

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

WORKPLACE VIOLENCE

A Guide For State Employees on Reporting, Investigation, and Resources

Violence in the workplace is an important issue facing all employers. In recognizing that your role as a state employee can expose you unwillingly to customers that become angry, hostile or combative, the Office of the Attorney General has developed this guide to answer your questions should you be faced with a situation of workplace violence. It is our intent to provide guidelines to ensure the safety of our employees without compromising the quality of customer service.

It is important to learn how to diffuse anger and understand that confusion or frustration can rapidly escalate to anger or hostility if not handled properly. You can make the difference with a positive attitude and a calm demeanor when dealing with the public and your co-workers on a daily basis. Success in crisis prevention and conflict resolution can be easier achieved if you model the behavior that you want in return from people.

RISK ASSESSMENT: IS YOUR WORKPLACE SAFE?

Evaluating the risk level in your workplace while performing your job will help you take greater responsibility for your safety. Identify in advance what measures you need to take to ensure your safety and minimize your exposure. Work with your co-workers develop a plan.

Your personal safety is a priority. Do not put yourself in jeopardy. When in doubt, call for assistance or back-up.

FACTORS YOU WOULD USE TO JUDGE YOUR RISK:

- Look at your physical location.**
- Do you have patterned behavior?**
- Evaluate face-to-face contacts.**
- Are you isolated in your workplace?**
- Do you have a support system?**
- Do you deliver bad news?**
- Have you crisis rehearsed?**
- Do you have a plan?**

EARLY WARNING SIGNS TO WORKPLACE VIOLENCE

PERSONAL HISTORY/TRAITS

- A migratory job history
- Prior involvement in workplace violence
- A history of violence outside the workplace
- Chronically disgruntled, disdain for authority
- Does not take criticism, contempt for boss
- Externalizes blame, never "owns up"
- Paranoid, views change as personal affront
- Views violence or intimidation as legitimate
- Holds grudges
- Pushes the limits of normal conduct
- A loner or socially isolated individual with few personal outlets, with no outlet for rage
- A history of unresolved psychological problems or personality disorders
- A zealot (political, religious, racial bigotry, etc.)
- A substance abuser, alcohol or drugs, ...prescription or not
- A domestic abuser or victim of abuse who is an employee (violence "spilling over" from the home, the "package deal")

OBSESSIONS

- Obsessive involvement with one's own employment to the exclusion of all else
- Obsessive compulsive behavior, i.e., neatness and order, feeling that one's standards are superior to others
- Unwarranted sense of entitlement
- Romantic or sexual obsessions
- Obsession with, and possession or access to, weapons and/or paramilitary training
- Obsession with other acts of workplace violence, sees them as "justified"

● THE KILLING TYPE ●

- Male, over the age of 35, with a significant amount of time on the job
 - A loner; usually eats by himself
 - Bizarre fantasies, juvenile behavior
- Chronically disgruntled, with disdain for authority and contempt for the boss
 - Strongly identifies himself with his job; what he does is who he is
 - Never admits responsibility, externalizes blame
 - Views any change as a personal affront
 - Holds grudges
 - Makes threats of violence, either specific or veiled
 - Past history of violence
 - Frequently intimidates or harasses others
 - Abuses alcohol or drugs
 - Feels that nobody listens to him and that there's no one on his side
 - Has recently had problems outside work, such as divorce or debt
 - Owns or has access to a weapon
 - Obsessive fixations (guns, soldier of fortune magazines, etc.)
 - Obsession with impending destruction of the world
 - Inconsistent work patterns and attendance problems
- Very high/very low productivity, unexplained or improbable excuses for absences
 - Concentration problems
 - Romantic obsession - Stalking, spying, unwanted gifts and visits
 - Recklessness and sudden increase in accident rate
- Unusual/changed behavior, verbal outbursts, inappropriate remarks, conditional threats
 - Sudden decline in personal grooming habits
 - Keeps lists/"Blamers"
 - Obsession with police/police equipment
- Fascination with people who create workplace violence/murder)

NOTE: Many people have a number of these traits. That makes pinpointing a potential killer very difficult. One or several of these profiles does not mean that the individual is going to commit an act of workplace violence. The above are warning signs to be aware of as potential problem areas. The key to prevention is awareness and intervention.

ACTIONS

- Beware of newly acquired negative traits!
- Sudden withdrawal from current circle of friends or acquaintances
- Inability to concentrate
- Newly acquired decrease in productivity
- Newly acquired poor personal hygiene
- Problems with attendance or tardiness
- Overreaction to stimuli, poor impulse control
- Inappropriate affect (emotional display inconsistent with situation)
- Threats of sabotage against property of employer, supervisor(s) or co-workers
- Actual threats or intimidation of others
- Immediate or delayed violent reaction to discipline or termination ("revenge" reaction)
- Discussion(s) of stalking or harassing others
- Sudden divestment of valued property or other indicators of impending suicide
- Feelings of extreme desperation, marital discord, financial distress, etc.

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BULLET-PROOFING YOUR WORKPLACE

Managers and co-workers face a predicament when dealing with a potential volatile employee. They can hear the fuse sizzling and see occasional sparks, but no one knows how long the fuse is or what kind of explosive it's attached to. According to the experts, though, you can and should take some precautions.

- ✓ **Never strip anyone of his dignity.** "A person can be supervised, disciplined, and even fired with dignity," says Larry Chavez, senior hostage negotiator for the Sacramento Police Department. Resist the egotistical urge to be authoritative.
- ✓ **Educate yourself.** Ask your company's personnel department to organize a workplace violence seminar. Just as cases of sexual harassment can be decreased through greater employee awareness, so can incidents of on-the-job violence.
- ✓ **Do careful background checks.** Do not assume that everything on the application and/or resume is correct.
- ✓ **Don't ignore the warning signs.** Use the Early Warning Signs checklist. If someone seems to fit the profile, seek professional assistance. Don't make the mistake of thinking that, "It won't happen here."
- ✓ **Listen.** Managers/supervisors should ask troublesome workers about their problems, and an employee ombudsman (EAP/Employee Assistance Programs) should be available to assist.
- ✓ **Have a zero tolerance.** The atmosphere at work should be similar to that of an airport: watchful and intolerant of threats. Any mention of weapons, violence, or revenge, even in jest, should be taken seriously and addressed swiftly.
- ✓ **Demand the highest practical level of protection.** Depending on the situation, this may mean uniformed security for everyday surveillance or the presence of local law enforcement at termination meetings that could become violent.

TAKING IMMEDIATE ACTION

NRS Statutes frequently used by law enforcement when dealing with a potential violent act, or individual. You need to be aware that these options exist when dealing with potential workplace violence incidents.

NRS 199.300 Intimidating - Public Employee - Gross misdemeanor without the use of, or threat of, immediate physical force. Felony for use of force or second offense. Directly or indirectly addresses *any threat or intimidation* to a . . public employee . . **with the intent** to make the victim, contrary to his duty, *make, omit or delay any act, decision or determination*.

NRS 200.571 Harassment - Misdemeanor first offense. The person by words or conduct places the individual receiving the threat in *reasonable fear* that the threat *will* be carried out.

NRS 200.575 Stalking - Misdemeanor first offense. Conduct that would cause a person to feel terrorized, and *actually causes the victim to feel terrorized*.

NRS 201.255 Obscene, Threatening or Annoying Telephone Calls Misdemeanor. Violation is at the place at which the telephone call is made and at the place where the telephone call is received.

NRS 202.840 Bomb Threats - Felony. Mail, note, telephone, E-mail or other means of communication used to *intimidate* any person or damage property. Person receiving the call or writing should feel the threat may be valid.

NRS 203.119 Act in Public Building - Misdemeanor. Act that interferes with the peaceful conduct of activities normally carried on in the building or on the grounds.

NRS 207.180 Threatening or Obscene Letters or Writings - Misdemeanor. With the intent to extort, or - threats to harm without extortion, or - using a fictitious name and charging another with a crime, or - letters containing vulgar or threatening language, or obscene pictures.

NRS 207.200 Trespass - Misdemeanor. Enters to commit crime, or remains on premises, without legal business, after having been warned to leave.

ANTI-HARASSMENT AND STALKING LAW:

It is against the law for someone to:

Threaten a person with injury or death.

Threaten to damage property.

If you feel threatened either verbally or physically, you have the option of doing the following:

Establish your ground rules with the client.

Disengage and call for backup.

Contact supervisor and security.

Dial 911

If you feel threatened, determine your next course of action and take it. It is up to you to take responsibility for your safety.

If you currently have an Order for Protection Against Domestic Violence entered by a Nevada Court, you are encouraged to provide a copy to the Capitol Police.

WHAT SHOULD I DO?

The following are questions that may arise should a threatening or potentially threatening situation occur:

Question 1: What should I do if there is an imminent threat of physical violence at my state office?

Answer: If there is a full-time Capitol policeman assigned to your building, inform that officer. If no Capitol policeman is immediately available, dial 911 and report the incident to the local police.

Question 2: A citizen has just called me and threatened me. I am a state employee, who do I call?

Answer: It is the jurisdiction of the local police and district attorney to investigate and prosecute this type of crime committed in the county. Capitol police should be called where deployed otherwise, call your local police.

Question 3: I am a state administrator about to terminate a volatile employee. Should I contact someone in advance?

Answer: It may be wise to have a Capitol policeman present if violence is expected. If Capitol Police is unavailable, the Attorney General's Investigative Division should be called. Attorney General's investigative staff should be notified as early as possible.

Question 4: I am in a leased building away from the central government offices, does that change anything?

Answer: No. However, your geographic location may make it necessary for you to use 911 assistance if you feel you are in imminent danger.

Question 5: If a state employee is about to or just committed a violent crime in the course and scope of his employment, is it the Attorney General's jurisdiction?

Answer: Yes, but in an emergency situation, capitol police, the country sheriff, or local police should be called in an attempt to obtain immediate response.

Question 6: If an employee is threatening harm in the workplace who else should I notify other than Capitol Police?

Answer: Your employer should be notified so that they can investigate and take administrative action separate of any criminal investigation.

Question 7: I have seen an employee bring a gun to work. Who should I report this to?

Answer: Immediately contact your employer. It is a violation of the State Administrative Manual to bring a gun to work. Capitol Police should also be informed of a firearm on state property.

Question 8: I arrived at my state office and there are signs of forced entry. What do I do?

Answer: Don't go in. The person or persons who broke in may still be in the building. Phone local police and Capitol Police.