- Past convictions for violent crimes.

Other red flags can include a defensive, hostile attitude; a history of frequent job changes; and a tendency to blame others for problems.

Identifying Problem Situations and Risk Factors of Current Employees

Problem situations—circumstances that may heighten the risk of violence—can involve a particular event or employee, or the workplace as a whole.

No "profile" or litmus test exists to indicate whether an employee might become violent. Instead, it is important for employers and employees alike to remain alert to problematic behavior that, in combination, could point to possible violence. No one behavior in and of itself suggests a greater potential for violence, but all must be looked at in totality.

Risk factors at times associated with potential violence include personality conflicts (between coworkers or between worker and supervisor); a mishandled termination or other disciplinary action; bringing weapons onto a work site; drug or alcohol use on the job; or a grudge over a real or imagined grievance. Risks can also stem from an employee's personal circumstances—breakup of a marriage or romantic relationship; other family conflicts; financial or legal problems; or emotional disturbance.

Other problematic behavior also can include, but is not limited to:

- Increasing belligerence

- Ominous, specific threats

- Hypersensitivity to criticism

- Recent acquisition/fascination with weapons

- Apparent obsession with a supervisor or coworker or employee grievance.

- Preoccupation with violent themes

- Interest in recently publicized violent events

- Outbursts of anger

- Extreme disorganization

- Noticeable changes in behavior

- Homicidal/suicidal comments or threats

Though a suicide threat may not be heard as threatening to others, it is nonetheless a serious danger sign. Some extreme violent acts are in fact suicidal—wounding or killing someone else in the expectation of being killed, a phenomenon known in law enforcement as "suicide by cop." In addition, many workplace shootings often end in suicide by the offender.

While no definitive studies currently exist regarding workplace environmental factors that can contribute to violence, it is generally understood that the following factors can contribute to negativity and stress in the workplace, which in turn may precipitate problematic behavior. Such factors include:

- Understaffing that leads to job overload or compulsory overtime.

- Frustrations arising from poorly defined job tasks and responsibilities.

- Downsizing or reorganization.

- Labor disputes and poor labor-management relations.

- Poor management styles (for example, arbitrary or unexplained orders; over-monitoring; corrections or reprimands in front of other employees, inconsistent discipline).

- Inadequate security or a poorly trained, poorly motivated security force.

- A lack of employee counseling.

- A high injury rate or frequent grievances may be clues to problem situations in a workplace.

Security Survey and Measures:

One important tool can be a questionnaire or survey for employees to get their ideas on the occurrence and potential for violent incidents and to identify or confirm the need for improved security measures. Surveys can be repeated at regular intervals, or when operations change or an incident of workplace violence has occurred, to help identify new or previously unnoticed risk factors. Responses can help identify jobs, locations, or work situations where the risk of violence appears highest.

As well as being trained in how to respond to violent incidents, security personnel should be trained in techniques for handling threats or other confrontations without letting them escalate into violence. Security supervisors should have an up-to-date contact list for all employees, in case there is a need to advise workers of an emergency or dis-

tribute other information. There should also be a list of outside emergency contacts: police, rescue, medical, social service, violence assessment and employee assistance professionals, etc. The security director should maintain regular liaison with local law enforcement agencies, familiarizing them with the company's location and with evacuation and other emergency plans.

The floor plan and physical layout of a workplace should be reviewed and, if necessary, modified to improve employees' safety. Aspects to consider include:

• Visibility

• Alarm signals or emergency phones

• Control of access

• Arrangement of work space so employees cannot be trapped in a small enclosure

• Adequate and clearly marked escape routes

A plan for emergency evacuation should be designed and practiced. The evacuation plan should include not only procedures for getting workers out of a building, office, or plant, but some method for those evacuated to assemble or report in so that it can be determined who is safe and who may still be missing. Evacuation plans should include provisions for workers with disabilities—for example, a way to make sure warnings are received by employees who may be hearing-impaired and a system for safely evacuating anyone who uses a wheelchair.

Addressing Threats and Threatening Behavior

Many times, a violent act is preceded by a threat. The threat may have been explicit or veiled, spoken or unspoken, specific or vague, but it occurred. In other instances, behavior may be observed by others, which might suggest the potential for some type of violent act to occur. Yet in other cases, it may be the off-handed remark or comments made to people close to the individual, which may suggest problematic behavior. Dealing with threats and/or threatening behavior—detecting them, evaluating them, and finding a way to address them—may be the single most important key to preventing violence.

Any workplace violence strategy must include measures to detect, assess, and manage threats and behavior. Saying that is easier than doing it. Symposium participants agreed that it is much easier to deal with a physical assault or homicide than with a threat. Normally there is no doubt that a homicide or assault has been committed; often it is harder to establish that a threat has been made. In addition, the effects of a threat are subjective and subtle, usually there is no physical evidence. Some threats are not criminal and, therefore, not subject to law enforcement intervention and prosecution.

Despite these difficulties, threat response is an essential component of any workplace violence plan. The first need, obviously, is to define the term.

What Constitutes a Threat?

Webster's Dictionary defines a threat as "a statement or expression of intention to hurt, destroy, punish, etc., as in retaliation or intimidation." That's clear enough, as far as it goes, but it leaves open a question that legal authorities or employers have to answer in framing and carrying out a policy on threats: who determines when an intention to hurt has been expressed?

A purely subjective determination—whatever makes someone feel threatened is a threat— is an uncertain guide for behavior, since different people can respond differently to the same words or acts. Employees who are required to observe "no" threat rules have a right to a reasonably clear statement of what will be considered threatening behavior. That does not mean that subjective factors can or should be completely excluded from the definition, however. Employees can and should be held responsible for a reasonable regard for the feelings and concerns of coworkers and others in the workplace, and employers properly have an obligation to make sure employees do not feel frightened or intimidated.

For these reasons, a workplace violence prevention program addressing threats needs to include both a subjective and objective component. It must set reasonably explicit standards of behavior so employees know how they are expected to act or not act; it must also make clear to employees that no one has a right to make anyone else feel threatened.

The definition of a threat for workplace conduct standards need not be the same as the definition of a threat as a criminal offense.

A sample definition could be "an inappropriate behavior, verbal or nonverbal communication, or expression that would lead to the reasonable belief that an act has occurred or may occur which may lead to physical and/or psychological harm to the threatener, to others, or to property." Alternative: "Any verbal or physical conduct that threatens property or personal safety or that reasonably could be interpreted as an intent to cause harm."

Identifying and Reporting Threats and Threatening Behavior:

The best plans for threat assessment and response will be useless if employers or those assigned to respond to workplace violence don't know that a threat has been made. Detecting threats depends in large measure on the workplace culture. If employees are too afraid or too alienated from management to report violent or threatening behavior by coworkers, no violence prevention program will be effective. To encourage reporting, employers can create a climate in which safety is accepted as a common goal for workers and management and all employees—including management, feel free to report disturbing incidents or possible danger signs.

Along with encouraging employees to report violence or threats, employers also have to inform them where to report and what to report. A designated office or person to whom complaints are directed, and perhaps a hotline number or suggestion box for employees who prefer to remain anonymous, can provide a concrete and clear venue for reporting.

To the extent that employees feel comfortable in reporting incidents to their immediate supervisors, the information may come through the normal management channels. However, having additional reporting channels can facilitate reporting where an employee finds it difficult to report through a supervisor. Whatever reporting system is adopted, publicizing it on bulletin boards, employee newsletters, and notices distributed with paychecks, or other means, will help ensure that all workers know how to report any behavior they consider troubling.

Just as important as knowing how to report incidents is knowing that reports will be heard and responded to. A feedback procedure through which employees will be notified—subject to confidentiality rules—of how their reports were investigated and what actions were taken will provide assurance and helpful "closure" to employees who make a report.

To further facilitate the identification of threats, employees, supervisors, and managers can receive training to help them detect out-of-bounds behavior or other warning signs. Training can also help educate workers and supervisors on how to respond to someone who seems troubled or potentially dangerous and how to report that behavior to managers. Training can also include a very clear statement to all employees on what to do if they see or become aware of a weapon (in almost all circumstances, leave the location and call for help). Any training program should be sensitive to cultural assumptions and stereotypes and emphasize focusing on an individual's manner, conduct, and behavior rather than ethnic or other group identity or a "profile" of a dangerous person.

Threat Assessment:

Threat assessment has two parts: an evaluation of the threat itself; that is, the assessment of the credibility and overall viability of an expression of an intent to do harm, and an evaluation of the threatener. Together, these evaluations can help lead to an informed judgment on whether someone who has made a threat is likely to carry it out—a determination that has been described as "differentiating when someone is making a threat versus posing a threat." The assessment can also help the employer decide what will be an appropriate intervention.

IT IS IMPORTANT TO NOTE THAT IN THE GREAT MAJORITY OF CASES, A THREAT WILL NOT LEAD TO A VIOLENT ACT. THE THREAT ITSELF, HOWEVER, DAMAGES WORKPLACE SAFETY AND MUST BE RESPONDED TO.

A good threat assessment will thoroughly analyze:

• The exact nature and context of the threat and/or threatening behavior.

• The identified target (general or specific).

• The threatener's apparent motivation.

• The threatener's ability to carry out the threat.

• The threatener's background, including work history, criminal record, mental health history, military history, and past behavior on the job.

Clearly, there are characteristic signs to look for in evaluating a threat and a threatener, but an assessment must not turn into a mechanical process of checking off items on a list to see if someone fits a predetermined "profile." Every case should be examined and evaluated on the basis of its particular nature and circumstances.

Every employer and organization will have to develop their own structure and procedures for threat assessment and response, depending in large part on the resources available. Large companies may find the necessary expertise in their own security, medical, human resources, legal, and employee assistance departments. Smaller organizations may have to seek outside help from law enforcement, mental health and social service agencies, and other professionals. Such contacts should be established beforehand and an up-to-date contact list maintained so company officials know whom to call when assistance is needed.

It should be noted that, typically, threat assessments will be conducted by a psychologist or psychiatrist specifically trained to evaluate a potential risk of violence. Both legal concerns and practical limitations often will render it inadvisable to seek threat assessment evaluation from an employee assistance program, security, or mental health professionals who lack training in this area.

Threat Management:

The goal of threat assessment is to place a threat somewhere on a hierarchy of dangerousness and, on that basis, determine an appropriate intervention. If a threat is immediate, specific, and critical ("I've got a gun in my car and I'm going to wait for that S.O.B. and blow him away the minute he steps on the parking lot"), the obvious response is to call the police right away. A threat that is veiled or less specific and does not appear to presage immediate violence may call for less urgent measures: referral for psychological evaluation and counseling, for example. Many threats will turn out to be harmless blowing off steam and require nothing more than a formal admonition to the employee that his or her language or conduct was not appropriate and violated company policy.

A recurring problem in threat management is what to do when someone is evaluated as dangerous, but has not committed any serious crime. In those cases, managers will need legal and, often law enforcement advice. Workplace violence plans should advise managers where they can get guidance, on an emergency basis, if necessary.

Managers should understand that a threat assessment in some cases should be completed before disciplinary action is taken. Executives or senior supervisors may sometimes want to terminate an employee on-the-spot after a threat or other incident—in effect, kicking the problem out the door. Termination may indeed be appropriate, but doing so in the heat of the moment without any time for evaluation or preparation may be exactly the wrong thing to do, removing the potentially dangerous person from observation and possibly bringing on a violent act instead of preventing one.

Threat Assessment and Incident Response Teams

An employer's workplace violence prevention program should designate the personnel who will be specifically responsible for overseeing the organization's antiviolence policy, including threat assessment and crisis management. Teams should have the authority, training, and support needed to meet their responsibilities.

The threat assessment and incident response teams will be responsible for responding to *ALL* reports of violence, threats, harassment, or other events or conduct that may frighten any employee. Often, team members will receive special training in risk evaluation, threat assessment, conflict resolution, and procedures to monitor, document, and develop a response to all cases brought to their attention. They also need to be aware of, and have contingency plans for, issues such as dealing with the news media in the event of a major incident and helping meet employees' needs in the aftermath of a violent death or other traumatic workplace event.

It should be explained that, often, these teams will not conduct threat assessments themselves, but instead will seek the assistance of outside threat assessment professionals to perform the function with the team's collaboration.

Teams often will benefit from consulting with law enforcement officials, mental health professionals, emergency response personnel, and other outside specialists or agencies that could become involved in a crisis. To be fully effective, these relationships should be established and maintained *before* an emergency occurs.

The composition of assessment and response teams will reflect a multidisciplinary approach. Teams often include representatives from security, human resources, medical, and employee assistance in organizations large enough to have those departments. Other possible members are union representatives, where employees are covered by a union contract. While team members may belong to different departments, as a team, they should report to one senior manager, so that lines of communication and authority are clear and there will not be conflict or confusion in the midst of an emergency. The team's composition, tasks, and powers should be clearly defined.

Employers may want to hire outside experts to train and advise the assessment and incident response teams. Those teams, in turn, can conduct violence prevention and emergency response training for employees, supervisors, and executives.

Teams should keep good written records of all incidents and interventions, monitor results, and evaluate the actions that were taken.

Training*

Training in workplace violence prevention will vary according to different employee groups. Training should be provided to new/current employees, supervisors, and managers, be conducted on a regular basis, and cover a variety of topics, including:

• The workplace violence prevention policy, including reporting requirements.

27

- Risk factors and that can cause or contribute to threats and violence.

- Early recognition of warning signs of problematic behavior.

- Where appropriate, ways of preventing or defusing volatile situations or aggressive behavior.

- Information on cultural diversity to develop sensitivity to racial and ethnic issues and differences.

- A standard response action plan for violent situations, including availability of assistance, response to alarm systems, and communication procedures.

- The location and operation of safety devices such as alarm systems, along with the required maintenance schedules and procedures.

- Ways to protect oneself and coworkers, including use of a "buddy system."

- Policies and procedures for reporting and record-keeping.

- Policies and procedures for obtaining medical care, counseling, workers' compensation, or legal assistance after a violent episode or injury.

Evaluation*

An evaluation program should involve the following:

- Establishing a uniform reporting system for incidents of harassment, bullying, threats and other inappropriate behavior and regular review of reports.

- Measuring the frequency and severity of workplace violence in order to determine if prevention programs are having an effect.

- Analyzing trends and rates in violence-related injuries, lost work time, etc.

- Surveying employees before and after making job or work site changes or installing security measures or new systems to determine their effectiveness.

- Keeping abreast of new strategies for dealing with workplace violence as they develop.

Any changes in the program should be discussed at regular meetings of the safety committee, union representatives, or other employee groups.

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*This section is adapted from *OSHA, Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers, 1998.*

Disciplinary Philosophy and Procedures

Disciplining an employee for abusive, threatening, or violent behavior serves two purposes. For the abusive or violent employee, the disciplinary action should serve as an appropriate penalty for past conduct and a deterrent against future offenses. For the rest of the work force, it should serve to reaffirm the employer's commitment to a workplace free from threats and violence and reinforce employees' confidence that their safety is protected by strong but fair measures.

To achieve those goals, penalties and the disciplinary process must be—and must be seen to be—proportionate, consistent, reasonable, and fair. Erratic or arbitrary discipline, favoritism, and a lack of respect for employees' dignity and rights are likely to undermine, not support, an employer's violence prevention efforts. Workers who perceive an employer's practices as unfair or unreasonable will nurse grievances; and not report them with the expectation of a fair hearing and settlement. Grudges at unfair treatment will fester and may even erupt into further troublesome behavior.

Fairness in discipline begins with fairly and clearly spelling out what the rules are. Policies on workplace conduct should be written to clearly state the employer's standards and expectations. Penalties should be proportionate to the offense.

If there is a complaint or incident, the incident response team will conduct or ensure a thorough investigation of the facts and based on the results, will consider and determine appropriate disciplinary measures.

The Zero Tolerance Question

When it began appearing in the language three decades ago, the phrase "zero tolerance" customarily referred to a standard, rather than a penalty. Zero tolerance on drugs meant that the standard of conduct would be no drug use. Zero tolerance on harmful substances in food or water supplies meant that no amount of a particular toxic chemical or infectious agent would be considered safe.

Over the last decade, zero tolerance has taken on a different meaning: the application of an automatic penalty for a designated offense. In that sense the policy has at times been criticized for overriding judgment and common sense, as when school administrators acting under a zero tolerance drug or weapons policy expel a student for bringing a nail file to school or having a cold pill or a couple of aspirin tablets in a lunch box.

With regard to workplace violence, employers should make clear that zero tolerance in the original sense of the phrase applies—that is, no threatening or violent behavior is acceptable and no violent incident will be ignored. Company violence prevention policies should require action on all reports of violence, without exception. That does not mean, however, that a rigid, one-size-fits-all policy of automatic penalties is appropriate, effective or desirable. It may even be counterproductive, since employees may be more reluctant to report a fellow worker if he is subject to automatic termination regardless of the circumstances or seriousness of his offense.

Whether to use the phrase "zero tolerance" in its written workplace violence policy or find a different expression is a decision each employer will have to make. Whatever phrase is used, it should be made clear that the intent is to set a standard of conduct, not a system of penalties. Instead of warning of "automatic termination," discipline policies should declare that violent workplace behavior will lead to penalties "up to and including termination." That leaves room for managers to consider circumstances and exercise judgment on each case. It also properly puts the responsibility on management to ensure that penalties are not imposed arbitrarily, but are consistent, proportionate, and fair.

SIDEBAR 1: SAMPLE WRITTEN POLICY STATEMENT

This organization does not tolerate workplace violence. We define workplace violence as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. Such actions include:

- Verbal or physical harassment

- Verbal or physical threats

- Assaults or other violence

- Any other behavior that causes others to feel unsafe (e.g. bullying, sexual harassment)

Company policy requires an immediate response to all reports of violence. All threatening incidents will be investigated and documented by the employee relations department. If appropriate, the company may provide counseling services or referrals for employees.

The following disciplinary actions may also be taken:

- Oral reprimand

- Written reprimand

- Suspension

- Termination

It's the responsibility of all employees to report all threatening behavior to management immediately. The goal of this policy is to promote the safety and well-being of all people in our workplace.

SIDEBAR 2: QUESTIONS TO ASK IN A THREAT ASSESSMENT

As a behavioral consultant to law enforcement, the FBI's National Center for the Analysis of Violent Crime (NCAVC), located at the FBI Academy, Quantico, Virginia, periodically receives requests to assess the risk for violence posed by an individual in a

workplace. In some cases, this has been precipitated by a verbal or written threat made in the workplace, at other times it is predicated by unusual or strange behavior and/or comments made to coworkers.

If a communicated threat, verbal, typewritten, e-mailed, or otherwise, is present, an analysis of the verbiage is conducted to determine credibility and viability of the threat. Further, if the offender is unknown, a linguistic profile is developed for investigators, which may identify the offender in the future. In known-offender cases, the analysis of the communicated threats and of the behavior exhibited by the offender is assessed in order to determine the level of threat.

In order to assess this risk, the following suggested questions should be asked to individuals familiar with the offender's behavior, both prior to and after any alleged threat or action. *Note:* Perpetrators of workplace violence can be both men and women, however, for the purposes of the questions to be asked, **he** is used to refer to the offender. They include:

- Why has the offender threatened, made comments which have been perceived by others as threatening, or has taken this action at this particular time? What is happening in his/her own life that has prompted this?

- What has been said to others, i.e. friends, colleagues, coworkers, etc., regarding what is troubling him?

- How does the offender view himself in relation to everyone else?

- Does he feel he has been wronged in some way?

- Does he accept responsibility for his own actions?

- How does the offender cope with disappointment, loss or failure?

- Does he blame others for his failures?

- How does the offender interact with coworkers?

- Does he feel he is being treated fairly by the company?

- Does he have problems with supervisors or management?

- Is he concerned with job practices and responsibilities?

- Has he received unfavorable performance reviews or been reprimanded by management?

- Is he experiencing personal problems such as divorce, death in the family, health problems, or other personal losses or issues?

- Is he experiencing financial problems, high personal debt, or bankruptcy?

- Is there evidence of substance abuse or mental illness/depression?

- Has the he shown an interest in violence through movies, games, books, or magazines?

- Is he preoccupied with violent themes; interested in publicized violent events; or fascinated with and/or recently acquired weapons?

- Has the offender identified a specific target and communicated with others his thoughts or plans for violence?

- Is he obsessed with others or engaged in any stalking or surveillance activity?

- Has the offender spoken of homicide or suicide?

- Does he have a past criminal history or history of past violent behavior?

- Does the offender have a plan for what he would do?

- Does the plan make sense, is it reasonable, is it specific?

- Does the offender have the means, knowledge and wherewithal to carry out his plan?

When many of these questions are answered, an accurate picture of the risk for violence is developed and from this an intervention plan can be devised.

SIDEBAR 3: THREAT ASSESSMENT - A TRUE-LIFE EXAMPLE

The following is an account of a threat assessment conducted jointly by a criminal investigator and a mental health professional as reported at the NCAVC's Violence in the Workplace Symposium.

During a training session, the 46-year-old subject made comments regarding his alcoholism, causing such a disturbance that he was subsequently referred to the Employee Assistance Counseling Program. On two other occasions, he displayed inappropriate behavior by storming around the office, cursing, and throwing objects. In another training workshop, he made verbally abusive comments, disturbing the class.

After a month's leave, he had a verbal outburst during a meeting on his first day back in the office and requested a transfer due to stress. The request was denied. He then requested more leave, which was granted. The subject was noticeably withdrawn and his performance declined. Supervisors documented a pattern of unusual agitation over minor issues, unreasonable complaints, unacceptable work, and allegations that coworkers were conspiring against him. The subject was voluntarily hospitalized twice for homicidal ideations. He was treated for psychosis and suicidal and paranoid delusions associated with his coworkers. His physician recommended a disability retirement.

A month before his disability pension was approved, he began to leave harassing voicemail messages on a coworker's telephone. An example of the messages is: "Hi Darlene, it's

Stan. Just wanted to say Happy Thanksgiving. And, you give this message to Yvonne. Tell her if she had been off the property the day she hollered at me, I would have beat her m_____ f_____ ass. Bye Darlene." He was diagnosed with delusional disorder, paranoid type. This information was also provided to law enforcement during the investigation.

His retirement papers contained disturbing comments. For example, recalling a meeting with a Human Resources staff member, he said: "I started to grab her by the throat and choke her, until the top part of her head popped off. Then I was going to step on her throat and pluck her bozo hairdo bald. Strand by strand...."

Some months later, the subject told a former coworker that he was following a former supervisor and her family. He provided specific information, stating that he knew where some of the targets lived and the types and colors of vehicles they drove. The subject also made comments about the target's family members and stated that he had three guns for each of his former supervisors.

At this point, law enforcement was notified. While the police investigation was under way, the subject made threats against five former female coworkers. A threat assessment was conducted analyzing letters, voice mails, reports from EAP, and interviews with various individuals. The subject's communications were organized and contained specific threats. For example, he wrote "Don't let the passage of time fool you, all is not forgotten or forgiven," and "I will in my own time strike again, and it will be unmerciful." The material suggested that he was becoming increasingly fixated on the targets and his communications articulated an action imperative which suggested that the risk was increasing. After obtaining additional information, the investigators informed the subject of specific limits and consequences that would occur if he continued his threatening behavior and communications.

The subject assured law enforcement agents that his intent was to pursue legal reparations. Four months later, however, he mailed letters to his five targets stating that he wanted to "execute" one of them. The letters indicated that he was close to committing an attack. Based on the ongoing assessment and insight into his thinking and behavior over several months, the threat assessment team, consisting of an investigator and a mental health professional, initiated a conference call with the district attorney. In the conference, the mental health professional provided an assessment of the subject's potential for violence, and the investigator presented evidence regarding the laws violated and law enforcement actions taken to date.

The threat assessment report, along with other evidence, was used by the district attorney in obtaining an arrest and search warrant. The final recommendation by the team was that the subject should be arrested and held without bond. Six months after the arrest, he was found not guilty by reason of insanity.

SIDEBAR 4: WHAT DOES NOT WORK?

• One-size-fits-all approach

• Rigidity, inflexibility

- Denial of problem

- Lack of communication with key parties

- Lack of collaboration

- Ignoring respect

- Lack of clear written policy

- Lack of careful evaluation of job applicants

- No documentation

- Lack of awareness of cultural/diversity issues

- Passing around "bad apples"

- Lack of an organization-wide commitment to safety

III

LAW ENFORCEMENT'S CHANGING ROLE

III. Law Enforcement's Changing Role

Following the attacks on the World Trade Center and the Pentagon on September 11, 2001, Attorney General John Ashcroft and FBI Director Robert Mueller issued highly publicized orders directing the FBI to make detection and preemption of terrorist attacks its highest priority task. "Today the American people call on the Federal Bureau of Investigation to put the prevention of terrorism at the center of its law enforcement and national security efforts, " Attorney General Ashcroft told a Justice Department audience on November 8, 2001, declaring in the same speech that "Our new mission requires a new way of doing business."

As many commentators noted, the change in the FBI's mission was something far more profound than shifting emphasis and resources from one kind of crime to another. In traditional police work, the basic law enforcement mission is to investigate crimes that have already been committed, identify the criminals, find them, catch them, and collect evidence for conviction. Moving from that model to a preventive role means changing almost every aspect of how law enforcement professionals conceive and carry out their task; it requires new thinking, new training, and new practices.

With the Nation deeply concerned about terrorism, the FBI's new focus drew headline-news coverage. But in fact, law enforcement's shift toward prevention didn't start with September 11, and it has occurred not only in relation to terrorism, but across a wide range of day-to-day local police work. Over the last decade, partly as the result of changing attitudes and practices on stalking and domestic violence, partly as a component of the more and more widely adopted community policing model, and partly arising from changes in the law, the idea has gained strength that police should respond when a threat becomes known, instead of waiting until a violent crime has taken place.

As reported at the NCAVC Symposium, more than a decade ago, the Los Angeles Police Department became the first police force to create a Threat Management Unit. The LAPD Unit, established in 1991, was largely a response to circumstances unique to Los Angeles, the Nation's entertainment capital and home to a large number of celebrities who frequently become the target of threats or stalkers. But public awareness of stalking, harassment, and domestic and workplace violence was increasing nationwide. One result was that the threshold for reporting communicated threats decreased, with many more threats being reported to police. Another result was legislation in many states strengthening stalking and harassment laws during the decade, as well as passage of the Federal Interstate Anti-Stalking Law in 1996. Responding to those trends, as well as growing attention to terrorism even before September 11, many police departments followed Los Angeles in giving greater emphasis and resources to threat assessment and threat management issues.

By definition, becoming involved in threat assessment means intervening at an earlier stage than police officers were traditionally accustomed to. Stephen Doherty, Chief of Police in Wakefield, Massachusetts, wrote about the shift—and its roots in domestic violence policing—in the April 2002 issue of *Security Management Magazine*.

"Ten to fifteen years ago, the perception among police, businesses, and the public was that domestic violence was private. Thus, incidents of minor abuse went unreported. By the time the police got involved, it was often too late to prevent serious harm or death.

Over time, attitudes about domestic violence changed. Local police are now regularly provided domestic violence training. Ongoing partnerships with women's advocacy groups have raised awareness and incident reporting. Today, most police departments also have someone assigned to the issue of domestic violence who is charged with the follow-up of court-issued abuse prevention orders."

"Workplace violence," Doherty continued, "..is today where domestic violence was a decade ago...the more common but less dramatic lower-level incidents, such as threats and aggravated assaults, are still not viewed as an opportunity for early intervention. Companies tend to treat these situations internally—just as domestic violence was once treated as private. According to the Bureau of Justice Statistics, less than half (only 44.2 percent) of violent victimizations sustained at work are reported to the police. Similarly, I find some police chiefs reluctant to take on the issue. When I suggest that there be an officer assigned to workplace violence, they say, 'We have enough work to do.' This failure of businesses to report lower-level incidents and the reluctance of police to aggressively tackle the issue only empowers the perpetrators and diminished the victims. Ultimately, these unreported smaller incidents are precursors to larger acts of violence. If you don't deal with the simple assault, you may eventually have to deal with homicide.*"

On the day after Christmas 2000, Doherty's city was the scene of a deadly rampage by an employee at a local software company, Edgewater Technology. Michael McDermott, angry that the company planned to withhold part of his salary to pay back-taxes, came to work with an AK-47 assault rifle, a shotgun, and a semiautomatic pistol and killed seven coworkers. At his trial, McDermott unsuccessfully pleaded insanity. Accepting prosecutors' argument that he was not mentally ill but faking the symptoms, a jury found him guilty in April 2002 on seven counts of first-degree murder. Under Massachusetts law, the verdict automatically brought a life sentence without parole.

Before the tragedy, Doherty would have said that mass killings "happen elsewhere, they don't happen in nice places like this." His department had never heard of Edgewater Technology, even though it was a sizable local employer, until the 911 phones rang on the day of the shooting. Since the massacre, Doherty has been a vocal advocate for adapting community policing concepts and practices to the prevention of workplace violence, just as they were earlier applied to domestic and school violence.

In the community policing model, employers and police work together to develop proactive plans for anticipating workplace violence problems, responding to threats, early intervention, and coordination in dealing with an emergency if one occurs. Necessary elements for implementing this approach include:

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*Stephen Doherty, "How Can Workplace Violence Be Deterred?" *Security Management*, April 2002.

- Training for police on workplace violence issues and responses.

- An outreach and awareness effort by police agencies directed at employers in their jurisdictions, encouraging them to work with police in preparing violence prevention plans and informing them that advice and assistance are available.

- Compiling and establishing contact with a list of other public and private agencies (training, mental health, social service, etc.) that may help in violence prevention planning or incident response.

- Initial meetings with individual employers providing them with:

  — contact information.

  — basic knowledge of relevant legal issues.

  — procedures for reporting threats or violent incidents.

- Establishing guidelines for exchange of information between police and employers (for example, if an employer seeks background information on a job applicant or present employee).

- Developing procedures for particular risk situations such as layoff announcements for termination of a potentially dangerous employee.

- Site reviews, in order to suggest safety improvements and develop plans for early response.

In violence-prevention planning, threat assessment, and other preventive efforts, collaboration among law enforcement officers, employers' representatives, and other resources such as mental health workers will yield the best results in almost all situations, if not all. Teamwork will be smoother and conflicts fewer, though, if all partners understand that their perspectives and priorities will not necessarily be identical—even if all are working for the safety of the work force.

For the mental health professional, the goal of evaluating a possibly dangerous person is normally to develop a treatment plan and decide on questions such as hospitalization, medication, and therapy that will keep the person from harming himself or others. For the employer, the first priority will be to protect other workers, avoid disruption and economic loss, and remove the dangerous person from the workplace. For the law enforcement officer, it will be to deter a violent crime while also determining if there has been a criminal offense already and, if so, to investigate and develop evidence for prosecution.

There are other divergent concerns. A company's management may fear it will lose decision-making control once law enforcement is involved. It may not want the public attention that can come with police involvement and may feel the company's image will be damaged if its name is connected to a publicized criminal investigation. It may also

be concerned about potential civil liability questions, confidentiality issues, or disclosing proprietary information to police. Similarly, police may have information that they cannot legally share with employers or private security agencies, such as criminal records, firearm ownership, and past reports of violent behavior.

None of these concerns need hinder appropriate cooperation, but where they exist it is far better for all sides to recognize and clarify them as part of the violence-prevention planning process, rather than leave them unspoken and unresolved until a conflict arises.

The most important caution, perhaps, is to develop prevention strategies without creating or nourishing unrealistic expectations. No prevention effort is perfect. Not all bad things can be prevented. A violent incident that occurs despite prevention efforts should always be reviewed for whatever lessons can be learned on improving preparedness, not for the purpose of finding and criticizing someone for failing to keep it from happening.

SIDEBAR: 5 A CASE STUDY OF POLICE-EMPLOYER COOPERATION

The local office of a Fortune 500 company initially contacted the Wakefield, Massachusetts, police department when it was experiencing a rash of thefts, both of cars from the company parking lot and of laptop computers and other equipment inside the building. Increased police coverage, including patrols in the parking area and stationing an officer periodically in the company offices, materially reduced the number of thefts.

Subsequently, the company contacted police for advice and assistance when it was planning a large layoff. Several weeks before layoff notices were to be issued, police officers went to the site and met with company officials to help plan for the event. As part of the preparation, management gave police the names of all employees who were due to be laid off.

At the request of the police, managers also identified the ten who they thought were most likely to go off the handle when they were notified. "The police ran record and warrant checks on those ten people, and checked if any had firearms permits," recalled Police Chief Stephen Doherty. This was information that couldn't be given to the employer, but Doherty noted that collecting the information served "the legitimate police purpose of preventing violence." Four of the ten became a concern to the police based on the information collected.

On the day of the layoffs, the four possible problem workers were the first to be notified, while it was announced to all employees that police in plain clothes (five officers) were on the site and would remain for several weeks. The terminations were carried out with no dangerous or disruptive incidents.

Subsequently, police used the same procedure in assisting another local employer that was conducting layoffs.

[Source: Stephen Doherty, "How Can Workplace Violence Be Deterred?" *Security Management*, April 2002].

IV

DOMESTIC VIOLENCE AND STALKING IN THE WORKPLACE

IV. Domestic Violence and Stalking in the Workplace: When Domestic Violence Comes Through the Workplace Door

On the evening of November 8, 2001, Ana Melina Kilic was at her job in a hair-accessory shop in Harborplace, Baltimore's showpiece downtown tourist and shopping area. At about 7 p.m., her ex-husband, Imamali Kilic, appeared in the shop with a butcher knife. Ana Kilic fled, screaming into the corridor. Imamali Kilic overtook her, grabbed her, and according to more than 20 horrified witnesses, stabbed her again and again. He kept stabbing even when about a dozen onlookers, one of them wielding a baseball bat from a nearby sports store, rushed to Ana Kilic's rescue. They eventually subdued him, but not in time to save his victim's life. An autopsy later determined that the 28-year-old Ana Kilic had been stabbed or slashed 29 separate times. Imamali Kilic was arrested at the scene and charged with murder. Not quite four months later, he hung himself in his cell at the Baltimore City Jail where he was awaiting trial. After surviving for a few days on a respirator, he died on March 1, 2002.

The killing of Ana Kilic did not come unexpectedly out of the blue or without any efforts to prevent it. Quite the opposite. In August 2001, a day after an earlier confrontation in her shop, she went to court to ask for a restraining order against her husband, whose own workplace was in the same Harborplace pavilion, one floor below. Her petition alleged that he had raped her on two occasions and, in their encounter the previous day, had threatened her with violence. The court granted a week-long restraining order, but then dismissed the case when Ana Kilic did not come back to ask for its extension. About that time, the couple's divorce became final.

A little more than a month later, Ana Kilic complained to Baltimore police that her ex-husband had abducted her, taken her to New Jersey, and raped her again. Subsequently, according to police and court records, he made threatening calls to her home, warning that he would kill her and "cut off her arms and legs." He came to the shop and repeated the threats to her face, Ana Kilic told police. Arrested on charges of harassment and telephone misuse, Imamali Kilic spent a month in jail awaiting trial, then pleaded guilty to both offenses. Judge Paul A. Smith of the Baltimore Circuit Court sentenced him to three years of probation. The judge also ordered him to attend a program at a battered women's shelter and to have no contact with his ex-wife.

With that, Imamali Kilic was released from jail. One day later, Ana Kilic was murdered.

The Kilic tragedy and the events that foreshadowed it illustrate one component of workplace violence: violence by a domestic partner or arising from another personal relationship that then follows someone to work.

Domestic violence is a pattern of behavior in which one intimate partner uses physical violence, coercion, threats, intimidation, isolation and emotional, sexual or economic abuse to control the other partner in a relationship.* Stalking or other harassing behavior is often an integral part of domestic violence.

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* American Bar Association Commission on Domestic Violence; *A Guide for Employees: Domestic Violence in the Workplace* (Washington, D.C.: 1999) p. 11.

According to one study, five percent of workplace homicides (that is, about one-third of homicides not associated with a robbery or other "stranger" crime) fall into this category.*

Average annual workplace homicide, by victim-offender association, 1993–99

Association of offender to victim	Number	Average annual number	Percent of total
Work association	6,316	899	100%
Stranger	5,274	753	84
Work associate	721	103	11
Coworker, former coworker	469	67	7
Customer, client	252	36	4
Intimate	194	28	3
Husband	122	17	2
Wife	3	--	-
Boyfriend	72	10	1
Other relative	38	5	1
Other acquaintance	65	9	1

Note: Data were obtained from the U.S. Department of Labor, Bureau of Labor Statistics, Census of Fatal Occupational injuries. Totals for each subcategory may not add to the overall total because categories with 3 or fewer work fatalities or less than 0.5% are not included. Percentages may not total to 100 due to rounding or excluded cases. --Less than 0.5.

Homicides, of course, represent a tiny fraction of workplace incidents related to domestic violence. Far more frequent are cases of stalking, threats, and harassment. Often those acts are criminal offenses in their own right; however, even when harassment may not meet the legal standard for criminal penalties, it can be frightening and disruptive not just for the person who is the target, but for coworkers as well.

Frequently, employers are hesitant about involving themselves with an employee's personal relationships. Privacy is a legitimate concern, and finding the proper boundary between private and business affairs can be a difficult and sensitive matter. But domestic violence and stalking that come through the workplace door appropriately become the employer's concern too. Just as a business takes responsibility for protecting its workers from assaults or robberies by outsiders, it is also responsible for protecting them against stalking or other possible crimes by domestic partners. Studies have shown that the most common stalking situations that law enforcement has to deal with are those based upon some type of personal relationship, with women primarily being victimized by males as a result of this behavior. However, in a smaller percentage of cases, both men and women can be stalked and harassed by casual acquaintances or strangers.

*University of Iowa Injury Prevention Research Center. *Workplace Violence: A Report to the Nation.* (Iowa City, Iowa: February 2001) p. 12.

The Following Observable Behavior May Suggest Possible Victimization*

- Tardiness or unexplained absences

- Frequent-and often unplanned-use of leave time

- Anxiety

- Lack of concentration

- Change in job performance

- A tendency to remain isolated from coworkers or reluctance to participate in social events

- Discomfort when communicating with others

- Disruptive phone calls or e-mail

- Sudden or unexplained requests to be moved from public locations in the workplace, such as sales or reception areas

- Frequent financial problems indicating lack of access to money

- Unexplained bruises or injuries

- Noticeable change in use of makeup (to cover up injuries)

- Inappropriate clothes (e.g., sunglasses worn inside the building, turtleneck worn in the summer)

- Disruptive visits from current or former intimate partner

- Sudden changes of address or reluctance to divulge where she is staying

- Acting uncharacteristically moody, depressed, or distracted

- In the process of ending an intimate relationship; breakup seems to cause the employee undue anxiety

- Court appearances

- Being the victim of vandalism or threats

Domestic violence and workplace violence are also related in another way: as noted earlier in this report, the evolution of domestic violence during the last several decades as a specific legal, social, and law enforcement issue can provide a model for similarly identifying and developing responses to violence in the workplace.

A particular concern when domestic and workplace violence intersects is the possibility that the victim, not the offender, will end up being punished. All too frequently, when an employee is being stalked, harassed, or threatened at work, an employer will decide that the quickest and easiest solution is to kick the problem out the door and fire the employee, rather than look for ways to protect her and her coworkers. Though common, especially when low-status, low-paying jobs are involved, this practice raises obvious ethical questions—and possibly issues of legal liability as well.

As with any other threat, the first requirement for protecting employees from domestic violence and/or stalking at the workplace is finding out that the threat exists. This can be particularly difficult in domestic abuse cases, where abuse victims often remain silent out of shame, embarrassment, a sense of helplessness, and fear. Just as a supportive workplace climate makes employees feel safe in reporting other threats, an environment of trust and respect will make it easier for someone fearing domestic violence or stalking to tell an employer and seek assistance or protection.

Perhaps more than with any other risk, employees facing domestic threats may tend to confide most easily in coworkers, rather than supervisors, managers or a company's security force. It is also coworkers who are most likely to sense that someone they work with may be at risk from an abusive relationship, even if the person doesn't say anything explicitly. Employers need to be careful about violating privacy or asking employees to break a coworker's confidence, but it is entirely reasonable and justifiable to encourage disclosure when others in the workplace may also be in danger.

Beyond trying to create and maintain a generally supportive workplace atmosphere, employers can provide specific training to help the work force to be more aware and sensitive to signs of possible domestic abuse. Training can also include teaching ways to persuade a reluctant coworker to tell supervisors and accept help an employer may be able to offer. Although domestic violence and stalking are largely thought of as violence against women and thus as a "woman's problem," training and awareness programs should be directed at all employees, men and women alike.

For employees involved in security or who will take part in the threat assessment and response, an employer can offer additional training focusing on how best to deal with domestic abuse victims. The same or similar training should be provided to anyone working with victims in a company's Employment Assistance Program. Both in training efforts and in providing help to at-risk workers, employers should draw on outside resources as well as their own: law enforcement, women's law and antiviolence advocacy groups, and social service agencies, for example.

When an employer becomes aware that an employee is being stalked, harassed, threatened, or abused and that the risk has or may come into the workplace, the threat should be subjected to the same evaluation procedure as any other violent threat, to assess the

likelihood of violence and determine the best means of intervention. In almost all cases, employers should advise police of the circumstances, risk of violence, and possible criminal violations (of harassment or stalking laws, for instance) and involve law enforcement professionals in assessing and managing the threat. During and after the assessment, someone—from security, human resources, or a supervisor—should be responsible for keeping in close touch with the abuse victim, not only to help protect his/her safety and meet any needs that arise, but also to make sure of receiving any relevant information about the abuser (whom the victim, presumably, will know better than anyone else in her workplace).

Other steps include:

- Referring the employee for emotional, legal, or financial counseling, either through the company's own employee assistance structure or from outside practitioners, (e.g., battered womens shelter or similar programs).

- Ascertaining if the employee has sought or obtained a protective "stay-away" court order against an abusive partner or other harasser.

- Adopting policies that will allow an abused worker time off for purposes such as going to court to seek a restraining order or appearing to testify at a criminal trial.

- Reviewing the employee's work space and modifying it, if necessary, to make sure that a possible assailant cannot get there.

- Acting consistently with the employee's privacy rights and wishes and takes measures to inform other employees (security guards, secretaries, receptionists, and telephone operators, for instance) so they can block an abuser's calls or make sure he is kept out of the workplace.

Employers may consider other actions as well. One option would be to help an employee obtain a restraining order (or obtain one on its own to keep a harasser off company property). Another would be to extend protective measures away from the work site, looking at other places a worker may regularly go—such as a school or daycare facility where her children are enrolled, for example—and suggesting precautions that could be taken.

V

LEGAL ISSUES

V. Legal Issues

To some extent, the law puts conflicting pressures on employers and others concerned with preventing or mitigating workplace violence. On the one hand, businesses are under a variety of legal obligations to safeguard their employees' well-being and security. Occupational safety laws impose a general requirement to maintain a safe workplace, which embraces safety from violence. For example, the "General Duty Clause" of the Occupational Safety and Health Act requires employers to have a workplace that is "free from recognized hazards." Workers compensation laws, similarly, make employers responsible for job-related injuries. Civil rights laws require employers to protect employees against various forms of harassment, including threats or violence. In addition, employers may face civil liability after a workplace violence incident on a number of grounds—if there was negligence in hiring or retaining a dangerous person, for example, or a failure to provide proper supervision, training or physical safety measures.

At the same time, the law requires employers to safeguard due process and other employee rights. Privacy, antidefamation and antidiscrimination laws may limit an employer's ability to find out about the background of a present or prospective employee. The possibility of a wrongful termination lawsuit can make a company reluctant to fire someone even when there is evidence that the person may be dangerous, and can make the process a long, difficult struggle if the company does decide to seek termination. Even the Americans with Disabilities Act can sometimes pose obstacles in dealing with a potentially violent employee. Employee rights and workplace safety concerns can also collide over such issues as whether and when a worker can be compelled to get counseling or treatment as a condition of keeping his job.

To a large degree, these dilemmas mirror the inherent tension in a legal system with dual objectives: protecting the general good, while also protecting individual rights. Just as in every other legal field, workplace safety law has to strike a balance between those two purposes. None of the participants at the NCAVC Symposium questioned the principles of respecting due process and workers' rights or the need to balance safety precautions and antiviolence policies against appropriate privacy protection. The issue is where the boundary should be drawn.

One area where participants expressed considerable concern was the restrictive effect of potential civil liability on disseminating information about employees with records of past violence or other troubling behavior on the job. Those restrictions can significantly limit the employers' ability either to screen out dangerous people before hiring, or to obtain information that would be highly relevant in a threat assessment when an incident has occurred.

For example, though rules vary somewhat from one jurisdiction to another, law enforcement agencies are ordinarily not allowed to disclose criminal records or inform employers if a worker or job applicant has been convicted of a violent crime—this even though the conviction was a matter of public record. Similarly, strict confidentiality rules shield medical and mental health records that can also have direct relevance to assessing the risk of violent behavior.

Legal considerations also inhibit the exchange of information among employers. In some cases where a company has negotiated the termination of an employee who it felt was dangerous, the settlement includes a confidentiality clause barring the company from disclosing the employee's conduct to anyone else—including to another company that may be considering the person for employment. (At times the settlement may even require purging all reports of misconduct from the company's own records.) Even where there is no confidentiality agreement, concern over liability for defamation or privacy infringement can make employers hesitant to warn others about a possibly dangerous past or present employee.

In reality, damaging but truthful information can often be disclosed without significant legal risk. But in today's litigious climate, executives and legal advisers too often tend to conclude that saying nothing is the safest course. As a result, human resources officials frequently resort to a kind of coded communication to alert a prospective employer of potential problems. Some companies ask terminated employees to sign a waiver allowing the release of information to a new or prospective employer. If the employee refuses to sign, disclosing the refusal to the new employer can also serve as a warning sign. Or the message may be sent by a no-comment response: "We are not at liberty to say anything about that person at this time."

These oblique, wink-and-nod warnings no doubt help companies avoid hiring some problem applicants. But coded messages are a poor substitute for solid, clear, factual information when an employee or applicant may be a danger to coworkers. Overwhelmingly, NCAVC's Symposium participants supported reexamining legal restraints and seeking more rational rules that will better serve to protect all employees from workplace violence. Among the possibilities discussed were:

- Standardizing guidelines so that employers will know when and how they can warn others about an employee's record of threats or violence.

- Modifying the restrictions on law enforcement agencies so they can release relevant criminal record information when someone appears to pose a significant danger to fellow workers.

- Considering ways to give companies carefully drawn exemption from liability for disclosing damaging information if it is accurate and disclosed in a good-faith effort to help protect other employees' safety.

- Reassessing confidentiality requirements for medical and mental health histories and determining when warnings of potential violent conduct may be appropriate.

- Clarifying guidelines for when and how a dangerous or potentially dangerous employee can be required to undergo mental health evaluation, counseling, or treatment.

Meanwhile, within existing legal boundaries, awareness and education programs can help executives, managers, human resources officials, and legal advisers understand what is permissible, and when and how they can share information that may help avoid a violent incident. Similarly, employees can be trained in formulating antiviolence policies and disciplinary procedures that will meet due process standards while effectively protecting workplace safety.

VI

THE
BIGGEST
CHALLENGE

Power

VI. The Biggest Challenge

More than 20 million Americans, nearly one in every five in the non-government U.S. labor force, work for firms that have fewer than 20 employees. Firms with payrolls between 20 and 100 employ almost another 20 million U.S. workers. Small businesses account for the vast majority of employers. Among the nation's 5.6 million private employers, almost four-fifths have between one and nine employees.*

While small employers cover the full range of income and occupations, they are also the typical employers of the lowest-paid, lowest-status workers, including immigrants and members of ethnic minorities. (Small Business Administration statistics indicate that annual pay in businesses with fewer than 20 workers is almost 25 percent less than in firms employing 500 or more.) Minority employers represent a large majority in the small-business category.

Employees working in lower-paying jobs for small employers face no less risk of violence on the job than any other group of workers. For many reasons, however, they are almost certainly the least likely to get protection from violence-prevention efforts. Consequently, reaching those employers and employees and finding ways to extend antiviolence programs into their workplaces may be the most challenging task facing any national effort to reduce workplace violence.

The hurdles to violence prevention in small businesses are numerous and high. With very few exceptions, small employers will not have their own security force, training capability, employee assistance program, medical service, legal advisers, or human resources department. They will ordinarily have less capacity than big companies to screen job applicants and are less likely to have formal policies or procedures for employees to report threats or violence. They are similarly less likely to have an established, continuing relationship with law enforcement or social service agencies.

Small business owners and managers typically lack specialized knowledge or skills in legal and human resources issues related to workplace violence and may not be aware of resources available to help deal with a troubled or potentially violent worker, threats, stalking, or domestic abuse affecting an employee or other violence-related problems. This may be even more true when the employee, the work force, or both are from immigrant or minority communities and are separated by culture or language from the majority culture and its institutions.

Employees in small firms, especially low-wage workers, are less likely than other U.S. workers to have medical insurance or sick leave and thus are more vulnerable to the consequences of a violent incident. In many cases, they may also be less aware and less able to pursue their legal rights and thus more vulnerable to threats and punish-the-victim practices.

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*Source: *Employer Firms, Establishments, Employment, Annual Payroll and Receipts by Firm Size, 1988-1999.* Office of Advocacy, U.S. Small Business Association. The full chart is available at the SBA website: www.sba.gov/advo/stats/us88-99.pdf.

To meet the special challenge of extending workplace violence protection to small businesses, the business, law enforcement, occupational safety, and social service communities should consider a variety of possible actions. These could include programs to:

• Design model violence-prevention programs and accompanying training courses and materials that are specifically tailored to the needs and resources of small employers.

• Conduct outreach and awareness campaigns to familiarize small employers with the violence issue and disseminate model programs.

• Put workplace violence on the agenda for community policing programs, and add it to the list of concerns police officers address in their contacts with community groups and neighborhood businesses in a proactive effort to encourage reporting of incidents and/or problematic behavior to prevent violence.

• Compile and distribute lists of resources available to help employers deal with harassment of all types, threats and threatening behavior or violent incidents (e.g. mental health providers, public-interest law clinics, police, or other threat assessment specialists, etc.)

• Enlist the help of existing advocacy and community groups in publicizing workplace violence and prevention issues. Potential partners in this effort include neighborhood antiviolence and crime-watch committees, antidomestic violence activists, antidiscrimination organizations, ethnic associations, immigrant rights groups, and others.

• Develop proposals for economic incentives such as insurance premium discounts or tax credits for small business managers who attend training or implement anti-violence plans.

• Establish cooperative projects in which larger local employers, labor unions, insurers, and business or industry associations, in cooperation with local law enforcement, help provide training and assistance in violence prevention for small business owners and employees.

• Incorporate an antiviolence message and suggested prevention plans in material distributed with Small Business Administration loan applications, licensing forms, inspection notices, correspondence on workers' compensation claims, and other federal, state, and local government documents that reach all employers.

• Create public service announcements and Web pages that call attention to workplace violence issues, outline antiviolence measures, and list sources of assistance and support.

These and similar measures will be more effective if they occur in the context of a broader national effort by government, employer groups, and law enforcement agencies to raise awareness of workplace violence prevention. During the last two decades, the Occupational Safety and Health Act has heightened public consciousness of other workplace hazards, while the activities of women's rights and other advocacy organizations brought increased recognition and dramatically changed attitudes toward domes-

tic violence. In similar fashion, if a national constituency evolves with the aim of expanding knowledge and public concern about workplace violence, that almost certainly represents the best avenue to extend preventive efforts to those employers and employees with the fewest resources of their own.

VII

A SPECIAL CASE:

VIOLENCE AGAINST HEALTH CARE WORKERS

VII. A Special Case: Violence Against Health Care Workers

"More assaults occur in the health care and social services industries than in any other," the Occupational Safety and Health Administration reported in 1998. The same report went on to say:

"Of greater concern is the likely under-reporting of violence and a persistent perception within the health care industry that assaults are part of the job. Under-reporting may reflect a lack of institutional reporting policies, employee beliefs that reporting will not benefit them, or employee fears that employers may deem assaults the result of employee negligence or poor job performance."

Other studies have also noted the risks borne by employees in the health field. The University of Iowa Injury Prevention Research Center's 2001 "Report to the Nation" on workplace violence observed: "Of particular concern is the high rate of violent incidents targeting health care workers. On some psychiatric units, for example, assault rates on staff are greater than 100 cases per 100 workers per year." And a study conducted by the Emergency Medical System of Virginia reported that "violence associated with patient care is the primary source of non-fatal injury in all health care organizations today." The Virginia report also noted that "hospital based medical workers currently have the highest rate of non-fatal assaults over all other sectors of employment."

Nurses experience the most assaults, but physicians, pharmacists, nurse practitioners, physicians' assistants, nurses' aides, therapists, technicians, home healthcare workers, social/welfare workers, and emergency medical care personnel are all at risk of violence by patients or a patient's friends or relatives. Psychiatric units are particularly dangerous, as are emergency rooms, crisis and acute care units, and admissions departments.

The high rate of assaults on health workers has numerous causes. In urban emergency rooms, as one study noted, "increasing numbers of unscreened violent and potentially violent persons are brought by the police."*

Risk factors listed in OSHA's 1998 guidelines included:

- The carrying of handguns and other weapons by patients, their families, or friends.

- The use of hospitals by police and the criminal justice system for the care of acutely disturbed, violent individuals.

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*Sources: *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers.* U.S. Department of Labor, Occupational Safety and Health Administration (OSHA 3148). 1998; *Workplace Violence: A Report to the Nation.* University of Iowa Injury Prevention Research Center. Iowa City, Iowa: February 2001; *Protecting the EMS Care Giver: A Study of Work Place Violence Risks & Controls within the Emergency Medical System of Virginia,* N.D.; Dubin, William R., and Lion, John R., *Violence Against the Medical Profession,* in Lion, Dubin, and Futrell, D.E., *Creating a Secure Workplace* (Chicago: American Hospital Publishing, 1996).

- The increasing number of acute and chronically mentally ill patients being released from hospitals without follow-up care, who now have the right to refuse medicine, and who can no longer be hospitalized involuntarily unless they pose an immediate threat to themselves or others.

- The availability of drugs or money at hospitals, clinics, and pharmacies.

- Factors such as unrestricted movement of the public in clinics and hospitals; the presence of gang members, drug or alcohol abusers, trauma patients, or distraught family members and long waits in emergency or clinic areas, leading to frustration among patients and accompanying relatives or friends.

- Lack of training of staff in recognizing and managing escalating hostile and assaultive behavior.

Recommendations for reducing violence include:

- Adopting a written violence-prevention program, communicating it to all employees, and designating a "Patient Assault Team," task force or coordinator to implement it.

- Advising all patients and visitors that violence, verbal and nonverbal threats, and related behavior will not be tolerated.

- Setting up a trained response team to respond to emergencies.

- Encouraging employees to promptly report incidents and to suggest ways to reduce or eliminate risks.

- Reviewing workplace layout to find existing or potential hazards; installing and maintaining alarm systems and other security devices such as panic buttons, hand-held alarms or noise devices, cellular phones, and private channel radios where risk is apparent or may be anticipated; and arranging for a reliable response system when an alarm is triggered.

- Using metal detectors to screen patients and visitors for guns, knives, or other weapons.

- Establishing liaison with local police and state prosecutors, reporting all incidents of violence, and providing police with floor plans of facilities to expedite emergency response or investigations.

- Ensuring adequate staff coverage at all times.

- Setting up a system to use chart tags, logbooks, or other means to identify patients and clients with assaultive behavior problems.

- Instituting a sign-in procedure with passes for visitors and compiling a list of "restricted visitors" for patients with a history of violence.

- Controlling access to facilities other than waiting rooms, particularly drug-storage or pharmacy areas.

- Providing medical and psychological counseling and debriefing for employees experiencing or witnessing assaults and other violent incidents.*

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*Adapted from OSHA, *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers.*

VIII

DEALING
WITH
THE
AFTERMATH

VIII. Dealing with the Aftermath

The effects of violence do not disappear after the violent act is over, and the harm is not only to the person directly attacked. A workplace violence prevention program should take into account that other employees, not just the victim, are affected and will need healing after a violent event—and that healing may come more easily if psychological support is part of an employer's crisis response from the beginning.

Emotional distress as reported at the NCAVC Violence in the Workplace Symposium "is potentially contagious, self-sustaining, and self-amplifying." Early intervention can slow or prevent the contagion. In the immediate aftermath of a crime, disaster, or other troubling incident, emergency psychological service can offer victims and their coworkers comfort, information, support, and help with practical needs. It can also spot those who appear most troubled by the event and may need more intensive psychological attention in the future.

As was pointed out by presenters at the NCAVC Symposium, information is crucial in controlling emotional distress during a crisis. When people don't know what is happening, they feel helpless and when there is no solid news, rumors—often frightening ones—will fill the gap. Crisis managers need reliable information to make decisions. It is just as important for managers to share the information with the rest of the workplace community as rapidly and honestly as possible, so that false reports and irrational fears do not spread and make the crisis worse.

As with all other aspects of emergency management, timely psychological support will be more effective if it has been prepared and practiced as part of an employer's workplace violence prevention plan. Planning cannot anticipate every circumstance, but a plan should identify those inside or outside a company who will direct and carry out the psychological support effort in a crisis. It should establish lines of communication and lay out alternative means of assembling employees as soon as possible once they are out of physical danger, for preliminary "debriefing" individually, in small groups, or in a large group.

Long-term psychological support may also be needed by victims and their coworkers after a serious episode of violence. The following passage comes from the U.S. Occupational Safety and Health Administration's guidelines for health and social service workers, but is applicable to employees in all occupations:

"All workplace violence programs should provide comprehensive treatment for victimized employees and employees who may be traumatized by witnessing a workplace violence incident. Injured staff should receive prompt treatment and psychological evaluation whenever an assault takes place, regardless of severity.

Victims of workplace violence suffer a variety of consequences in addition to their actual physical injuries. These include short and long-term psychological trauma, fear of returning to work, changes in relationships with coworkers and family, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers. Consequently, a strong followup program for these employees will not only help them

to deal with these problems but also to help prepare them to confront or prevent future incidents of violence.

Several types of assistance can be incorporated into the post-incident response. For example, trauma-crisis counseling, critical incident stress debriefing, or employee assistance programs may be provided to assist victims. Certified employee assistance professionals, psychologists, psychiatrists, clinical nurse specialists, or social workers could provide this counseling, or the employer can refer staff victims to an outside specialist. In addition, an employee counseling service, peer counseling or support groups may be established.

In any case, counselors must be well trained and have a good understanding of the issues and consequences of assaults and other aggressive, violent behavior. Appropriate and promptly rendered post-incident debriefings and counseling reduce acute psychological trauma and general stress levels among victims and witnesses. In addition, such counseling educates staff about workplace violence and positively influences workplace and organizational cultural norms to reduce trauma associated with future incidents.*"

Both early intervention and long-term healing efforts should avoid a one-size-fits-all approach. Not everyone will have the same emotional reaction or the same needs in the aftermath of a traumatic event, even if their experiences have been similar. Counselors should not press their services on employees in ways that may reinforce their identity as "victims." Rather, postcrisis psychological support should employ a variety of methods along the continuum of mental health care—including "getting out of the way" of those who may not want or need any intervention beyond an initial debriefing.

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*Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers. 1998.

IX

SUMMARY OF RECOMMENDATIONS/ SUGGESTIONS FOR FURTHER RESEARCH

IX. Summary of Recommendations

1. Public Awareness Campaign

A national campaign should be conducted to increase public awareness and knowledge concerning workplace violence issues.

Ideally, the educational effort should reflect a cooperative effort by government agencies, major corporations, unions, and advocacy groups. The Federal Occupational Safety and Health Administration would be well placed to play an initiating and coordinating role, bringing together constituents at the national level and designing the basic framework for the campaign. The goals of the effort would include:

- Educating the public, legislators, and policymakers about the scope and costs of workplace violence.

- Promoting local coalitions to become active in workplace violence and violence-prevention issues.

- Encouraging employers to adopt violence-prevention policies and plans.

- Enlisting major corporations and industry or employer associations in providing outreach and assistance to smaller employers.

- Providing information and a model approach for similar awareness efforts by state and local occupational safety agencies.

- Promoting a preventive approach by law enforcement agencies.

- Cataloguing and publicizing community resources that can assist employers and local police departments in violence prevention and crisis management.

- Developing public service announcements and websites that will promote awareness and violence-prevention planning.

- Appearances before Congress and state and local legislators to advocate appropriate laws and funding for workplace violence prevention programs.

2. Workplace Policies and Plans

Employers should adopt clear no-threats and no-violence policies and prevention plans.

Violence-prevention policies and planning are instrumental for employers to help meet their legal and ethical obligation to provide a safe environment for their workers. The best plans are based on a multidisciplinary model, drawing on the expertise of security officers, human resources managers, lawyers, mental health professionals, and others.

As well as adopting plans, employers should:

- Communicate the policy to employees at all levels of the company.

- Survey employees to get their ideas about the incidence of violence, possible risks, and suggested preventive measures.

- Give support to violence-prevention measures.

- Provide violence prevention training for managers, supervisors, and employees on a regular basis.

- Practice the plan.

- Provide physically secure work spaces and adopt staffing policies that will help keep employees safe on the job.

- Establish relations with police, social service and mental health providers, and other government and private agencies that can assist in threat assessment, threat management, and crisis management.

- Place workplace violence prevention and training on the agenda of chambers of commerce, industry and trade associations, and other employer organizations.

- Evaluate the workplace violence-prevention plan periodically or when workplace circumstances change or a violent event has occurred.

Beyond the specific policies and procedures spelled out in a violence prevention program, companies will be most successful if they create an atmosphere of fairness, trust, and cooperation between employees and management. Unions should be partners, not adversaries, in violence prevention.

When it comes to employee safety, businesses should cooperate, not compete. Sharing ideas and information about successful violence-prevention strategies, pooling resources to provide better training, and working together to raise public awareness will help all employers. In particular, larger corporations with greater resources should share plans and training resources with smaller firms and community organizations in an effort to extend violence prevention to small employers and lower-paid, lower-status workers.

3. Preventive Law Enforcement

Law enforcement agencies should adopt a preventive approach to violence in the workplace.

In recent decades, many police departments have changed attitudes and traditional practices in domestic violence cases, intervening earlier and paying increased attention to protecting the victim as well as arresting and prosecuting the abuser. A similar evolution can occur with workplace violence. Preventive measures include:

- Responding to and better documentation of minor workplace incidents or cases of threats and harassment that could lead to violence, rather than waiting for a serious offense to occur.

- Training officers in violence prevention, threat assessment, stalking and harassment laws, and other professional topics relevant to workplace violence.

- Establishing and maintaining two-way contact with employers, advising on anti-violence planning, and assisting in preparing for and managing potentially risky situations, such as carrying out layoffs or terminating a "problem" employee. Outreach efforts should be especially directed to smaller employers that do not have the resources to maintain their own security staff, employee assistance program, etc.

- Federal law enforcement agencies, state police, and large police departments should consider creating specialized units assigned to conduct threat assessments and work with employers on violence prevention. These units should also be available to provide training and assistance to departments in smaller communities.

4. Government's Role

Federal, state, and local occupational safety agencies should make workplace violence prevention a priority.

With OSHA taking the lead, government agencies can play a key role in improving, supporting and extending violence-prevention efforts by the Nation's private employers. In addition to promoting public awareness, agencies should:

- Develop systems for more complete and accurate monitoring of workplace violence incidents.

- Design and disseminate model policies and violence-prevention plans.

- Give special attention to developing violence-prevention strategies for smaller companies and for lower-paid, lower-status workers.

- Develop training programs for employers, supervisors, and employees.

- Compile and maintain lists of social service, mental health, legal, and other agencies, at the state and local level, that can provide assistance to employers or police departments in violence-prevention planning, training, threat assessment, employee counseling, etc.

5. Training

Training in violence prevention, threat detection, threat assessment, and threat management should become part of the workplace culture.

Workplace training programs for senior executives, managers, supervisors, and employees should be developed and disseminated through government agencies, local law enforcement, and employer and community organizations.

Training curricula should also be designed for police executives and officers, including specialized training in threat assessment. The FBI, state police, and state criminal justice commissions should distribute model training programs to local law enforcement agencies and provide training for smaller police departments. Police training programs should include instruction on extending community policing concepts to workplace violence.

Government or private organizations developing curricula and training materials should produce a videotape presentation on basic violence-prevention concepts tailored for small employers.

6. Domestic Violence and Stalking in the Workplace

When domestic violence follows an employee into the workplace, employers should support, protect, and help the abused partner, not punish her or him.

When an employee is being stalked, harassed, or abused at work by a domestic partner or other personal acquaintance, the employer should:

- Take steps to keep the abuser out of the workplace (screening telephone calls, making the victim's work space physically more secure, instructing security guards or receptionists, etc.).

- Assist the victim in receiving emotional, financial, and legal counseling.

- Support the employee in obtaining police protection or a restraining order against the abuser (in some cases, an employer may seek a restraining order of its own barring the abuser from its premises).

- Be flexible in allowing time off for medical treatment or court appearances.

In some cases, regrettably, employers seeking the quickest and easiest way to avoid a violent incident will fire the victim. This is unjustified and unethical and may be illegal. Discrimination against victims should NOT be tolerated.

7. Legal and Legislative Issues

Clear, comprehensive, and uniform legal guidelines should be developed and widely distributed to inform employers how they can strengthen violence-prevention measures within existing law, without infringing on due process, privacy, defamation laws, or other employee rights.

Relevant laws and liability issues should be reviewed to see if there are ways to improve employee safety without jeopardizing individual rights. In particular, there should be a review of legal restrictions on exchanging information between employers or between law enforcement and private companies concerning past criminal convictions or violent behavior by an employee or job applicant.

In the legislative field, policymakers and lawmakers should explore possible incentives such as tax breaks, insurance discounts, or carefully drawn liability exemptions that will make it easier for businesses to adopt and carry out violence-prevention programs.

8. Suggestions for Further Research

Substantial additional research, both quantitative and qualitative, should be carried out to clarify the scope and costs of workplace violence and to evaluate and improve violence-prevention strategies.

Though a large body of knowledge already exists on workplace violence, much is still to be learned about the true dimensions of the problem and its impact on American society. Much also remains to be learned about how best to prevent violence or mitigate its effects if it occurs. "Credible empirical research on all aspects of workplace violence is sparse, and existing studies are seriously limited by inadequate reporting systems," two leading experts in public administration declared in 1996;* unfortunately, the same could still be said today.

One possible instrument for research is the National Crime Victimization Survey conducted by the U.S. Bureau of Justice Statistics. If feasible, new categories or survey questions should be added to help identify violent crimes affecting people at work. An analysis of workers' compensation claims may also yield valuable data. Topics for future research should include:

• Ways to improve violence reporting and monitoring systems and data collection on the incidence of workplace violence. In particular, sampling or other methods should be developed to measure incidents of threats or harassment that are not reported as criminal offenses.

• Methods of measuring the economic and noneconomic costs of workplace violence.

• Analysis of workplace violence patterns, including the occurrence of different forms of violence and rates of violence in different occupational categories. A uniform reporting format for employers may be helpful in collecting data for analysis.

• Research on the damaging effects of threats, bullying, harassment, stalking, or other forms of abuse that do not inflict actual physical harm.

• Developing curricula for violence prevention training programs and methods for evaluating the effectiveness of training.

• Additional research in such areas as detecting warning signs, the relationship between various risk factors and actual violence, identifying high-risk behavior and high-risk individuals, and treatment of potentially dangerous people.

*Nigro, Lloyd G., and Waugh, William L. Jr. *Violence in the American workplace: challenges to the public employer.* Public Administration Review, July-August 1996, 326-333

- A study of threats, including analysis of different patterns of threatening behavior, different forms of threat, and methods of evaluating when a threat is likely to be carried out.

- Qualitative research on threat assessment, aimed at refining assessment criteria, and determining which factors are most important in predicting violent behavior.

- Support services for violence victims.

- Ways to help employees and limit disruption after a disturbing event.

Most importantly, researchers should continually seek to monitor, evaluate, and refine violence prevention programs, and to the extent possible, determine which strategies appear most effective in decreasing rates of violence. A definitive evaluation will never be possible because there is no way to count incidents that did not happen. Still, with more comprehensive, reliable and detailed data, researchers can develop more sophisticated tools for analyzing what works and what doesn't. Their work, combined with a national effort to promote a workplace free from threats and violence, will benefit all businesses and all Americans.

APPENDIX A

Workplace Violence Symposium
Lansdowne Resort and Conference Center
Leesburg, Virginia, June 10–14, 2002

SCHEDULE OF EVENTS

Monday, June 10

Welcoming Remarks

Eugene A. Rugala, Supervisory Special Agent,
    Critical Incident Response Group (CIRG),
    National Center for the Analysis of Violent Crime (NCAVC), Quantico, Virginia
Stephen R. Wiley – Special Agent in Charge
    CIRG, Quantico, Virginia
Michael W. Bernacki – Assistant Special Agent in Charge
    CIRG, NCAVC, Quantico, Virginia
Wayne D. Lord, Ph.D. – Unit Chief
    Child Abduction & Serial Murder Investigative Resources Center (CASMIRC)
    Quantico, Virginia

Workplace Violence, An Historical Perspective
W. Walter Menninger, M.D.
    Menninger Foundation, Topeka, Kansas

Workplace Violence – An Occupational and Safety Issue
Lynn Jenkins
    National Institute of Occupational Safety and Health (NIOSH)
    Morgantown, West Virginia

Violence Prevention at Work – A Business Perspective
Carol W. Wilkinson, M.D., MSPH
    IBM Corporation, Armonk, New York
Mark Lies, Esq.
    Seyfarth Shaw, Fairweather & Geraldson, Chicago, Illinois
Stephen H. Heidel, M.D., MBA
    Integrated Insights, San Diego, California
Thomas V. Ryan, Ph.D.
    Neuropsychologist, Staunton, Virginia

Case Presentation – Edgewater Technology Wakefield,
Massachusetts (December 26, 2000)
Chief Stephen Doherty
    Wakefield Police Department, Massachusetts

Tuesday, June 11

Violence in the Medical Workplace and Other Threat Assessment Issues
John R. Lion, M.D.
    Clinical Professor of Psychiatry,
    University of Maryland School of Medicine, Baltimore, Maryland

Panel Discussion – The Workplace Violence Offender
(Issues Relating to Mental Illness and Psychopathy)
Michael G. Gelles, Psy.D.
    Naval Criminal Investigative Service, Washington, D.C.
Maureen Christian, Ph.D., St. Elizabeth's Hospital, Washington, D.C.
Harley V. Stock, Ph.D.
    Incident Management Group, Hallandale, Florida
John R. Lion, M.D., University of Maryland School of Medicine, Baltimore, Maryland

Case Presentation – Intel Corporation, Law Enforcement as a Partner in Preventing
Workplace Violence
Harley V. Stock, Ph.D., Incident Management Group, Hallandale, Florida
Lt. Scott Kellogg, Rio Rancho Police Department, Rio Rancho, New Mexico
Tim R. Garcia, Corporate Security Investigative Program Manager,
    Intel Corporation, Chandler, AZ

Wednesday, June 12

Legal Considerations, Liability, Privacy, and Job Accommodation Issues for Workers
with Disabilities, and Impact on Workplace Violence
Rebecca A. Speer, Esq., Speer Associates/Workplace Counsel, San Francisco, California
Bonnie J. Campbell, Esq., Arent Fox, Washington, D.C.
Barbara Long, M.D., Ph.D., Atlanta, Georgia
Dale S. Brown
    Office of Disability, Employment Policy, Department of Labor, Washington, D.C.

Media, Public Affairs and Risk Communication
Emery King, WDIV, Detroit, Michigan
Ford Rowan, Rowan and Blewitt, Inc,. Mineola, New York

Keynote
Honorable John O. Marsh, Former Secretary of the Army and Virginia Congressman

Crisis Management and Critical Incident Response in the Post 9/11 Workplace
Richard J. Sheirer, Giuliani Partners LLC, New York, New York
    Former Commissioner, New York City Office of Emergency Management
Major James H. Koerber, SSB Commander, Defense Protective Service, The Pentagon
    Washington, D.C.
Joanne T. Colucci, Security Director, American Express Company, New York, New York
Pamela L. Porter, Director of Response Services, Crisis Management International
    Atlanta, Georgia
George S. Everly, Jr., Ph.D.
    International Critical Incident Stress Foundation, Baltimore, Maryland

Keynote
Kathleen L. McChesney, Executive Assistant Director of Law Enforcement Services
      FBI Headquarters, Washington, D.C.

Domestic Violence in the Workplace – Government Response
Diane M. Stuart, Director, Violence Against Women's Office
      U.S. Department of Justice, Washington, D.C.
Honorable Jerry W. Kilgore, Attorney General, State of Virginia, Richmond, Virginia
Honorable J. Joseph Curran, Jr., Attorney General
      State of Maryland, Baltimore, Maryland

The Corporate Response to Domestic Violence
Anne C. Crews, Vice President, Mary Kay Inc., Dallas, Texas
Jane Randel, Vice President, Liz Claiborne Incorporated, New York, New York
Mayada Logue, Manager, Corporate Affairs Programs
      Philip Morris Companies, Inc., New York, New York

A Multidisciplinary Approach in Dealing with Domestic Violence and Stalking Behavior in the Workplace
Pamela A. Paziotopoulos, Assistant State's Attorney,
      Cook County State's Attorney's Office
      Supervisor of the Domestic Violence Unit, Chicago, Illinois
Gregory Peters, Supervisory District Attorney's Investigator, San Diego, California
      San Diego County Stalking Strike Force
Fiona Khalil, Deputy District Attorney,
      San Diego County District Attorney's Office, San Diego, California

Assessing Dangerousness – Stalking Behaviors
J. Reid Meloy, Ph.D., San Diego, California

Labor as a Partner in Preventing Workplace Violence
Jordan Barab, AFL-CIO, Washington, DC

Management of the Threat – The Threat Management Team – Case Presentation
The Boeing Company, Seattle, Washington
Carolyn Ladd, Esq., The Boeing Company, Law Department, Seattle, WA
Amy Wuerch, Threat Management Specialist, The Boeing Company, Seattle, WA
Detective Christopher Young, Seattle Police Department, Seattle, WA

Proposed Research and Legislative Recommendations
University of Iowa Injury Prevention Center
Corinne Peek-Asa, M.P.H, Ph.D., Assistant Professor,
      Department of Occupational and Environmental Health,
      University of Iowa, Iowa City, Iowa
Jack Lichtenstein, Legislative Affairs, American Society of Industrial Security
      Alexandria, Virginia
Lynn Jenkins, NIOSH, Morgantown, West Virginia

Presentation of Findings

Concluding Remarks

APPENDIX B
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