

**WORKPLACE VIOLENCE  
A CHALLENGE TO LAW ENFORCEMENT**

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# WORKPLACE VIOLENCE

## A Challenge to Law Enforcement

by

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Only a few years ago workplace violence was a fistfight between two workers in the company parking lot. Today it is homicide, assault with a deadly weapon, rape, aggravated battery, armed robbery, and destruction of property. It is also suicides, psychological threats and a plethora of mental health problems. It occurs at every socio-economic level and in virtually every occupation. From the neighborhood McDonald's to the prestigious law firms, incidents of workplace slaughter continue to command the front page of newspapers across America. The workplace, once considered a bastion of safety, is now becoming this nation's new killing field.

Florida has had its share of incidents of workplace violence. On February 7, 1994, Larry Shelton, an unemployed school teacher in Ft. Myers, Florida, took his five-shot 38 caliber revolver, 45 rounds of ammunition, and walked eight miles down Highway 41 to the Lee County School Services Building. There he tracked down Dr. James Adams, the Superintendent of Schools, and killed him without provocation. The most notorious incident of workplace violence in Florida occurred just before 1:00 p.m., on January 27, 1993, at the Island Center Cafe in Tampa. It was there that a former Fireman's Fund employee named Paul Calden ambushed several top executives of Fireman's Fund. Knowing they lunched together every day in the cafe Calden approached their table armed with a 9 mm semi-automatic pistol. When he had finished

three executives lay dead and two critically wounded including the personnel manager who had fired him eight months before.

**PREVALENCE OF VIOLENCE:** The violent workplace mirrors an ever increasing violent society. The increase in violence at work is directly proportional to the increase in violent crimes in our general population. It reflects both a stressed out, downsized business environment and an ever changing society. The statistical data is staggering. The most recent Justice Department statistics report that one in six violent crimes now occurs in the workplace. In a survey conducted in 1992 of workplace deaths the U. S. Department of Labor ranked murder second to traffic accidents. The Bureau of Labor statistics reported that of the 6,271 deaths that occurred at work in 1993, 1063 U.S. workers were murdered on the job. Homicides were the third leading cause of occupational fatalities from 1980 through 1989 according to a 10-year report released by the National Institute for Occupational Safety and Health.

As significant as the problem appears to be as a societal issue, law enforcement has been reluctant to take a proactive approach in seeking answers. This is partly due to the traditional role of law enforcement not to get involved until a crime has been committed. Unfortunately, when one out of six violent crimes is occurring in the workplace, law enforcement agencies must take a harder look at what their responsibility should be. The mind set of after-the-fact, reactive tactics under the guise of inadequate resources should be reexamined. Businesses should have an avenue of information available to them regarding workplace violence issues. This can best be achieved by effective use of law enforcement personnel knowledgeable in preventive measures and behavioral observation training. Through effective performance and rapport with the business community, law enforcement can take positive action to educate business leaders and security chiefs on these issues. For law enforcement to play a greater role in addressing this societal plague they must understand the problem and the prevailing approaches being offered

to deal with it.

**UNDERSTANDING WORKPLACE VIOLENCE:** Acts of workplace violence generally fall into one of four categories. The first of these is violent crimes directed against commercial establishments. The greatest number of deaths occur in this grouping. A convenience store holdup or a bank robbery typifies this grouping. The second category is hate crimes and acts of terrorism. The bombing of the World Trade Center is an example of the second category. The third classification is obsessive and misdirected affection. This category often begins as a domestic dispute at home that escalates. Unchecked the violent behavior spills into the workplace where innocent parties also become victims. The last category is violence directed at an employee and/or an employer. This category is the most horrific because of its spontaneity and seemingly unprovoked nature. Although this category does not represent near the numbers as commercial-related killings it, nevertheless, due to its sensational nature, receives greater news coverage. Workers killing workers has a morbid appeal to the press and is invariably the lead story on the evening news and front page the next morning.

Law enforcement efforts in the first two categories have been highly successful in view of diminishing resources at the local, state and federal enforcement levels. However, the last two categories present the greatest challenge to law enforcement because they require new approaches and law enforcement techniques and tools that may be viewed as venturing outside the envelope of traditional law enforcement. Dealing effectively in workplace violence means using preventive tools through federal and state laws which criminalize threats, stalking, harassing phone calls, trespassing, violation of a restraining order, possessing, brandishing or exhibiting a dangerous weapon. It is the conveying of the availability of these tools to the business community that is most lacking in this area.

What is it about today's society that acts of workplace carnage are occurring at the rate of 15 per week? One of the leading authorities in the United States today on workplace violence

is Psychiatrist Park Dietz who heads the Threat Assessment Group in Newport Beach, California. Dr. Dietz has been on contract with the FBI's Behavioral Science Group at Quantico, Virginia, developing criminal profiles for several years. He has conducted extensive research in analyzing information of a person at high risk to cause violence in the workplace. Dr. Dietz sees this person as "chronically disgruntled, a troublemaker who is quick to perceive unfairness, injustice or malice in others. When he finally opens up to someone it is with a litany of gripes that extends back months, perhaps years. This person does not accept responsibility for his problems, anything that goes wrong in his job is someone else's fault."

**PROFILING A KILLER:** To date there are no major comprehensive studies of personality type and psychopathology in workplace killers. A general lack of data available prohibits case studies from rendering conclusive findings. However, interviews of subjects, family members, acquaintances, coworkers and bosses coupled with police reports and follow-up evaluations can be quite revealing. Most authorities agree that the common traits of a person likely to commit murder in the workplace would include the following characteristics:

- o A caucasian male in his late 30s and 40s
- o A long history of frustration and personal failures
- o Emotionally distraught, an inability to cope with disappointment
- o An unusual fascination for firearms, particularly the exotic weapons like the Uzi and AK-47
- o A collapsed support system, divorced, estranged, few personal friends
- o Intimidating personality, defiant, and highly opinionated
- o Has expressed frustration via threats verbally and in writing
- o A specific event usually triggers his emotional rage

An individual with these traits does not necessarily represent a threat to a business unless there are accompanying warning signs. These warning signs are often present years or months

before the act of violence occurs. In many instances the warning signs do not take on significance to the supervisors and fellow co-workers until after the incident has occurred and then it is too late. The most common signs displayed by an individual prone to commit workplace violence is:

- Makes threats or belligerent comments about violence
- Behavior becomes erratic
- Has become increasingly irritable and has trouble with authority
- Exhibits paranoid behavior
- Loss of sense of humor
- Lacks sentimentality
- Inability to cope with disappointment
- Has a fascination with violence

Although far from being complete these attributes appear all too commonplace once a post-incident analysis of workplace violence has been conducted. Take the case of Paul Calden, the former Fireman's Fund employee. In retrospect he met many of the familiar signs of someone going over the edge. To start with he was a 33-year-old white male who owned a handgun and had a long history of job frustration. This doesn't tell us much since it aptly describes a large portion of the white male population. But probing further there are many other telling signs. Calden began acting strange at work. He would tell fellow workers that he was from a distant planet and he had to have massive blood transfusions to stay alive. He began bringing an automatic pistol to work in his brief case which was disturbing to his fellow workers. He lost his sense of humor and complained frequently. He wrote a memo to his supervisor requesting that a co-worker be admonished for making derogatory comments about his alma mater, the University of Florida. Calden had a history of threatening his supervisors and coworkers. He once threatened a female employee who parked her car in his favorite

parking spot even though there was no assigned parking. He had trouble with his supervisors and threatened to sue Fireman's Fund for defamation and harassment on several occasions.

The carnage at Fireman's Fund first appears to be an irrational, indiscriminate act of violence. However, a further review discloses that it may have been planned for some time. Tom Harpley of National Trauma Services in San Diego, believes the most significant characteristic of the workplace murderer is the source of his identity. Because of the frivolous nature of his interpersonal relationships, loss of a job is equated with the actual loss of existence. Harpley believes the unemployed worker's need for revenge may be compared to the actions of a person who has lost a loved one to murder. The desire to see the perpetrator pay for the crime, perhaps even to die, becomes of paramount importance, even though such actions can never bring back the victim. When viewed in this light the violence committed by such persons is no longer an irrational, random occurrence. It is the logical consequence of the employee's job loss.

ADDRESSING THE ISSUE: Why should law enforcement get more involved? Because violence in our society has escalated to a point that every available resource should be mobilized to stop it. Futurists are predicting our society will become even more violent in years to come. Seldom a day passes that we do not read or hear about a violent incident involving our youth. The American Psychological Association Commission on violence and youth report that kids carry an estimated 270,000 guns to school everyday. Teenagers are 2 1/2 times more likely to be victims of violent crimes than those over the age of 20. In a Harris poll of 2,500 school children, grades 6 through 12, nearly 40% said they know of someone who had been either killed or injured by gunfire, and 35% believed they would be shot in their lifetime.

Recognizing the demographic shifts in our society, the failing U. S. education system and the unworkable penal system futurists are now predicting concern for the workforce in the year 2000. In a Washington Post article published September 9, 1993, it was reported that nearly

1/2 of all Americans read and write so poorly that it is difficult for them to hold a decent job. The article further reported that the most difficult tasks that 90 million adults can perform include calculating the difference in the price of two items and filling out a Social Security form. According to the Bureau of Justice Statistics, 3.1 million adults are presently under court supervision, 2.6 million are on probation, and 531,000 are on parole. Ninety-three percent of these are convicted violent offenders. By the year 2000, one in every 99 adults will have been incarcerated. What does all this mean? Simply put, the teenagers committing the bulk of the violent crimes today are the future workers in our businesses tomorrow.

**WORKPLACE VIOLENCE PREVENTION PROGRAMS:** The most effective way to address workplace violence is to build a comprehensive prevention program. Law enforcement personnel should be aware of what experts are recommending and companies are instituting in prevention programs across the country. Prevention programs are the only present alternative to reducing the problem. Studies in predicting violent behavior such as the treatise written by Professor John Monahan at the University of Virginia in 1981 are not encouraging that we will ever have the capability to predict violent behavior. However, it is possible, like discovering some new vaccine, a statistically validated test for predicting violence at work will be developed - but not likely.

Most businesses are addressing the problem by taking two recommended approaches: The first step is to design a systematic and consistent pre-employment screening procedure for new employees. The process should be devised to identify and eliminate individuals who have a history of violent behavior. Most behavioral science experts will agree conclusively that past behavior is symptomatic of future behavior. Identifying and eliminating the job candidates with prior violent behavior is critically important. At the very least companies should be making checks for criminal convictions and contacting previous employers. They should be documenting all contacts with previous employers even if no information was provided. This establishes a



record that a good faith effort was made by the employer to obtain previous employment information on the candidate.

Secondly, more businesses and institutions are establishing prevention programs. A workplace violence prevention program should consist of five key components. First, a policy statement articulating the company's position regarding threats and harassment; second, an educational program for workers that emphasizes the warning signs of violent behavior; third, a procedure for reporting threats and unacceptable conduct; fourth, a structured investigative process for reviewing and taking action on threats; and last, contingency plans for an actual incident of tragedy.

- The policy statement should be written with input from Human Resources, Security, and Corporate Counsel. It should be written at a level that all employees can understand. Last, it should be straightforward and articulate the sanctions that can be taken if violated.
- An educational program on workplace violence should be mandatory for all managers and supervisors. They should be trained on how to spot the telltale signs of someone going over the edge, defusing anger, and positive/negative styles of management. If resources permit the training should be extended to as many workers as possible.
- Establish a reporting system so that harassment, threats and violent conduct are communicated up the chain of command where they can be evaluated and appropriate action rendered. It is critical that employees know how to report threats and threatening behavior.
- A system of receiving, reviewing, investigating and acting on threat information should be devised. A Threat Assessment Team made up of representatives of Human Resources, Security and Legal Counsel personnel are best suited to serve this function. All threats, irregardless of their origin, should be documented even if no action is taken.

- Develop a company contingency plan for a worse-case scenario of workplace violence. Key personnel in the company should be identified and their roles defined. Liaison should be established with law enforcement, medical facilities, and security experts. A company spokesperson should also be designated as the point of contact for any media inquiries.

Businesses that develop prevention programs are not only taking steps to reduce the likelihood of violence occurring but also are sending a message to their employees that they care about their health and well-being. But no plan developed is worth the paper it's written on without a commitment from the top. Top management must be willing to commit both the time and the resources necessary to develop a viable violence prevention program. The vitality and success of the program will hinge on the up-front commitment of the company's decision makers. In recognizing worker safety as a top priority and pledging the resources to accomplish this objective top management greatly reduces in-house resistance that is always present when new initiatives are introduced.

**CONFRONTING THE CHALLENGE:** Many businesses are reluctant to get law enforcement involved in potential violent situations at work. There are several reasons for this. One of the reasons is the belief that no problem is too big that it cannot be handled in-house. Businesses will take extraordinary action to avoid any kind of adverse publicity. Often when law enforcement is involved and particularly when an arrest is made the news media becomes aware of the event. Business leaders do not want to air their dirty linen in public. It hurts business and profitability of the company. Because of many state disclosure laws, by excluding the police they escape the possibility of any unfavorable press in the event police are summoned and an employee is arrested. Usually by the time law enforcement is alerted to the problem it has escalated to a point where the actions of the business can neither contain nor control the problem. When at last law enforcement has been notified it has reached the stage of

confrontation. Not knowing the background of the situation law enforcement will often take the "worst case" scenario and prepare to utilize the swat team if necessary.

Another reason that companies do not turn to law enforcement for assistance is that many business leaders still do not see threatening conduct as a real problem in their companies. However, studies indicate the number of incidents of workplace violence is much greater than is being reported. A report released on October 18, 1993, by the Northwestern National Life Insurance Co., indicated that one in four full-time workers was harassed, threatened or assaulted at work in the year ended July, 1993. What is particularly disturbing about the Northwestern study is that many acts of workplace violence never get reported. Fifty-eight percent of those responding to the survey indicated they had been harassed, and 43% reported they had been threatened but did not report the incidents to anyone. Approximately 21% of those surveyed claimed a co-worker had threatened them during the last year and about one out of every six attacks involved a lethal weapon. Clint Van Zant, a Special Agent with the FBI's Behavioral Science Group at Quantico, Virginia, agrees that historically threats, intimidation and stalkings are grossly underreported to law enforcement. According to Van Zant, "People are reluctant to report this conduct because there really isn't a mechanism in place to handle it." Two responses are typical of persons who do not report threats: first, they do not report threats because they think the person making the threat is kidding, and secondly, supervisors are afraid to report the incident for fear of retribution.

Companies are also reluctant to reach out to law enforcement because of the liability and legal considerations of tort and employment law in claims arising out of violent incidents at work. These claims may include negligent hiring, negligent retention, defamation, slander, invasion of privacy and false imprisonment. In addition, there may be violations of the Civil Rights Acts and the Americans with Disabilities (ADA) and Rehabilitation Act.

Last, there is a perception among business leaders that law enforcement is too busy with

the everyday crimes of rape, robbery, drug trafficking , etc., to get involved in situations at work.

**LAW ENFORCEMENT APPROACHES:** The most effective approach that law enforcement can take in workplace violence prevention is to forge working relationships with the business community. This can best be achieved by providing educational programs designed to inform businesses of their own security responsibilities. Considering the quantity of material that has been written about workplace violence, businesses across America are still "babes in the woods" when it comes to dealing with this problem. They are slow in implementing preventive programs and very often security chiefs simply cannot sell the concept of prevention to the company leaders. Yet a prevention program is the center piece of any litigation and the first line of defense when faced with the question of "What have you done to ensure your workers' safety when a catastrophic event occurs?" Once an incident has escalated to the point that law enforcement intervention is necessary business concerns of negative publicity becomes secondary to the safety and well-being of the workers. This is where pre-planning initiatives pay off. If effective liaison has been developed in the business community, then the Director of Security or chief personnel officer are aware of the role law enforcement will play in resolving the critical incident.

Secondly, law enforcement organizations can take the lead in instituting aggression behavior training. Progressive departments are training officers to use alternative means of coping with confrontational and combative people. This training equips officers with the skills to resolve aggressive or combative situations in the least physical way using techniques of psychology, body language, distraction and other means not involving weapons. Such is the case in Hillsborough County, Florida. The Hillsborough County Sheriff's Office recently announced that in 1995 they will institute domestic violence training for about 40 Tampa Bay area police officers. This training at the patrolman level is an excellent vehicle in understanding the

dynamics of domestic violence situations that so often spill into the workplace. No doubt these officers will be called on to defuse potentially-violent situations that have occurred in businesses.

Lastly, law enforcement assistance can provide businesses with access to criminal history data. The accessibility of criminal information to law enforcement agencies has always been an obstacle in effectively dealing with individuals who have engaged in assaultive conduct such as threats and harassment. The federal government has taken steps recently to assist states in dealing with domestic violence and stalking. President Clinton signed a crime legislation bill into law on September 13, 1994, called the Violent Crime Control and Law Enforcement Act of 1994. This new law has a provision in Subtitle F captioned: "National Stalker and Domestic Violence Reduction" that will be extremely helpful to state and local law enforcement agencies. It permits information from national crime information databases to be disseminated to civil or criminal courts for use in domestic violence and stalking cases. The law also allows federal and state criminal justice agencies to enter information into criminal information databases. Arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence are included in the law. Congress defined "national crime information databases" as the National Crime Information Center (NCIC) and its criminal history databases, including the Interstate Identification Index. The new law also provides for grant money to state and local government to improve processes for entering data regarding stalking and domestic violence into local, state, and national crime information databases.

The new law will give law enforcement greater access to information on individuals who have prior criminal histories and may be continuing their threatening behavior in the business world. State and local law enforcement will have a greater capacity to determine past criminal conduct of stalkers and subjects who have violated restraining orders.

**ACCEPTING THE CHALLENGE:** As acts of workplace violence increase, the public

reacts by demanding that something be done. Businesses across the U. S. are recognizing the problem and beginning to take notice that preventive programs are the only viable alternative to reducing the number of incidents. Comprehensive pre-employment screening coupled with instituting workplace violence prevention programs are the most effective way of dealing with this office scourge. Threats, intimidation and violence have no place in the business world. Law enforcement at all levels can play a vital role in assisting businesses and institutions in an aggressive awareness campaign. Forging liaisons with the business leaders and security chiefs is a starting point. Training police officers in behavioral observation techniques and aggression-behavior training is an ideal way of conveying to the business community that police assistance does not always mean confrontational encounters. Providing greater accessibility to crime data through new laws like the Violent Crime Control and Law Enforcement Act of 1994 permits information from national crime data bases to be used in civil and criminal courtrooms in addressing dangerous individuals.

Unless our society makes drastic changes, violence will continue to increase in the workplace. Law enforcement can accept the challenge and play a pivotal role in educating and assisting corporate America in dealing with these difficult situations.

**Monday, February 13, 1995**  
**4:00 -- 5:30 p.m.**

**Concurrent Session**

**HOW TO DEAL WITH FRAUD AND  
DISHONESTY OF EMPLOYEES OR STUDENTS**

**Faculty:**

**Julie Gross Adelson**  
**William Kibler**  
**Joan Van Tol**

