



Program Statement

OPI: CPD/PSB
NUMBER: 3730.05
DATE: 3/23/2004
SUBJECT: Workplace Violence
Prevention, Staff

1. **PURPOSE AND SCOPE.** To establish procedures for preventing and responding to acts of violence by staff and to inform all Bureau employees that such behavior is strictly prohibited.

Bureau facilities shall be managed in a manner which permits employees to perform their duties in an environment free from threatening and violent behavior by other employees. Prevention of staff workplace violence begins with a commitment to treat all employees fairly and with respect, regardless of title or position. It is expected that all employees will interact in ways which promote cooperation and mutual respect.

Although threatening and violent behavior by Bureau employees occurs infrequently, when identified, such behavior must never be ignored or tolerated. There must always be an immediate and decisive management response to each incident of staff workplace violence, regardless of severity. This response may involve assisting an employee, who believes they have been a victim of workplace violence, in obtaining counseling.

This Program Statement applies to all Bureau employees, including employees of the Public Health Service, and any employee detailed under the Intergovernmental Personnel Act.

Contractors and volunteers who work in Bureau facilities are expected to follow the guidelines and procedures outlined in this policy.

2. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Staff safety will be enhanced by curbing violence and threats of violence by other employees, contractors and volunteers.

b. Bureau managers and supervisors will respond to incidents of staff workplace violence in a consistent, fair, and effective manner. Both management and the union share a commitment to the safety of employees through the identification and prevention of workplace violence.

c. Wardens will have guidance/direction to prevent and respond to workplace violence.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

P3730.04 Workplace Violence Prevention Program (3/17/97)

b. Directives Referenced

P1210.24 Internal Affairs, Office of (5/20/03)
P3420.09 Standards of Employee Conduct (2/5/99)
P3792.06 Employee Assistance Program (11/4/93)
P5500.12 Correctional Services Procedures Manual (10/10/03)

Master Agreement between the Federal Bureau of Prisons and the Council of Prison Locals.

4. STANDARDS REFERENCED. None.

5. DEFINITION. Staff workplace violence is any act or attempted act of violence by a Bureau employee against another employee, contractor, volunteer, another employee's family member, or any visitor to a Bureau work site (e.g., other government employees, inmates' visitors, the general public, etc.). Staff workplace violence includes:

- any intentional infliction of physical harm or attempt to inflict physical harm against another;
- intentional damage to or an attempt to intentionally damage another's possessions or property, including government property; and
- any verbal, written, or other behavior which an objective reasonable person would interpret as a threat to inflict physical harm against another or another's possessions or property, including government property. In some circumstances, sexual harassment may be a form of workplace violence.

These acts are considered staff workplace violence if they occur at the work site or at a work-related event. Any act which occurs elsewhere may also be considered staff workplace violence if the act was clearly work-related or if a nexus to work-related events or settings is otherwise established.

Other Bureau directives prohibit staff behavior which is otherwise intimidating, bullying, or harassing. Inasmuch as this behavior may be a prelude to staff workplace violence, it should never be ignored or tolerated.

Other types of workplace violence, such as inmate violence against staff, are addressed in other Bureau directives.

6. **PROCEDURES.** Although management's response to any incident of staff workplace violence will depend on the circumstances of the incident, immediate action shall always be taken. Staff workplace violence will be addressed and responded to by following the required procedures. The following steps are required in those instances:

a. Initial Report. Anyone who observes, or is a target of, threatening or violent behavior by another employee, contractor, or volunteer shall immediately notify management (their immediate supervisor, the CEO, OIA, or to the OIG at the Department of Justice). Employees are reminded that intentionally making false complaints against other staff may be subject to disciplinary action.

If the workplace violence is perceived to be discriminatory or sexual in nature, an EEO representative may also be contacted.

Information about reported incidents should be disclosed only to those with a legitimate need to know.

b. Internal Affairs Notification. As with any report of staff misconduct, management shall report the incident immediately to the Office of Internal Affairs (OIA) in accordance with the OIA Program Statement.

c. Threat Assessment. The Chief Executive Officer (CEO) shall make a judgment regarding the level of threat posed by the employee(s) in question and determine what action is necessary to protect staff and the institution/work site.

For serious or questionable incidents, or if the CEO deems it necessary, the CEO may convene a "threat assessment team" to assist in making this judgment. If the alleged perpetrator is a bargaining unit staff member, they may be asked, but are not required, to provide information (verbally or in writing) as part of the threat assessment process. If any bargaining unit staff elect to provide information as part of the threat assessment process, they are entitled to a union representative if requested in accordance with Section 7114 (a)(2)(B) of Title 5, USC.

The process utilized by the CEO in determining whether to convene a threat assessment team will be fair and equitable as much as the circumstances surrounding each case are similar, with the goal of being consistent.

The threat assessment team's composition may vary from incident to incident. At the sole discretion of the CEO, the following staff may be considered as potential team members:

- local Executive Staff members,
- Supervisory Correctional Services staff,
- the supervising department head of the employee(s) in question,
- a representative designated by the union,
- attorney or paralegal,
- psychologist or other mental health professional, and
- the Human Resource Manager.

If the CEO determines that a conflict or potential conflict arises from the appointment of an individual threat assessment team member, that team member will be replaced to ensure and protect the integrity of the threat assessment process.

Threat assessment guidelines which CEO's and teams will use to focus their deliberations can be found in the Threat Assessment Guidelines (Attachment A).

d. Employee Notification. The individual accused of the alleged threatening or violent behavior shall be informed in writing of the specific actions the Agency requires him/her to take. If at all possible this will be communicated in person. At a minimum, they shall be instructed to cease the alleged threatening or violent behavior and reminded that such behavior is prohibited and will not be tolerated.

All parties possessing copies of the investigative reports which result from or contain recommendations made from a threat assessment team must ensure that the reports are safeguarded from loss or unauthorized disclosure.

In making the decision, the Chief, OIA, must approve disclosure of investigative reports pursuant to either FOIA requests or information requested pursuant to 5 U.S.C. Section 7114 (b) (the Labor Statute).

OIA, when appropriate, will consult with the Bureau's FOIA Section, LLB Section, or LMR Branch in making its decision.

If the documentation contained or gathered during the threat assessment process is not part of any investigative file, a copy will be provided to the employee upon written request to the CEO, in accordance with applicable laws, rules, and regulations.

e. Other Responses. Consistent with Section C of this program statement, the Master Agreement, and applicable laws, rules, and regulations, the range of possible actions is left to the judgement of the CEO. These options may include, but are not

limited to, the reassignment of the employee to another job within the institution or removing the employee from the institution pending resolution of the matter.

Employees identified as potential targets of workplace violence shall be notified as soon as practicable as to the nature of the possible threat and measures being employed by management to reduce or eliminate the threat. The notification will be in accordance with all applicable laws, rules, and regulations.

If any bargaining unit employee is involved, the local union president may, at the Employer's discretion, be notified of those individuals involved and what potential threat may exist. Union representatives can help in reassuring employees after an incident and in getting information to employees.

Pending further investigation in such cases, the Chief Executive Officer (CEO) shall consider limited/restricted access for any individuals involved in a workplace violence incident before denying them access to Bureau of Prisons property.

f. Employee Assistance Program (EAP). The employee(s) in question shall be referred to the EAP in accordance with established policy/procedures. If other employees involved demonstrate any distress about the alleged incident, they should be notified of the EAP program and where to obtain assistance.

The Employee Assistance Program is a confidential process and it is improper to use the EAP as a means of obtaining a fitness for duty or other formal evaluation for use by management. The purpose of a referral to the EAP is to provide help for employees and is not to be construed as a substitute for appropriate disciplinary action.

Federal regulations strictly prohibit disclosure of information learned while providing federally assisted EAP services unless exceptional circumstances exist (e.g., an employee is judged by the EAP provider to pose an imminent threat of serious harm to others) or unless certain conditions are met (e.g., the employee provides written consent to release information). If a psychologist is providing EAP services for the employee(s) in question, a conflict of interest exists and that psychologist shall not be a member of the threat assessment team.

7. CRITICAL INCIDENTS. In the unusual event of an incident in which the potential for significant danger to others or serious threats to the security of the institution/work site exist, such as a threat of or actual use of dangerous weapons, other steps shall precede the procedures listed above. Although the unique circumstances of any incident shall be considered in determining what specific actions to take, the following guidelines shall be used:

a. The situation shall be contained to the extent possible to minimize danger to others and/or escalation of violence.

b. Local law enforcement, federal investigative authorities, and/or the FBI authorities shall be contacted for possible assistance.

c. The use of physical restraint(s) and/or munitions may be necessary to prevent loss of life or serious physical injury, or otherwise maintain or restore control. When this type of force is used on any bargaining unit staff member to remove them from the facility the local union President (or designee) will be notified, in person or via telephone, of this use as soon as practicable.

Situations under which firearms may be used are outlined in P5500.12, Correctional Services Procedures Manual, Chapter 7, on Firearms and Badges.

It may be necessary to provide emergency medical assistance through Health Services or other outside sources in the unusual event of a seriously violent or disruptive incident. The CEO may consider deploying the local Crisis Support Team (CST) or teams from other Bureau locations to staff, families, and others who may be traumatized by an incident.

8. **TRAINING.** Staff workplace violence prevention information has been incorporated into the Standards of Employee Conduct lesson plans for Annual Training (AT) and Institution Familiarization (IF). This shall be presented at all future AT and IF classes to educate all staff about provisions of this Program Statement. The seriousness of workplace violence and the need to avoid it should be impressed upon employees.

New managers and supervisors shall be provided training on workplace violence prevention. The union may receive a copy of this training package in accordance with applicable laws, rules, and regulations.

As with any other circumstance where a staff member believes they were injured in the performance of their duties, physically or mentally, those injured in workplace violence incidents will be informed of the procedures to be followed for filing a claim under the Federal Employees Compensation Act.

9. **STATISTICS.** OIA shall establish a centralized tracking system to generate management data/statistics on the incidence of staff workplace violence in the Bureau. In accordance with Title 5 U.S.C. Section 7114 (b) (4) sanitized copies of this information will be distributed to the union upon written request.

10. **WORKING WITH THE UNION.** Both the union and management share a commitment to the safety of employees through the identification and prevention of workplace violence. This includes the obligation to report acts of misconduct in accordance with the Standards of Employee Conduct.

Although some of the substantive issues relating to workplace violence, including issues concerning internal security, may be outside the duty to bargain, this does not mean that consultation and discussion with the union cannot occur. When appropriate, this dialogue should occur up front, before decisions are made. The union may be helpful in identifying ways to prevent conflict, or in identifying situations where crisis counseling is appropriate.

/s/
Harley G. Lappin
Director

THREAT ASSESSMENT GUIDELINES ("RE-VIEW")

The following series of questions may be used as a guide in threat assessment deliberations after a reported incident of staff workplace violence. They are grouped into five categories, generally arranged from most to least important in terms of judging potential threat, using the acronym, "RE-VIEW". The first category of questions is about the reported incident; the remaining questions pertain to the individual(s) accused of the alleged threatening or violent behavior. They are guidelines only and do not necessarily constitute an exhaustive list of relevant factors to consider in every incident of staff workplace violence.

1) **RE**PORTED INCIDENT

■ Severity

- Did any staff or others suffer actual physical harm?
- How much potential danger/harm were staff exposed to?
- Did staff or others feel threatened or in danger?

■ Motivation

- What precipitated or "triggered" this incident?
- Are the same or similar triggers likely to reoccur?

■ Aftermath

- Has the original precipitant or situation been resolved?
- Do all parties agree that the situation is resolved?
- Does the individual(s) accused of the threatening or violent behavior continue to exhibit threatening or intimidating behavior?
- Do any staff or others continue to feel threatened or in danger?

2) **V**IOLENCE HISTORY

-
- Is there any evidence of previous violence or threatening behavior, either on or off the job?

■ Frequency/Recency/Severity

- How often has violent or threatening behavior occurred?
- Has violent or threatening behavior occurred recently?
- Did past violence result in actual physical harm to others?

- How much potential danger or harm were others exposed to?
- Do others continue to feel threatened or in danger?

■ Targets

- Who or what were the "target(s)" of previous violent or threatening behavior?
- Do the same or similar target(s) exist in the work environment?
- If yes, does the individual(s) accused of the alleged threatening or violent behavior exhibit threatening or intimidating behavior in relation to the target(s)?

■ Motivation

- What precipitated or "triggered" past violent behavior?
- Are the same or similar triggers likely to (re)occur in the work environment?
- Is there any reason or evidence to suggest that past triggers are no longer relevant?

3) **I**NDIVIDUAL FACTORS

- Is there any evidence of alcohol or other substance abuse?
- Is the individual known to be preoccupied with weapons or other violent "themes"?
- Is there any evidence of a past or present psychiatric condition?
- Has there been a recent, abrupt change in the individual's behavior
- Does the individual....
 - tend to think that s/he is treated unfairly?
 - tend to blame others, hold grudges, or brood?
 - tend to display moral righteousness/indignation?

4) **E**NVIRONMENTAL FACTORS

- Are there any known stressors or negative changes in the individual's life?
- Is quality social support (friends, family) available?
- If available, does s/he tend to rely on supportive others?

5) **W**ORK PERFORMANCE/CONDUCT

- Do other interpersonal difficulties or conflicts with coworkers or supervisors exist?
- Do other performance or conduct problems exist?
- Have there been any previous investigations or adverse actions taken against the individual?
- Does s/he have poor work habits or a "negative" attitude?