

**Cyber Bullying**

Assault  
Warning  
Signs of  
Violence

Employee  
Assistance  
Programs  
Considerations

Behavioral Risks Assessment

Psychological  
First Aid

**Written Policy**

Active Shooter/  
Active Threat  
Evacuation Plan

Risk Assessment

**Insider Threat**

Risk Assessment  
Computer Security

Workplace Security

**Workplace Violence Response**

**Facility Security & Protection**

**Bullying**

Incident Response  
Team

Active Shooter/  
Active Threat

Threat Assessment

**Insider  
Threat**

Security  
Measures

Planning &  
Prevention

**Stalking**

**Workplace  
Violence  
Prevention**

Organization  
Recovery  
Post-Incident

# Violence in the Federal Workplace:

## Appendices A, B, and C:

Awareness, Resources, and Case Studies

2019



Interagency  
Security  
Committee

## Change History

Rev. #	Date	Changes	Approver
1.0	1998	Initial issue	Office of Personnel Management
2.0	2010	Complete document revision	Interagency Security Committee
3.0	2013	Complete document edit and structural revision; separation of appendices into standalone documents	Interagency Security Committee
4.0	2019	Completed document edits and structural revision; Appendix A, B and C created as separate standalone documents	Interagency Security Committee

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# Appendix A: Awareness

## 1.0 Threat Awareness

The nature of criminal and terrorist threats to Federal facilities and employees has changed substantially over time, and it is management's job to ensure the effectiveness of protective measures changes as well. Employees want to know what their agency is doing to protect them and their facilities and what measures to take to protect themselves. Since it is impossible to know with any certainty whether a threat is going to be carried out, the agency should always approach facility and employee security in a serious manner and prepare as though a potential or known threat will evolve into a hostile act.

Many Federal agencies have awareness programs in place to educate the Federal workforce about preventing workplace violence. Employees should not only recognize the four classic types of workplace violence described in the main guide (i.e., criminal intent, customer/client, employee-on-employee, and personal relationship), but should also be aware of other possible precursor behaviors to violent acts in the workplace. Workplace aggression may involve more subtle acts of incivility or emotional abuse, or may take the more overt form of intimidation or hostility. These types of negative behaviors may pose a risk to others, especially if they occur frequently over a given period of time. This persistent, systematic mistreatment of an individual or individuals in the workplace is referred to as workplace bullying. Employees also need to be aware of potential issues that could result in workplace violence, such as problems among employees or behaviors suggesting the potential for violence. For example, victims of domestic violence may have frequent, unexplained absences or wear seasonally inappropriate clothing to cover injuries. Perpetrators of domestic violence may commit cyber-stalking by obsessively telephoning, texting, or emailing their target throughout the work day.

## 1.1 Risk Management Process

Physical security of nonmilitary Federal employees, contractors, visitors, and facilities has improved since the April 1995 attack on the Alfred P. Murrah Federal Building in Oklahoma City, with the creation of the Interagency Security Committee (ISC). President Clinton issued Executive Order (EO) 12977 establishing the ISC, which is today a component within the Department of Homeland Security (DHS). The ISC is a permanent body with representatives from 60 Federal departments and agencies working together to address continuing government-wide security needs for nonmilitary Federal facilities. The ISC establishes security standards and oversees implementation of countermeasures to address current and future risks, thus helping ensure the safety and security of nonmilitary Federal facilities and the individuals within them from all hazards.

*The Risk Management Process: An Interagency Security Committee Standard (RMP)* defines the criteria and processes those responsible for the security of a facility should use to determine its facility security level, and provides an integrated, single source of physical security

countermeasures. The Standard also provides guidance for customization of the countermeasures for Federal Facilities.<sup>1</sup>

A facility with a high facility security level (FSL) will naturally require a greater level of protection (LOP), while a facility with a lower FSL faces a lower risk and does not require the same LOP as a facility with a higher FSL. Furthermore, the ISC developed *Appendix A: The Design-Basis Threat (DBT) Report*<sup>2</sup> for official use only (FOUO), a standalone threat document to be included in the ISC risk management process. The DBT:

- Establishes a profile of the types, composition, capabilities of adversaries, and target attractiveness;
- Establishes the characteristics of the threat environment to be used in conjunction with ISC security standards;
- Supports the calculation of the threat, vulnerability, and consequence to a facility when calculating risk to a Federal facility and determining the appropriate LOP;
- Determines specific adversary characteristics that performance standards and countermeasures are designed to overcome; and
- Provides a baseline threat rating.

Each event provides sufficient information from which the threat, consequences, and vulnerability can be extrapolated while conducting a risk assessment. Workplace violence is one of the events covered in the DBT. Specific information unique to the facility or locale may also be used to estimate the threat level from each event type. Local crime statistics, the tactics of adversary groups known to be operating in a particular area, and other actionable intelligence may modify the threat rating from the baseline.

In addition to the RMP and its appendices, the ISC also publishes documents related to active shooter scenarios and the proper training and equipping of security personnel. All non-FOUO documents are available on the ISC website at <https://www.dhs.gov/isc-policies-standards-best-practices>. Authorized users may request the FOUO versions of specific documents by contacting the ISC at: [ISCAccess@hq.dhs.gov](mailto:ISCAccess@hq.dhs.gov)

## 2.0 Threat Assessment Team

Prior to operating, threat assessment teams should take specialized training in behavioral risk assessment and management, including tabletop exercises designed to simulate behavioral scenarios for evaluating violence risk potential and corresponding management strategies. Core membership of threat assessment teams are usually comprised of legal, law enforcement, security

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<sup>1</sup> ISC, *Risk Management Process for Federal Facilities*.

<sup>2</sup> ISC, *Risk Management Process for Federal Facilities: Appendix A, Design-Basis Threat (DBT) Report (FOUO)*.

organization, Facility Security Committee (FSC), management, employee relations, employee assistance program personnel, and union representatives.

Once established, threat assessment teams should schedule recurring educational forums and refresher training in areas established by an agency-specific workplace violence prevention program curriculum. As they operate, threat assessment teams should meet routinely to discuss current cases and continuously evaluate case assessment and management through after-action reviews. In combination with a personal and physical asset security program, the threat assessment team is an integral part of an advanced workplace violence prevention and response program.

### **3.0 Workplace Violence Risk/Threat Assessment**

A workplace risk assessment examines the physical facilities, the surrounding environment, and every function or job performed onsite to identify and quantify both real and perceived security risks. The assessment process involves:

- Reviewing injury data and policies;
- Reviewing incident reports and records (including safety and security);
- Requests for staff input; and
- Performing a thorough inspection of the physical property.

The final product of a workplace risk assessment identifies both the potential risks and the methods used to reduce or eliminate those risks. In addition, the assessment assists in establishing and/or maintaining a performance measurement cycle to enhance decision-making for the allocation of resources in the attempt to prevent attacks upon personnel and/or facilities.

A risk assessment for workplace violence evaluates who may be exposed, when and how often the exposure is likely to occur, and under what conditions. The purpose of the assessment is to enable the employer to implement those measures necessary to protect the agency's workforce. Rating the assessed risks as high or low will help determine priorities when implementing risk management strategies. For example, the risk of violence may be considered high if it happens frequently (e.g., customer service disputes) or if the consequences are potentially severe (e.g., armed robbery).

Some common components of a workplace violence risk assessment include:

- Staff input;
- Current practice review;
- Data analysis; and
- Strategy development.

## 3.1 Staff Input

- Interview staff in the agency to determine if and under what circumstances violence occurred in the past.
- Ask employees about their safety concerns and how they dealt with incidents or threats of violence.
- Gather information through confidential surveys; this may be the most effective method to compile complete and unbiased information.
- Survey employees to get their ideas on the occurrence and potential for violent incidents; to help identify jobs, locations, or work situations where the risk of violence appears highest; and to identify or confirm the need for improved security measures.
- Repeat surveys at regular intervals or as necessary.

Employee information and feedback is the most important component of the risk assessment process.

## 3.2 Current Practice Review

Thoroughly review the agency's current safety programs and procedures, such as:

- Occupant emergency plans;
- Harassment policies;
- Hiring and termination practices;
- Task-specific safety procedures; and
- Insider threat program.

Check to be certain the following items are adequate:

- Inputs and process measures of budgetary resources;
- Human capital;
- Materials and services; and
- Facilities and equipment.

Check to be certain the risk management functions and activities undertaken are correctly geared toward achieving the objective.

## 3.3 Data Analysis

Use security reports and information from the staff interviews/surveys to determine:

- Who is exposed to potential violence;
- The type of interpersonal interactions or tasks that may lead to violent incidents;

- The circumstances of such incidents; and
- The usual or likely outcome.

Ensure the outcomes or results represent the impact of the organization upon its customers or problems in such a way as to achieve the desired workplace conditions and prevent undesired conditions or incidents.

### **3.4 Strategy Development**

Choose strategies that best manage the risks identified for the agency. Some strategies may include:

- Develop or revise general and task-specific safety procedures; and
- Revise staff training and consider scheduling a special session to discuss issues found in the risk assessment.

### **3.5 Countermeasures**

Many countermeasures form the front-line defense for preventing violence from occurring in the workplace. Examples include:

- Building access controls;
- Alarm systems;
- Video surveillance systems;
- Magnetometers and X-ray machines;
- Security/police presence;
- Unique badges/photo identification; and
- Timely reporting of suspicious or threatening activities with threat appropriate response.

In some cases, the onsite Federal law enforcement or security entity charged with protecting a facility may provide information on restraining orders/documents involving domestic violence situations, helping to keep employees and visitors safe from known threats. However, no single countermeasure can effectively negate all risks. The degree of each measure's effectiveness can be enhanced with regular testing to determine how well they work. Testing encompasses such elements as determining if equipment is calibrated properly, security guards are knowledgeable in post-order procedures, and if intrusion detection systems are activating properly. Testing could also include planned exercises to try and breach security to ensure existing countermeasures are capable of securing the facility against an established set of testing protocols.

One of the most important countermeasures is intelligence and information. These remain the foundation for effective risk assessment and facility protection issues. All employees are responsible for maintaining an awareness of their surroundings, including coworkers and patrons. Any warning signs an employee notices in coworkers or patrons should be appropriately reported and investigated.

## 4.0 Insider Threat Program Information

Building a baseline understanding of the personalities and behavioral norms of those previously defined as “insiders” will make detecting deviations from these norms easier.

Some general behavioral characteristics of insiders at risk of becoming a threat include:

- Introversion;
- Greed/financial need;
- Minimizing their mistakes or faults;
- Inability to assume responsibility for actions;
- Vulnerability to blackmail;
- Intolerance of criticism;
- Compulsive and destructive behavior;
- Rebellious/passive aggressive behavior;
- Lack of empathy;
- Self-perceived value exceeds performance;
- Ethical “flexibility”;
- Predisposition towards law enforcement;
- Reduced loyalty;
- Pattern of frustration and disappointment;
- Entitlement and/or narcissism (ego/self-image); and
- History of managing crises ineffectively.

Individuals that exhibit these characteristics may eventually carry out malicious activity against the organization. One of the best prevention measures is to train employees to recognize and report behavioral indicators exhibited by peers or business partners.

These behaviors and indicators, whether detected by technology or human observation, are intended to help detect a malicious insider. However, it is equally important to create productive and healthy work environments to help reduce the unintentional insider threat. Some countermeasures include:

- Training employees to recognize phishing and other social media threat vectors;
- Train continuously to maintain the proper levels of knowledge skills and abilities;
- Conduct training on and improve awareness of risk perception and cognitive biases that affect decision making;
- Improve usability of security tools;
- Improve usability of software to reduce the likelihood of system-induced human error;
- Enhance awareness of the unintentional insider threat;
- Provide effective security practices (e.g. two-factor authentication for access); and
- Maintain staff values and attitudes that align with organizational mission and ethics.

The National Insider Threat Task Force (NITTF) published the “NITTF Maturity Framework” which can be found online at:

[https://www.dni.gov/files/NCSC/documents/nitff/20181024\\_NITTF\\_MaturityFramework\\_web.pdf](https://www.dni.gov/files/NCSC/documents/nitff/20181024_NITTF_MaturityFramework_web.pdf)

For additional information on insider threat mitigation strategies, refer to DHS’s Cybersecurity and Infrastructure Security Agency (CISA) website on Insider Threat Mitigation:

<https://www.dhs.gov/cisa/insider-threat-mitigation>

Additional information on EO 13587, *Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information*, can also be found online at: <https://obamawhitehouse.archives.gov/the-press-office/2011/10/07/executive-order-13587-structural-reforms-improve-security-classified-net>

## 5.0 Active Shooter/Active Threat Preparedness

**Note:** The following section was drawn largely from the DHS website regarding Active Shooters/Active Threats, available online at: <http://www.dhs.gov/active-shooter-preparedness>

DHS aims to enhance preparedness through a “whole community” approach by providing training, products, and resources to a broad range of stakeholders on issues such as active shooter/active threat awareness, incident response, and workplace violence. The ISC has published *Planning and Response to an Active Shooter: An Interagency Security Committee Policy and Best Practices Guide*, which helps agencies establish baseline protocols for active shooter/active threat situations. To request access to an FOUO version of this document, email the ISC at: [ISCAccess@hq.dhs.gov](mailto:ISCAccess@hq.dhs.gov)

In many cases, there is no pattern or method to the selection of victims by an active shooter/active threat, and these situations are, by their very nature, unpredictable and quickly evolving. DHS offers free courses, materials, and workshops to better prepare the public to deal with an active shooter/active threat situation and to raise awareness of behaviors that represent pre-incident indicators and characteristics of active shooters.

Topics and resources covered in this Appendix include:

- *Active Shooter: What Can You Do* Course
- Active Shooter Webinar
- Active Shooter Workshop Series
- Active Shooter: How to Respond Resource Materials
- Options for Consideration Active Shooter Training Video
- U.S. Secret Service (USSS) Attack Prevention Research
- Active Shooter Resources for Law Enforcement and Trainers: Request for Access to Joint Countering Violent Extremism (CVE) Portal

## 5.1 DHS Independent Study Course

DHS developed an Independent Study Course titled *Active Shooter: What You Can Do*. This course was developed to provide the public with guidance on how to prepare for and respond to active shooter/active threat crisis situations.

Upon completion of *Active Shooter: What You Can Do*, employees and managers will be able to:

- Describe the actions to take when confronted with an active shooter/active threat and to assist responding law enforcement officials;
- Recognize potential workplace violence indicators;
- Describe actions to take to prevent and prepare for potential active shooter/active threat incidents; and
- Describe how to manage the consequences of an active shooter/active threat incident.

The online training is available through the Federal Emergency Management Agency (FEMA) Emergency Management Institute (EMI) at: <https://emilms.fema.gov/IS907/curriculum/1.html>. Additional training for law enforcement is available at FEMA Law Enforcement Active Shooter Emergency Response at: <https://ncbrt.lsu.edu/courses/dhs/PER-275.php>

## 5.2 DHS Webinar

A 90-minute webinar (<https://www.dhs.gov/active-shooter-emergency-action-plan-video>) is intended to help the private and public sector understand the importance of developing an emergency response plan and the need to train employees on how to respond if confronted with an active shooter/active threat. The presentation describes the three types of active shooters—workplace/school, criminal, and ideological—and how their planning cycles and behaviors differ.

## 5.3 DHS Workshop Series

Active shooter/Active threat workshops already take place in a number of U.S. cities and will continue to be held in a number of locations in the future. These scenario-based workshops feature facilitated discussions to engage private sector professionals and law enforcement representatives from Federal, state, and local agencies to learn how to prepare for, and respond to, an active shooter/active threat situation. Through the course of the exercise, participants evaluate current response concepts, plans, and capabilities for coordinated responses to active shooter incidents.

If you are interested in future workshops, please contact: [ASworkshop@hq.dhs.gov](mailto:ASworkshop@hq.dhs.gov)



## 5.4 DHS Resource Materials

DHS has developed a series of materials to assist businesses, government offices, and schools in preparing for and responding to an active shooter/active threat. These products include a desk reference guide, a reference poster, and a pocket-size reference card.

Issues covered in the active shooter/active threat materials are:

- Profile of an active shooter;
- Responding to an active shooter or other workplace violence situation;
- Training for an active shooter situation and creating an emergency action plan; and
- Tips for recognizing signs of potential workplace violence.

The following is a list of DHS active shooter materials:

- Active Shooter Booklet: <https://www.dhs.gov/sites/default/files/publications/active-shooter-how-to-respond-2017-508.pdf>
- Active Shooter Poster: [http://www.dhs.gov/xlibrary/assets/active\\_shooter\\_poster.pdf](http://www.dhs.gov/xlibrary/assets/active_shooter_poster.pdf)
- Active Shooter Poster (Spanish): <http://www.dhs.gov/xlibrary/assets/active-shooter-poster-spanish.pdf>
- Active Shooter Pocket Card: [http://www.dhs.gov/xlibrary/assets/active\\_shooter\\_pocket\\_card.pdf](http://www.dhs.gov/xlibrary/assets/active_shooter_pocket_card.pdf)
- Active Shooter Pocket Card (Spanish): <http://www.dhs.gov/xlibrary/assets/active-shooter-pocket-spanish.pdf>

## 5.5 DHS Training Video

The Options for Consideration video demonstrates possible actions to take if confronted with an active shooter/active threat scenario. The instructive video reviews the choices of evacuating, hiding, or—as an option of last resort—challenging the shooter. The video also shows how to assist authorities once law enforcement enters the scene. The video is available online at:

<http://www.dhs.gov/video/options-consideration-active-shooter-training-video>

## 5.6 USSS Resources

The USSS makes available a number of resources regarding preventing targeted attacks:

- Campus Attacks: Targeted Violence Affecting Institutions of Higher Education: <https://www2.ed.gov/admins/lead/safety/campus-attacks.pdf>
- Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack: <https://files.eric.ed.gov/fulltext/ED511645.pdf>

- Assassination in the United States: An Operational Study of Recent Assassins, Attackers, and Near Lethal Approaches:  
<https://www.secretservice.gov/data/protection/ntac/ecsp1.pdf>
- Threat Assessment: An Approach to Prevent Targeted Violence:  
<https://www.secretservice.gov/data/protection/ntac/tatv95.pdf>
- Threat Assessment: Defining an Approach for Evaluating Risk of Targeted Violence:  
<https://www.secretservice.gov/data/protection/ntac/tatv99.pdf>

For more information on USSS programs, see: <https://www.secretservice.gov/protection/ntac/>

## 5.7 DHS Resources for Law Enforcement and Trainers

DHS, in partnership with the Federal Bureau of Investigation (FBI) and the International Association of Chiefs of Police, has launched a CVE Training Resource web portal on the Homeland Security Information Network (HSIN). The purpose is to provide federal, state, local, tribal, territorial, and correctional law enforcement with the most current CVE training materials, case studies, analytic products, and other resources. The materials on the portal are restricted for law enforcement training use only and will contain unclassified/FOUO/law enforcement sensitive information (LES).

To request access to the Joint CVE Portal, send an email to [CVEPortal@HQ.DHS.gov](mailto:CVEPortal@HQ.DHS.gov). In the subject line, write “Request for Access to Joint CVE Portal.” In the body of the email, provide your full name, email address, business phone, and organization/agency.

## 6.0 Employee Relations Considerations

Understanding employee relations issues that come into play in violent and potentially violent situations is important for all members of the agency planning group. It helps in coordinating an effective response, in determining whether outside resources will be needed in certain situations, and in ensuring appropriate disciplinary actions are taken.

In many agencies, the employee relations staff coordinates the agency’s workplace violence prevention program. One reason is that most reported incidents will result in some type of disciplinary action. Additionally, since the goal of the workplace violence prevention effort is early and effective problem behavior management, reporting incidents to the employee relations office can result in swift disciplinary action that stops the unacceptable behavior before it can escalate. When another office (e.g. a security office) is responsible for coordinating the response effort, immediate involvement of the employee relations staff should be required for an effective response.

This section will discuss:

- Administrative options available in removing potentially dangerous employees from the worksite;

- Taking appropriate disciplinary action based on violent, threatening, harassing, and other disruptive behavior;
- Responding to an employee who raises a medical condition/disability as a defense against the misconduct;
- Ordering and offering psychiatric examinations;
- Assisting employees in applying for disability retirement; and
- Information on appeals of disciplinary actions.

## 6.1 Administrative Actions to Keep an Employee Away from the Worksite

In situations where a disruption occurred on the job or where there is a belief the potential for violence exists, a supervisor may need to bar an employee from the worksite to ensure the safety of employees while conducting further fact-finding and deciding on a course of action.

### 6.1.1 Immediate and Short-term Actions

- **Immediate:** Place employee on excused absence (commonly known as administrative leave).
  - Placing the employee in a paid, non-duty status is an immediate, temporary solution to the problem of an employee who should be kept away from the worksite. Supervisors should remove physical access to the facility and logical access to information systems until the potential threat can be better assessed. Some employees placed on excused absence consider this measure to be punitive. However, relevant statute and case law indicate that as long as the employee continues receiving pay and benefits just as if he or she were in a duty status, placing the employee in an excused absence status does not require the use of adverse action procedures set forth in 5 United States Code (USC) §7501 et. seq.
  - Agencies should monitor the situation and move toward longer-term actions (as discussed below) when it is necessary, appropriate, or prudent to do so. Depending on the circumstances, it may also be a good idea to offer the employee the option to work at home while on excused leave.
- **Short Term:** Detail employee to another position. This can be an effective way of getting an employee away from the worksite where he or she is causing other employees at the worksite to be disturbed. However, this action will be useful only if there is another position where the employee can work safely and without disrupting other workers.

## 6.1.2 Long-term Actions

Supervisors are sometimes faced with a situation where information is insufficient to determine if an employee poses a safety risk, has committed a crime, or has a medical condition that might make disciplinary action inappropriate. To take an employee out of a paid duty status, an agency must use adverse action procedures that require a 30-day paid status during the advance notice of the adverse action. Included below are the two types of actions that place an employee in non-duty status.

- **Indefinite suspension:** An indefinite suspension is an adverse action that takes an employee off duty until the completion of some ongoing inquiry, such as an agency fact-finding inquiry into allegations of misconduct. Agencies usually propose indefinite suspensions when they will need more than 30 days to await the results of an inquiry, await the completion of a criminal proceeding, or make a determination on the employee's medical condition. Indefinite suspensions are 5 Code of Federal Regulations (CFR) § 752 adverse actions requiring a 30-day notice period with pay. This means that 30 days after an indefinite suspension is proposed the employee will no longer be in a pay status until the completion of the fact-finding mission, completion of the criminal proceeding, or determination of the employee's medical condition.
- **Indefinite enforced leave:** The procedure for indefinite enforced leave is the same as for an indefinite suspension—§ 752 adverse action procedures. It involves making the employee use his or her own sick or annual leave (after the 30-day notice period with pay) pending the outcome of an inquiry.

## 6.2 Disciplinary Actions

Where the supervisor possesses the relevant information regarding violent, harassing, threatening, and other disruptive behavior, the supervisor must determine the appropriate disciplinary action. 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.

The selection of an appropriate charge and related penalty should be discussed with the employee relations staff and the Office of the General Counsel (OGC) where appropriate. Some disciplinary actions are:

- **Reprimand and short suspension.** These lesser disciplinary actions can be used in cases where the misconduct is not serious and progressive discipline may correct the problem behavior. These lesser disciplinary actions are an excellent means of

dealing with problem behavior early in the process. They involve considerably fewer procedures than the adverse actions listed immediately below.

- **Removal, reduction-in grade, and suspension for more than 14 days.** Law and regulations<sup>3</sup> provide that an agency may take an adverse action against an employee only for such cause as will promote the efficiency of the service. A Federal employee against whom an adverse action is proposed is entitled to a 30-day advance written notice. A seven-day notice period instead of the usual 30 days is permitted “when the agency has reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed.”<sup>4</sup>

In either case, the agency must give the reasons for the proposed action in the written notice and provide the employee an opportunity to respond. The agency must consider the employee’s response and notify the employee when a decision has been made. If the agency’s final decision is to take the proposed action, the employee must be advised of the appeal rights to which he or she is entitled and the time limits that apply to those appeal rights.

## 6.3 Appeals of a Disciplinary Action

Once a disciplinary action is taken by an agency, the employee involved has various avenues of redress available, such as an agency’s administrative or negotiated grievance system. An employee can also appeal an adverse action (e.g., removal, demotion, or any disciplinary action greater than a 14-day suspension) through the U.S. Merit Systems Protection Board (MSPB). The Equal Employment Opportunity Commission (EEOC) may also be of assistance if the employee believes there was discrimination involved. Additionally, employees covered by a bargaining unit can turn to the union for guidance.

Numerous holdings by third parties uphold agencies’ rights to discipline employees who have threatened, intimidated, or physically injured their supervisors or coworkers, or otherwise caused a disruption in the workplace. **However, since case law relating to disciplinary actions and appeals processes are constantly evolving, agency officials should always consult their OGC and employee/labor relations specialists when considering disciplinary actions.**

The case studies in Appendix C provide practical examples of some of the issues discussed in this section.

## 6.4 Disabilities as a Defense against Alleged Misconduct

The EEOC issues important guidance specifically addressing potentially violent misconduct by employees with disabilities. Although this guidance deals specifically with psychiatric disabilities, it applies generally to other disabling medical conditions. An agency may discipline

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<sup>3</sup> 5 USC §7513(a), 01/03/2012 (112-90); 5 USC §7701(c)(1)(b) 01/03/2012 (112-90) and 5 CFR §752 (01/01/2005)

<sup>4</sup> 5 CFR §7513(b) 01/03/2012 (112-90)

an employee with a disability who violated a job-related rule (written or unwritten) and consistent with business necessity, even if the misconduct is the result of the disability, as long as the agency would impose the same discipline on an employee without a disability. The guidance specifically states that nothing in the Rehabilitation Act prevents an employer from maintaining a workplace free of violence or threats of violence.

The guidance specifically states reasonable accommodation is always prospective. Thus, an agency is never required to excuse past misconduct as a reasonable accommodation. A reasonable accommodation is a change to the workplace that helps an employee perform his or her job and may be required, along with discipline, when the discipline is less than removal.

For a detailed discussion of these points, see *EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities*, EEOC number 915.002, 3-25-97.<sup>5</sup> Interpretation of the Rehabilitation Act is complex, and any specific questions should be discussed with your OGC.

## **6.5 Ordering and Offering Psychiatric Examinations**

Supervisors should gain a better understanding of their rights (and limitations) regarding psychiatric examinations for employees. There are some absolute prohibitions in Federal personnel regulations regarding what medical information a supervisor can demand from an employee and every supervisor should learn what can be ordered and what can be offered. Discuss specific questions with your OGC. However, below is some basic information on psychiatric examinations.

### **6.5.1 Ordering a Psychiatric Examination**

Under 5 CFR § 339, an agency may order a psychiatric examination, or psychological assessment, under very rare circumstances.<sup>6</sup> The only time an employee can be ordered to undergo a psychiatric examination is:

- If he or she occupies a position requiring specific medical standards and the results of a current general medical exam the agency has the authority to order show no physical basis to explain actions or behavior that may affect the safe and efficient performance of the individual or others; or
- If a psychiatric examination is specifically required by medical standards or a medical evaluation program.

### **6.5.2 Offering a Psychiatric Examination**

Under 5 CFR § 339, an agency may offer a psychiatric evaluation or psychological assessment (or it may ask the employee to submit medical documentation) in any situation where it is in the

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<sup>5</sup> For access to this reference, visit: <http://www.eeoc.gov>

<sup>6</sup> 5 CFR §339.301 – 302 (01/01/2011)

interest of the Government to obtain information relevant to an individual's ability to perform safely and efficiently, or when the employee has requested, for medical reasons relating to a psychiatric condition, a change in duty status, working conditions, or any other benefit or reasonable accommodation. If the employee decides not to be examined or to submit medical documentation, the agency should act on the basis of the information available.

## 6.6 Disability Retirement

Supervisors should also gain a better understanding of their rights and limitations regarding assisting employees with disability retirement applications. The restrictions on filing a disability retirement on behalf of an employee are rigorous, so supervisors should understand their role in encouraging and assisting employees who wish to seek disability retirement.

Employees with medical disabilities may be eligible for disability retirement if their medical condition warrants it and if they have the requisite years of Federal service to qualify. In considering applications for disability retirement from employees, the Office of Personnel Management (OPM) focuses on the extent of the employee's incapacitation and ability to perform his or her assigned duties. OPM makes every effort to expedite any applications where the employee's illness is in an advanced stage.

It is important to note that OPM's regulations<sup>7</sup> specifically provide that an individual's application for disability retirement does not stop or stay an agency's taking and effecting an adverse action. An agency should continue to process an adverse action even while informing the employee of his or her ability to file an application for disability retirement, or informing family members they can apply on behalf of the employee.

### 6.6.1 Agency-filed Application for Disability Retirement

The conditions for filing an application for disability retirement on behalf of an employee are strictly limited. OPM set out five conditions that must be met before an agency can file on an employee's behalf.<sup>8</sup> If the following five conditions are met, the agency must file on the employee's behalf.

- The agency has issued a decision to remove the employee;
- The agency concludes, after review of medical documentation, the cause of the unacceptable performance, conduct, or leave problems is due to the disease or injury;
- The employee is institutionalized, or based on the agency's review of medical and other information, it concludes that the employee is incapable of making a decision to file on his or her own behalf;

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<sup>7</sup> 5 CFR §831.501(d) (02/04/2013), available online: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=f8a9bc18af98e4a9411a1f39862256c1&rgn=div5&view=text&node=5:2.0.1.1.18&idno=55>

<sup>8</sup> 5 CFR §831.1201-1206 (02/04/2013) (covering CSRS employees). For FERS employees, see 5 CFR §844.202 (01/01/2012).

- The employee has no representative or guardian with the authority to file on his or her behalf; and
- The employee has no immediate family member (spouse, parent, or adult child) who is willing to file on his or her behalf.



## Appendix B: Resources

### 7.0 Flyers

This section highlights various informative flyers related to workplace bullying and violent behavior indicators.

#### 7.1 Pathway to Violence

The following flyer provides an overview of the potential warning signs and appropriate response tactics individuals can take when a potential violent threat exists. This flyer can also be accessed online through the following link:

<https://www.dhs.gov/sites/default/files/publications/dhs-pathway-to-violence-09-15-16-508.pdf>



**Homeland  
Security**

## Pathway to Violence

Warning Signs and What You Can Do

### Be Alert to Signs of Trouble



Potential warning signs include:

- Increasingly erratic, unsafe, or aggressive behaviors.
- Hostile feelings of injustice or perceived wrongdoing.
- Drug and alcohol abuse.
- Marginalization or distancing from friends and colleagues.
- Changes in performance at work.
- Sudden and dramatic changes in home life or in personality.
- Financial difficulties.
- Pending civil or criminal litigation.
- Observable grievances with threats and plans of retribution.

### Appropriate Intervention



Help ensure the safety of you and your colleagues by:

- Being aware of drastic changes in attitude toward others.
- Taking note of any escalations in behavior.
- Providing any information that may help facilitate intervention and mitigate potential risks.

### Reach Out for Help



Concerned? Witnessed disturbing behavior?

Contact your supervisor or your human resources department to alert them of potential dangers and enable them to mitigate any emerging risks.

**You are the first line of defense. Report suspicious activity.**

In an emergency, always call 9-1-1 or contact local law enforcement.

## 7.2 Workplace Bullying Fact Sheet

### WORKPLACE BULLYING FACT SHEET

Gary Namie, PhD

Workplace bullying is defined as repeated, health-harming mistreatment by one or more persons: abusive conduct manifested as threats, intimidation, humiliation, work sabotage or verbal abuse.

Bullying involves control of others by one or more people who either take actions against others (acts of commission) or withhold social or material resources (acts of omission).

There is an agreed-upon set of defining conditions for bullying:

- unwelcome, unsolicited misconduct of targeted employees
- repeated behaviors that constitute a pattern over time
- harm or injury exacerbated by prolonged exposure
- perpetrators' intent to distress or control the target
- abuser has more power; targets cannot defend themselves

Adult bullying at work is most closely analogous to domestic violence without physical harm. It is primarily emotional abuse. Observers fault victims for not acting on their own behalf, overestimating the likelihood that they themselves would act. Institutions used to support abusers' rights before laws changed.

Though most bullies are lone actors, they always enlist cooperation from others creating a many-against-one situation for targets. The international pioneer, Heinz Leymann, called it mobbing.

#### Typical Tactics Used Against Targets

##### Disrespectful, destructive interpersonal conduct

- interrupting target's speech when communicating
- denying target's chance to reply to accusations
- hostile staring or glaring, inappropriate eye contact
- forbidding target's input in group settings
- humiliating target in front of colleagues in meetings, in front of other managers, vendors and the public
- physical space invasion to threaten & intimidate

##### Character assassination of targets

- claims of incompetence leveled against target with record of quality performance
- starting, or failing to stop, rumors
- defamatory portrayals, in-person or cyber-exchanges
- reputation smeared with next manager, internal or external

##### Exploitation of targets via abuses of managerial prerogative

- untrue or retroactively revised performance appraisals based on raters' attitudes vs. objective performance
- placement on veteran employee on "performance improvement" (PIP) plan to punish without chance to succeed
- failure by managerial perpetrator to clarify expectations then blame target for noncompliance
- denial of earned PTO, FMLA or scheduling fairness
- collaboration among managers to harass or terminate
- termination for vague descriptors such as "insubordinate," "conduct unbecoming," "did not follow instructions"
- lying about private meetings, relying on bias that managers are believed more than non-supervisory workers
- learning about a target's vulnerability, then exploiting it
- manager claims credit for target's accomplishments

- refusal to consider or implement physician-ordered accommodations for medical or disability-related conditions
- denial of target's rights granted by employer policies

##### Work interference - preventing targets from performing

- disproportionate scrutiny/monitoring applied only to target
- setting up target to fail - unrealistic workload, unattainable objectives, undoable deadlines, expectations uncertain
- denial of resources necessary to complete tasks
- assigned menial, demeaning tasks, not regular work

##### Ostracism, social exclusion of targets

- manager forbids coworkers to assist target with work
- punitive re-assignment to remote, isolated location
- peers of target encouraged to ignore or discount target in group settings



##### Personal criticisms that humiliate & shame - verbal & nonverbal

- name calling/labeling
- public mention of known target vulnerability, betrayal of confidential information shared with perpetrator
- false, baseless claims of incompetence or personality flaw

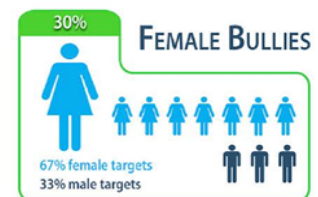
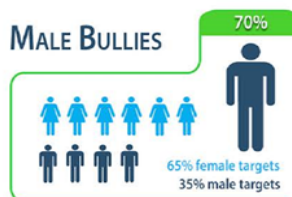
##### Perpetrators' emotional volatility

- public or private displays of mood swings - anger, rage
- target blamed for provoking bullying (vs. perpetrator personal responsibility)
- nonverbal assaults to instill fear in targets & witnesses
- gestures, crowding, lurking, surprise attacks
- feigned disgust or upset over trivial event

Of course, the list of tactics can never be complete given the cruel inventiveness of perpetrators who find novel ways to control and torment the workers they target.

#### U.S. Prevalence & Key Characteristics

WBI commissions national scientific prevalence surveys. In 2017, 37% of adult Americans reported being directly bullied or witnessing the bullying of others. When extrapolated to the U.S. workforce, 60.3 million workers are affected by bullying. 63% of the American public is aware of its existence. Women are the majority of targets (65%); 30% of abusers are women. Women bullies target women at twice the rate they bully men.





Bullying is mostly top-down, with perpetrators outranking their targets in 61% of cases, making the stereotype of a “bullying boss” real.



**Brief Profiles**

The profile of bullies suggests antisocial, narcissistic and Machiavellian traits. They exploit others and are sustained by support from higher-ranking managers and leaders. The fact that bullying is rewarded when employers explicitly encourage bullying as a management “style” or do so implicitly through indifference better explains bullying than perpetrator personality.

Bullied targets (victims) typically have superior technical skills, emotional intelligence, are ethical and honest and apolitical. These attributes threaten bullies. Bullying surprises them, and causes shame and self-blame. Targets’ families suffer vicariously.

**Impact on Target Health, Social Relations & Employment**

Prolonged, inescapable exposure to distress injures targets.

Stress-related physical health consequences

- Cardiovascular problems -- hypertension (60%), coronary heart disease, heart attacks, strokes, death
- Stressed brain - neurological changes impair performance
- Gastrointestinal diseases -- IBD, colitis (37%)
- Sleep disorders (77%)
- Skin disorders (17%)
- Immunological system/Auto-immune diseases
- Accelerated aging from DNA cellular damage

Psychological-Emotional health consequences

- Debilitating anxiety (80%) & panic attacks (52%)
- Clinical depression (49%)
- Post-traumatic stress disorder (PTSD) (30%)
- Suicidal ideation (29%), had suicide plan (16%)  
bullying doubles risk of suicidal ideation

Strained Social Relations

- Family estrangement, dissolution
- Coworker exclusion/ostracism/resentment (49%)

Economic Impact

- Adverse employment decisions such as demotion, punitive transfer, mandated PIP, retaliation
- Constructive discharge/termination (50%)
- Quitting for health & employer failure to resolve (28%)

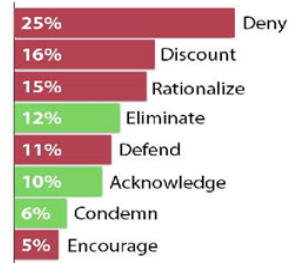
**Impact on Employers**

Bullying is responsible for adverse fiscal impact for employers.

- Impaired retention & recruitment of skilled workers
- Employee disengagement by affected targets and witnesses
- Absenteeism/presenteeism
- Disrupted productivity
- Litigation/defense/settlement costs

**U.S. Employer Reactions**

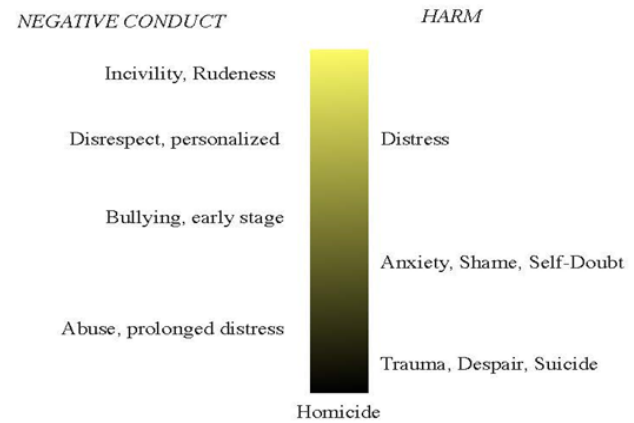
According to the WBI 2014 national survey, 72% of employers do not correct or prevent bullying after it is reported. They engage in negative actions toward targets.



American employers tend to justify bullying as a routine, acceptable way to manage staff or as requisite to be competitive, or not serious enough to deserve attention.

The stereotype of bullying is a screaming person in a public setting in front of others. However, more bullying is done behind closed doors using more subtle tactics. Perpetrators, therefore, deny their actions. This allows the abusers to deny their actions, while targets typically are not believed in these he said/she said incidents. Employers can easily deny the unseen acts.

**The Context of Workplace Bullying**



NIOSH considers bullying a *non-physical* form of workplace violence. It is often called psychological violence. But it stops short of striking another person (battery) or murder.

Bullying is more harmful than mere impoliteness, incivility and disrespect. In fact, bullying incorporates uncivil and disrespectful conduct, but is a more severe form of personalized assault.

The frequency of incidents and the length of time a targeted person is exposed to distressful conditions combine to create the health harm attributable to bullying.

*Drs. Ruth & Gary Namie founded the organization that became the Workplace Bullying Institute in 1997.*



360.656.6630

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## **8.0 Templates, Handouts, and Sample Documents**

This section provides various templates and sample documents for use by Federal agencies and departments.

### **8.1 Examples of Handouts**

The following pages contain examples of handouts developed by the Federal Protective Service (FPS) that can be used by or adapted for your agency. In addition, a listing of the FPS regional offices is provided at the end of this section. The regional offices may be contacted for additional brochures and literature on office safety and security. Printer-friendly versions of the materials are also available.

## 8.1.1 Active Shooter Pocket Card

The following pocket card summarizes the actions you should or should not take when confronted with an Active Shooter/Active Threat. Review the card often. If you are confronted by an active shooter/active threat, you will know what to do. Everyone in your office, including supervisors and managers, should follow these same procedures. Copies of this card can be made so that all employees have their own.

### COPING

#### WITH AN ACTIVE SHOOTER SITUATION

- Be aware of your environment and any possible dangers
- Take note of the two nearest exits in any facility you visit
- If you are in an office, stay there and secure the door
- Attempt to take the active shooter down as a last resort

*Contact your building management or human resources department for more information and training on active shooter response in your workplace.*

### PROFILE

#### OF AN ACTIVE SHOOTER

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area, typically through the use of firearms.

### CHARACTERISTICS

#### OF AN ACTIVE SHOOTER SITUATION

- Victims are selected at random
- The event is unpredictable and evolves quickly
- Law enforcement is usually required to end an active shooter situation



**CALL 911 WHEN IT  
IS SAFE TO DO SO**

## HOW TO RESPOND

WHEN AN ACTIVE SHOOTER IS IN YOUR VICINITY

### 1. RUN

- Have an escape route and plan in mind
- Leave your belongings behind
- Keep your hands visible

### 2. HIDE

- Hide in an area out of the shooter's view
- Block entry to your hiding place and lock the doors
- Silence your cell phone and/or pager

### 3. FIGHT

- As a last resort and only when your life is in imminent danger
- Attempt to incapacitate the shooter
- Act with physical aggression and throw items at the active shooter

**CALL 911 WHEN IT IS SAFE TO DO SO**

## HOW TO RESPOND

WHEN LAW ENFORCEMENT ARRIVES

- Remain calm and follow instructions
- Put down any items in your hands (i.e., bags, jackets)
- Raise hands and spread fingers
- Keep hands visible at all times
- Avoid quick movements toward officers such as holding on to them for safety
- Avoid pointing, screaming or yelling
- Do not stop to ask officers for help or direction when evacuating

## INFORMATION

YOU SHOULD PROVIDE TO LAW ENFORCEMENT OR 911 OPERATOR

- Location of the active shooter
- Number of shooters
- Physical description of shooters
- Number and type of weapons held by shooters
- Number of potential victims at the location

## 8.1.2 Bomb Threat Reference Card

The following FPS Bomb Threat Procedures card lists guidance for how to respond to a bomb threat. Everyone in your office, including supervisors and managers, should follow these same procedures. If needed, copies of the card can be made to ensure everyone has his or her own.

# BOMB THREAT PROCEDURES

Most bomb threats are received by phone and should be taken seriously. Act quickly, but remain calm and obtain as much information as possible with the checklist on the reverse side of this card.

**If a bomb threat is received by phone:**

1. Keep the caller on the line for as long as possible.
2. Listen carefully. Be polite and show interest.
3. Try to keep the caller talking to learn as much information as you can.
4. If possible, write a note to a colleague to call the authorities while you are still on the line with the caller.
5. If your phone has a display or caller identification, copy the caller's number.
6. Upon termination of the call, **DO NOT HANG UP**, as the call may be traceable. From a different phone, contact the Federal Protective Service (FPS) or "911" immediately.
7. Complete the Bomb Threat Call Checklist (reverse side). Write down as much detail as you can remember.

**If a bomb threat is received by handwritten note:**

- call FPS at **1-877-437-7411**, and
- handle note as minimally as possible.

**If a bomb threat is received by e-mail:**

- call FPS at **1-877-437-7411**, and
- do not delete the message.

**Signs of a suspicious package:**


• No return address	• Poorly handwritten
• Excessive postage	• Misspelled words
• Stains	• Incorrect titles
• Strange odor	• Foreign postage
• Strange sounds	• Restrictive notes
• Unexpected delivery	

**DO NOT:**

- Touch or move a suspicious package.
- Use two-way radios or cellular phone; radio signals have the potential to detonate a bomb.
- Activate the fire alarm.
- Evacuate the building until police arrive and evaluate the threat.

**WHO TO CONTACT (select one)**

- **FPS: 1-877-4-FPS-411**  
(1-877-437-7411)
- **911**



# BOMB THREAT CALL CHECKLIST

Exact Words of Threat:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Time caller hung up: \_\_\_\_\_ Phone # where call received: \_\_\_\_\_

**Questions to Ask Caller About the Bomb:**

- Where is the bomb located? (building, floor, room, etc.)
- When will it go off?
- What does it look like?
- What kind of bomb is it?
- What will make it explode?
- Did you place the bomb?
- Why was the bomb placed?

**Provide Information About the Caller:**

- What is their name?
- Where is the caller located? (background and level of noise)
- Estimated age:
- Is voice familiar? If so, who does it sound like?
- Other points:

<p><b>Caller's Voice:</b></p> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Accent _____ <input type="checkbox"/> Angry <input type="checkbox"/> Calm <input type="checkbox"/> Clearing throat <input type="checkbox"/> Coughing <input type="checkbox"/> Cracking voice <input type="checkbox"/> Crying <input type="checkbox"/> Deep <input type="checkbox"/> Deep breathing <input type="checkbox"/> Disguised <input type="checkbox"/> Distinct <input type="checkbox"/> Excited <input type="checkbox"/> Laughing <input type="checkbox"/> Lisp <input type="checkbox"/> Loud <input type="checkbox"/> Nasal <input type="checkbox"/> Normal	<input type="checkbox"/> Ragged <input type="checkbox"/> Rapid <input type="checkbox"/> Raspy <input type="checkbox"/> Slow <input type="checkbox"/> Slurred <input type="checkbox"/> Soft <input type="checkbox"/> Stuttering  <p><b>Speech Patterns:</b></p> <input type="checkbox"/> Incoherent <input type="checkbox"/> Message read <input type="checkbox"/> Taped <input type="checkbox"/> Irrational <input type="checkbox"/> Profane <input type="checkbox"/> Well-spoken  <p><b>Background Sounds:</b></p> <input type="checkbox"/> Animal noises	<input type="checkbox"/> House noises (vacuum cleaner) <input type="checkbox"/> Kitchen noises (rattling of pots/pans) <input type="checkbox"/> Street noises <input type="checkbox"/> Booth <input type="checkbox"/> PA system <input type="checkbox"/> Conversation <input type="checkbox"/> Music <input type="checkbox"/> Motor <input type="checkbox"/> Clear (no line noise) <input type="checkbox"/> Static <input type="checkbox"/> Office machinery <input type="checkbox"/> Factory machinery <input type="checkbox"/> Local <input type="checkbox"/> Long distance <input type="checkbox"/> Public transportation (bus/rail)
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Federal Protective Service  
Secure Facilities, Safe Occupants

10/2009



### 8.1.3 Emergency Phone Numbers

A sample template for storing all emergency facility numbers is shown below.<sup>9</sup> This card can be taped to an employee's desk by their phone.

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#### EMERGENCY TELEPHONE NUMBERS

Federal Protective Service: \_\_\_\_\_

Building Security: \_\_\_\_\_

Local Police/Sheriff: \_\_\_\_\_

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### 8.1.4 Federal Protective Service Offices

For more information on coping with threats and violence in Federal offices, other crime prevention, security surveys, and protection assistance, write or call your nearest FPS official, Public Buildings Service contact, or DHS. Additional information on FPS can be found at:

<https://www.dhs.gov/topic/federal-protective-service>

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<sup>9</sup> FPS and U.S. General Services Administration (GSA), Sample Emergency Phone Card for Emergency Telephone Numbers, 1998.

## 8.2 Sample Written Policy Statement

MEMORANDUM FOR EMPLOYEES OF THE DEPARTMENT OF \_\_\_\_ FROM:  
DEPARTMENT OR AGENCY HEAD

SUBJECT: Workplace Violence

It is the [insert Department or Agency name]'s policy to promote a safe environment for its employees. The Department is committed to working with its employees to maintain a work environment free from incidents that could be construed as violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our agency, no agency is immune. Every agency will be affected by disruptive behavior at one time or another.

Violence, threats, harassment, intimidation, bullying, and other disruptive behavior in our workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include more than one offense of oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm, non-physical harassment, intimidation, and other disruptive behavior can include conduct that degrades, humiliates, undermines, etc. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Your cooperation is critical to implementing this policy effectively and maintaining a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on agency premises, whether he or she is an agency employee or not, report it immediately to a supervisor or manager. Supervisors and managers who receive such reports should seek advice from the Employee Relations Representative at xxx-xxx-xxxx regarding investigating the incident and initiating appropriate action. [**PLEASE NOTE:** Threats or assaults that require immediate attention by security or police should be reported first to security at xxx-xxx-xxxx or to police at 911.]

I will support all efforts made by supervisors and agency specialists in dealing with violent, threatening, harassing, intimidating, or other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively. If you have any questions about this policy statement, please contact \_ at xxx-xx-xxxx.

## 8.3 Sample Workplace Violence Program Framework

The following section details a sample policy framework for use by departments and agencies when forming their workplace violence prevention programs.

- **Background, Scope, and Definition**
  - Purpose and general information
  - Scope of policy
  - Definitions used in policy
- **General Rights and Responsibilities**
  - Governments (applicable laws)
  - Employing agency (interdepartmental coordination)
  - Employees
  - Professional bodies (union, Office of the Inspector General [OIG], etc.)
  - Community (industry guidelines, local law enforcement, employee assistance program [EAP], etc.)
- **Approach**
  - Preventive (awareness techniques)
  - Participative (training requirements)
  - Culture of organization
  - Systematic (standardized procedures)
- **Violence Recognition**
  - Organization
  - Behavioral indicators for perpetrators
  - Behavioral indicators for victims
- **Violence Assessment**
  - Analyzing available information
  - Identifying situations at risk
  - Established protocols for crisis advisory team or threat assessment team
- **Workplace Interventions**
  - Pre-situational environment
  - Organizational interventions
  - Individual interventions (protocols for misconduct, etc.)
  - After-the-event interventions (reports, review, etc.)
  - Incident follow-up procedures (after action reviews)
- **Program Evaluation**
  - Continuous monitoring plan
  - Employee feedback plan
  - Scheduled reassessment of culture and policy
  - Activating a risk management cycle

## 8.4 Workplace Violence Prevention and Response Program Checklist

A sample checklist for creating a workplace violence prevention and response program is provided below.

Phase 1: Prevention	Completion Date (MM-DD-YY)	Name (Printed)	Annual Audit Date	Name Audited By (Printed)
1. Implement guidelines from DHS into a Workplace Violence Prevention Program.				
2. Include General Services Administration (GSA) policy that outlines prohibited behavior.				
3. Instruct all employees and supervisors (including contractors) on policies regarding prohibited behavior.				
4. Investigate any reports of alleged violence or suspicious behavior.				
5. Identify any act in which an employee is physically, verbally, or mentally abused.				
6. Encourage employees to report any offensive behavior that increases stress or anxiety or that seems threatening in any way.				
7. Determine appropriate disciplinary action for violations of policies.				
8. Examine applicants' backgrounds thoroughly. The Employee Relations Office needs to make this process a thorough and important part of its hiring process.				
9. Be aware that employees and non-employees harmed by violence occurring in the workplace may be able to file lawsuits against the organization/ company if it is deemed that a risk was apparent and not attended to properly.				

<b>Phase 1: Prevention</b>	<b>Completion Date (MM-DD-YY)</b>	<b>Name (Printed)</b>	<b>Annual Audit Date</b>	<b>Name Audited By (Printed)</b>
10. Perform a worksite analysis to determine risk for violence and set up the response system accordingly with engineering controls and administration. The analysis may be performed by a team that includes Employee Relations supervisors and security personnel.				

<b>Phase 2: Creation of Standard Response Plan</b>	<b>Completion Date (MM-DD-YY)</b>	<b>Name (Printed)</b>	<b>Annual Audit Date</b>	<b>Name Audited By (Printed)</b>
11. Consider the available assistance an employee may have in the workplace if an event should occur.				
12. Include training on responses to violence in employee workshops or in each new employee's orientation training.				
13. Create a crisis management team within the employee structure. These employees must have training that stays updated. The team may consist of employees who are Employee Relations, the legal department, those who have security training, or simply designated employees who are willing to respond to an event.				
14. Examine and document any reports of threats or harassment from an employee.				
15. Follow GSA workplace disciplinary actions regarding the reported behavior.				

<b>Phase 3: Take Action on Violent Encounters and Post-Incident</b>	<b>Completion Date (MM-DD-YY)</b>	<b>Name (Printed)</b>	<b>Annual Audit Date</b>	<b>Name Audited By (Printed)</b>
16. Mediate the situation if possible and call in the predesignated crisis management team if necessary, emphasizing the importance of having this type of plan in place.				
17. Seek treatment for any injured employees or witnesses, providing transportation to medical care as needed.				
18. Secure psychological testing and counseling for those who were injured or traumatized by witnessing the event. A post-incident debriefing and counseling needs to be conducted by professional employee assistance or other counselors trained in the area of assaults and violent behavior.				
19. Obtain professional assistance, such as law enforcement and psychologists, in case further security measures need to be taken to provide a safe workplace for the victim(s) and other employees.				
20. Provide a flexible plan for returning to work, taking consideration of the incident and the recommendations of professional counselors.				
21. Security Plans for responding to violence.				
22. Evacuation and shelter-in-place procedures.				
23. Review plans for continuous improvement.				

## 9.0 Federal Government Online Resources

**Bureau of Justice Statistics**, *Workplace Violence Against Government Employees, 1994-2011*.

Available Online: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4615>

**Bureau of Labor Statistics**, *Census of Fatal Occupational Injuries*. Available Online:

<http://www.bls.gov/iif/#tables>

**Department of Agriculture (USDA)**, *The USDA Handbook on Workplace Violence Prevention and Response*, October 2001. Available Online: <https://www.dm.usda.gov/workplace.pdf>

**Department of Homeland Security**, *Pathway to Violence: Warning Signs and What You Can Do*. Available Online: <https://www.dhs.gov/sites/default/files/publications/dhs-pathway-to-violence-09-15-16-508.pdf>

**Department of Labor**, *Recommendations for Workplace Violence Prevention Programs in Late Night Retail Establishments*. (Occupational Safety and Health Administration [OSHA] 3153 - 2009): Available Online: <http://www.osha.gov/Publications/osha3153.pdf>

**Executive Order 10450**, *Security Requirements for Government Employment*. April 27, 1953.

Available Online: <http://www.archives.gov/federal-register/codification/executive-order/10450.html>

**Executive Order 12196**, *Occupational Safety and Health Programs for Federal Employees*.

February 26, 1980. Available Online: <http://www.archives.gov/federal-register/codification/executive-order/12196.html>

**Executive Order 12977**, *Interagency Security Committee*. October 19, 1995. Available Online:

<https://www.hsdl.org/?view&did=439290>

**Executive Order 13587**, *National Insider Threat Policy*, Office of the Director of National Intelligence. Available Online:

[https://www.dni.gov/files/NCSC/documents/nittf/National\\_Insider\\_Threat\\_Policy.pdf](https://www.dni.gov/files/NCSC/documents/nittf/National_Insider_Threat_Policy.pdf)

**Federal Bureau of Investigation (FBI)**, *Workplace Violence - Issues in Response*, Critical Incident Response Group, National Center for the Analysis of Violent Crime, FBI Academy, Quantico, VA. March 2004. Available Online: <http://www.fbi.gov/stats-services/publications/workplace-violence>

**FBI**, *Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks*, Behavioral Analysis Unit – National Center for the Analysis of Violent Crime, FBI Academy, Quantico, VA. 2015. Available Online: <https://www.fbi.gov/file-repository/making-prevention-a-reality.pdf>

**FBI**, *A Study of Pre-Attack Behaviors of Active Shooters in the United States*, FBI Behavioral Analysis Unit, Quantico, VA. June 2018. Available Online: <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>

**Homeland Security Presidential Directive – 12**, *Policy for a Common Identification Standard for Federal Employees and Contractors*. August 27, 2004. Available Online: [http://www.dhs.gov/xabout/laws/gc\\_1217616624097.shtm](http://www.dhs.gov/xabout/laws/gc_1217616624097.shtm)

**Merit Systems Protection Board**, *The Probationary Period: A Critical Assessment Opportunity*. August 2005. Available Online: <https://www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=224555&version=224774&application=ACROBAT>

**National Institute for Occupational Safety and Health (NIOSH)**, Publication No. 2006-144: *Workplace Violence Prevention Strategies and Research Needs*. Available Online: <http://www.cdc.gov/niosh/docs/2006-144/>

**NIOSH**, *Violence in the Workplace: Risk Factors and Prevention Strategies*, (NIOSH Current Intelligence Bulletin No. 57 Publication Number 96-100), June 1996. Available Online: <https://www.cdc.gov/niosh/docs/96-100/risk.html>

**National Insider Threat Task Force**, *Insider Threat Program: Maturity Framework*, 2018. Available Online: [https://www.dni.gov/files/NCSC/documents/nittf/20181024\\_NITTF\\_MaturityFramework\\_web.pdf](https://www.dni.gov/files/NCSC/documents/nittf/20181024_NITTF_MaturityFramework_web.pdf)

**Occupational Safety and Health Act of 1970** - Public Law 91-596. December 29, 1970. Available Online: <https://www.osha.gov/laws-regs/oshact/completeoshact>

**OSHA**, *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers*, U.S. Department of Labor, Occupational Safety and Health Administration, (OSHA 3148), 2016. Copies may be obtained from the Government Printing Office by calling (202) 512-1800 or access through the Internet at <https://www.osha.gov/Publications/osh3148.pdf>

**OSHA**, *Record Keeping Advisor*, U.S. Department of Labor, Occupational Safety and Health Administration. Available Online: <https://webapps.dol.gov/elaws/osharecordkeeping.htm>

**Presidential Memorandum**, National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs, November 21, 2012. Available Online: [https://www.dni.gov/files/NCSC/documents/nittf/National\\_Insider\\_Threat\\_Policy.pdf](https://www.dni.gov/files/NCSC/documents/nittf/National_Insider_Threat_Policy.pdf)



## 9.1 Federal Government Office Information

### Office of the Director of National Intelligence

National Insider Threat Task Force (NITTF)  
4600 Sangamore Road  
Bethesda, MD 20816  
(703) 733-8600

The primary mission of the NITTF is to develop a Government-wide Insider Threat Program for deterring, detecting, and mitigating insider threats, addressing a variety of matters to include unauthorized disclosure, espionage, sabotage, and workplace violence. The goal of the Insider Threat Program is to mitigate risk at the earliest opportunity, protecting national security at the human level.

The NITTF main webpage is located at: <https://www.dni.gov/index.php/ncsc-how-we-work/ncsc-nittf>. NITTF produced guides and templates on the Insider Threat Program can be found within the Resource Library at: <https://www.dni.gov/index.php/ncsc-how-we-work/ncsc-nittf/ncsc-nittf-resource-library>

### Office of Personnel Management (OPM)

Agencies Employee Relations and Health Services Center 1900 E Street, NW  
Washington, DC 20415  
(202) 606-1858

OPM's Employee Relations and Health Services Center provides advice and assistance to Federal agencies on issues relating to employee relations and Employee Assistance Program policy, including workplace violence, traumatic incidents, reasonable accommodation, and discipline. OPM publications include:

- *A Manager's Handbook: Handling Traumatic Events* is available through the OPM rider system. Available Online: <https://www.opm.gov/policy-data-oversight/worklife/reference-materials/traumaticevents.pdf>
- *Alternative Dispute Resolution: A Resource Guide* is available by calling the phone number listed above. Available Online: <https://www.opm.gov/policy-data-oversight/employee-relations/employee-rights-appeals/alternative-dispute-resolution/handbook.pdf>

### Department of Health and Human Services (HHS) Centers for Disease Control and Prevention (CDC)

National Institute for Occupational Safety and Health (NIOSH)  
Robert A. Taft Laboratories  
4676 Columbia Parkway

Cincinnati, OH 45226-1998  
(800) 356-4674

NIOSH issued a publication on workplace violence entitled, *Violence in the Workplace: Risk Factors and Prevention Strategies*. Available Online: <https://www.cdc.gov/niosh/docs/96-100/risk.html>

## **Department of Justice**

National Criminal Justice Reference Service  
P. O. Box 6000  
Rockville, MD 20849-6000  
(800) 851-3420

The National Criminal Justice Reference Service (NCJRS) is a federally funded resource offering justice and drug-related information to support research, policy, and program development worldwide. NCJRS offers extensive crime, victim assistance, and public safety references to support policymakers, practitioners, researchers, educators, community leaders, and the general public. General workplace violence references housed within the website can be located at:

<https://www.ncjrs.gov/App/Search/SearchResults.aspx?txtKeywordSearch=workplace+violence&fromSearch=1>

## **Department of Labor**

Occupational Safety and Health Administration (OSHA)  
200 Constitution Avenue, NW  
Room N3107  
Washington, DC 20210  
General information: (202) 219-8031  
Publications: (202) 219-4667

The Department of Labor (DOL) operates a Workplace Violence Program which focuses on appropriately addressing issues, preventing future issues from occurring, and educating staff. More information on DOL's Workplace Violence Program can be found by accessing the following link: <https://www.dol.gov/oasam/hrc/policies/dol-workplace-violence-program.htm>

OSHA's *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers*, can be accessed by calling (202) 512-1800 or through the following link: <https://www.osha.gov/Publications/osha3148.pdf>. Contact OSHA's Office of Federal Agency Programs (FAP) at (202) 219-9329 to obtain information on OSHA record-keeping and reporting requirements for Federal agencies (OSHA Instruction FAP 1.3).

## 10.0 Non-Federal Government Online Resources

**American Psychological Association**, *Bullying*, 2018, Available Online:

<http://www.apa.org/topics/bullying/>

**American Society of Industrial Security**, *Workplace Violence Prevention and Response Guidelines*. March 2005. Available Online: <https://www.asisonline.org/publications--resources/standards--guidelines/>

**California Division of Occupational Safety and Health**, *Guidelines for Workplace Security*. 1995. Available Online: [http://www.dir.ca.gov/dosh/dosh\\_publications/worksecurity.html](http://www.dir.ca.gov/dosh/dosh_publications/worksecurity.html)

**Carnegie Mellon University**, SEI Insights, Technical Detection of Intended Violence, Workplace Violence as an Insider Threat, December 11, 2017. Available Online at: [https://insights.sei.cmu.edu/sei\\_blog/2017/12/technical-detection-of-intended-violence-workplace-violence-as-an-insider-threat.html](https://insights.sei.cmu.edu/sei_blog/2017/12/technical-detection-of-intended-violence-workplace-violence-as-an-insider-threat.html)

**National Center for Victims of Crime**, Stalking Resource Center, 2012, Available Online: <http://victimsofcrime.org/our-programs/stalking-resource-center>

**Workplace Bullying Institute**, Bullying resources, research, statistics, articles, and training: <http://workplacebullying.org>

## 10.1 Non-Federal Government Organization Information

The following list is not exhaustive of the organizations available, nor does the list constitute an endorsement by OPM or the ISC.

### **American Psychiatric Association (APA)**

1000 Wilson Boulevard  
Suite 1825  
Arlington, VA 22209

The APA publishes a free fact sheet, *Violence and Mental Illness*, Document Number 6109. To obtain a copy, call the APA's fast fax automatic document retrieval service at (888) 267-5400.

### **American Psychological Association**

750 First Street, NE  
Washington, DC 20002  
(202) 336-5500

Information on violence is available on the association's website at: [www.apa.org/](http://www.apa.org/)

## **Association of Threat Assessment Professionals**

700 R St., Suite 200  
Sacramento, CA 95811  
(916) 231-2146  
[www.atapworldwide.org](http://www.atapworldwide.org)

The Association of Threat Assessment Professionals (ATAP) is a non-profit organization comprised of law enforcement, human resources, and security, legal, mental health professionals involved in the area of threat and violence risk assessment. The purpose of ATAP is to afford its members a professional and educational environment to exchange ideas and strategies to address and management risk of violence. The primary focus of this organization is to provide the necessary knowledge, tools, and support to better prepare our membership to handle these types of situations. Our commitment is to expertly address these issues through seminars and training and networking with other professionals working in this field.

## **International Association of Chiefs of Police (IACP)**

515 North Washington Street  
Alexandria, VA 22314-2357

The IACP has published a booklet, *Combating Workplace Violence: Guidelines for Employers and Law Enforcement*. To obtain a copy, write to the IACP at the address above or access the following link: [http://www.ncdsv.org/images/IACP\\_Combating-workplace-violence-guidelines-for-employers-and-LE\\_4-2002.pdf](http://www.ncdsv.org/images/IACP_Combating-workplace-violence-guidelines-for-employers-and-LE_4-2002.pdf)

## **International Critical Incident Stress Foundation**

3290 Pine Orchard Lane  
Suite 106  
Ellicott City, MD 21042  
(410) 750-9600  
<https://icisf.org/>

The International Critical Incident Stress Foundation provides information and training on critical incident stress management.

## **National Crime Prevention Council (NCPC)**

2001 Jefferson Davis Highway, Suite 901  
Arlington, VA 22202  
(202) 466-6272  
<https://www.ncpc.org/>

NCPC provides information on the prevention of crime and violence.

### **National Domestic Violence Hotline**

(800) 799-SAFE  
(800) 787-3224 (TTY)

This nationwide hotline offers crisis intervention, problem-solving skills, information, and referral to service agency providers.

### **National Organization for Victim Assistance Organizations (NOVA)**

510 King Street, Suite 424  
Alexandria, VA 22314  
(800) TRY-NOVA

The organization refers callers to local victim assistance organizations.

### **National Center for Victims of Crime**

2000 M Street, NW  
Suite 480  
Washington, DC 20036  
(202) 467-8700

The National Center for Victims of Crime provides information and referrals to local victim assistance organization. Additional information on this organization can be accessed through the following link: <http://www.ncvc.org>

### **National Resource Center on Workplace Response to Domestic and Sexual Violence**

<http://www.workplacesrespond.org>

## Appendix C

### 11.0 Case Studies

*The call comes in. Someone has been shot — there is a fight going on — someone has been threatened — someone has been stalked by an ex-boyfriend — someone is threatening suicide — someone wants to put a stop to the “bullying” behavior that’s been going on in his office.*

These are just a few examples of the types of incidents reported.

How each agency responds to these reports will vary, not only among agencies but also within each agency. Even in highly structured agencies with well-designed procedures in place, the response will necessarily depend on:

- The nature of the incident;
- The circumstances surrounding the incident;
- Personnel available to respond; and
- Personnel with the skills to deal with the particular situation.

The most effective way to manage these situations is to take a team approach rather than having one office handle a situation alone. Situations of workplace violence can escalate for a wide variety of reasons, including but not limited to: failure to inform security about a problem employee; failure to warn leadership about threatening behavior; or an employee who attempted to handle the situation on their own rather than involving the threat assessment team.

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

### 11.1 Basic Concepts

Since agencies and situations differ, specific steps or procedures to follow on a government-wide basis would be inappropriate and impractical. However, there are some basic concepts that all agencies should keep in mind when formulating their strategy to address workplace violence:

- Respond promptly to immediate dangers to personnel and the workplace;
- Investigate threats and other reported incidents;
- Take threats and threatening behavior seriously;
- Address issues even if they may appear to be frivolous allegations;
- Take disciplinary actions when warranted;
- Support victims and other affected workers after an incident; and
- Attempt to bring the work environment back to normal after an incident.

## 11.2 How to Use the Case Studies

The case studies presented in this section are derived from real life situations experienced in Federal agencies. These are intended to provide assistance to agency planners as they develop workplace violence prevention and response programs, in addition to assessing their readiness to handle these types of situations. It should be noted the circumstances are modified in some of the case studies to make them better learning tools.

As you read the case studies, keep in mind there is no single correct way to address each situation. The case studies should not be taken as specific models of how to manage certain types of situations. Use these as a starting point for a discussion and exploration of how a team approach can be instituted and adapted to the specific needs and requirements of an agency.

Although these case studies are derived from real-life situations, the characters in them are fictional and have been created for educational purposes. No reference to any individual, living or dead, is intended or should be inferred.

### 11.2.1 Questions for Discussion

The case studies are intended to raise questions such as:

- Do we agree with the approach the agency took in the case study?
- If not, why would that approach not work for us?
- Do we have adequate resources to handle such a situation?

### 11.2.2 Questions for Program Evaluation

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

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



## 11.3 Case Study 1: Disruptive Behavior

### 11.3.1 Incident

An employee called the EAP member of the workplace violence team for advice on dealing with his senior coworker. The agency recently provided workplace violence training that emphasized early intervention. He said a coworker hired at the General Schedule (GS)-14 level six months earlier was in the habit of shouting and making demeaning remarks to the other employees in the office. The senior coworker was skilled in twisting words and manipulating situations to his advantage. For example, when employees would ask him for advice on a topic in his area of expertise, he would tell them to use their own common sense. Then when they finished the assignment, he would make demeaning remarks about them and speak loudly about how they incorrectly completed their work. At other times, he would rudely and loudly demand they drop whatever they were working on and help him with his project. The employee said he had attempted to speak with his supervisor about the situation, but was told “not to make a mountain out of a mole hill.”

### 11.3.2 Response

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

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

- “I do not like shouting”;
- “Please lower your voice”;
- “I do not like it when you put me down in front of my peers”;
- “It is demeaning when I am told that I am [...]”;
- “I do not like it when you point your finger at me”; and
- “I want to have a good working relationship with you.”

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

After practicing with the EAP counselor, the employee was able to discuss the situation again with his supervisor. He described the situation in non-blaming terms and expressed his intentions

to work at improving the situation. The supervisor acknowledged the shouting was annoying, but again asked the employee not to aggravate the situation. The employee took a deep breath and said, “It may be a mole hill, but it is affecting my ability to get my work done efficiently.” Finally, the supervisor stated he did not realize how disruptive the situation had become and agreed to monitor the situation.

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

The supervisor began monitoring the situation. He noted the senior coworker’s abusive conduct improved with the newly assertive employee, but continued to be rude and demeaning toward the other employees. The supervisor consulted with the EAP counselor and employee relations specialist. The counselor told him, “Generally, people don’t change unless they have a reason to change.” The counselor added the reasons people change can range from simple “I statements,” such as those suggested above, to disciplinary actions. The employee relations specialist discussed possible disciplinary options with the supervisor.

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

The coworker continued his rude and demeaning behavior to the other employees in spite of the supervisor’s efforts. The others, after observing the calm and confident behavior of the employee who first raised the issue, requested similar training from EAP. The supervisor met again with the EAP counselor and employee relations specialist to strategize next steps.

### **11.3.3 Resolution**

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

### **11.3.4 Questions for the Agency Planning Group**

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

3. What recourse would the employee have had if the supervisor had refused to intervene?
4. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.4 Case Study 2: Domestic Violence

### 11.4.1 Incident

The employee relations specialist received a phone call from an employee. The employee reported she just finished a long conversation with a coworker who was a part-time employee and friend. Her coworker revealed she was a victim of domestic violence. She learned the woman's husband began abusing her after their first child was born. Her husband was careful to injure her only in ways that did not leave visible signs, and she felt sure no one would ever believe her word against his. The family's assets, even her car, were all in his name, and her part-time salary would not have been enough to support her and the children. Furthermore, he had threatened to kill her if she ever left him or revealed the abuse. After talking with the employee, the coworker agreed to let the situation be reported to the workplace violence team.

### 11.4.2 Response

The Employee Relations specialist agreed to meet with both employees immediately. At the employee relations specialist's suggestion, the abused woman asked to have her friend present during the meeting and she gave permission to explain the situation to the two employees' supervisor. After interviewing the abused woman in a caring, supportive way to get basic information, the employee relations specialist asked other team members, the security director, and the EAP counselor to join her in analyzing the situation. She then met with the abused employee, her friend, and her supervisor to report on the team's recommendations.

EAP Counselor then arranged for the abused woman to see another counselor, who had an open appointment that same day for counseling. The counselor also referred the employee to other community agencies that could help her, including a shelter for victims of abuse. She explained that the shelter offer her a safe place to stay with her children, advice on how to get out of her home situation safely; legal advice; and additional helpful information.

The abused employee was afraid to change the status quo. After several meetings with the EAP counselor and encouraging talks with her friend, she agreed to talk with the shelter staff. Her friend/coworker drove her to the meeting. They worked with her to develop a safe plan for leaving home with her children. She also asked the workplace violence team to coordinate with the shelter staff.

The security director and supervisor indicated that the period immediately after she left home would be a high risk period and arranged for a guard to be at the workplace during that time. Photographs of the husband were supplied to the guard force. With the woman's consent, both the supervisor and security director discussed the situation with coworkers, shared the picture

with them, and explained what they should do in various contingencies. At the meeting, one co-worker began complaining about the danger to her. The friend argued persuasively, *this could happen to any of us. Would you rather we stick together, or leave one another to suffer alone?* This rallied the group, and the coworker decided to go along with the others.

The supervisor agreed to use flextime and flexi-place options to make the employee more difficult to find. Not only would she be working a different schedule, but she would also report to a suburban telecommuting center instead of the agency's central office.

The supervisor explained to the employee that she would like very much to have her on board full time, as she was an excellent worker, but there was no position available. However, she encouraged her to seek a full time job and made phone calls to colleagues in other departments to develop job leads for her. One of her professional associates offered to allow the employee to use their organization's career transition center that had excellent job search resources and was located in a different part of town from her normal worksite.

### **11.4.3 Resolution**

The employee executed her plan for leaving home and moved to the shelter with her children. She worked with an attorney to obtain financial support and to begin divorce proceedings. She often had times of doubt and fear but found the shelter staff very supportive. Her coworkers encouraged her to call daily with reports on her progress.

The husband appeared at the office only once, a few days after his wife moved into the shelter. He shouted threats at the security guard, who calmly called for back-up from the local police. Fearing for his reputation, he fled the scene before police could arrive. The guard force continued to monitor any efforts by the husband to gain entry to the building.

Six months later, the employee obtained a full-time position at a nearby office within the same agency and moved into a new apartment with her children. After moving to the new office, she discovered they also had a workplace violence team. She made them aware of her situation in case she should need their help in the future.

At the recommendation of the EAP counselor, the children began seeing a child psychologist to help them make sense of an upsetting situation. She also began attending a support group for battered women. Her friend from her former office helped her with encouragement, support, and suggestions on how to handle the stresses of single parenthood.

### **11.4.4 Questions for the Agency Planning Group**

1. Are your team members knowledgeable about domestic violence?
2. What do you think about the role of the friend? How would you encourage agency employees to support coworkers in these types of situations?
3. Does your agency have access to career transition services to help in these types of situations?

4. Has your agency planning group identified someone knowledgeable about restraining/protective orders to discuss the pros and cons of obtaining one with the employee?
5. What other internal teams or groups have you referred this information to? For example, the Insider Threat Group, etc.?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## **11.5 Case Study 3: Frightening Behavior due to Mental Health Conditions**

### **11.5.1 Incident**

Several employees in an office went to their supervisor to report an unusual situation that occurred the previous day. An agency employee from a different building was seen going in and out of their office over a seven-hour period. She remarked to several people “the government” kept her prisoner, inserted microphones in her head to hear what she was thinking, and tampered with her computer to feed her evil thoughts. She also said her doctors diagnosed her as paranoid schizophrenic, but that they are wrong about her. She made inflammatory remarks about co-workers, and made threatening statements such as, “Anyone in my old job who got in my way came down with mysterious illnesses.”

### **11.5.2 Response**

The Employee Relations Specialist immediately informed the employee’s supervisor about the incident. She learned from the employee’s supervisor the employee performed adequately until a few months ago, but had always seemed withdrawn and eccentric. However, her behavior had recently changed. She often roamed around the office, spending an hour or more with any employee she could corner. It was later learned she had stopped taking her medication. Several employees reported to the supervisor they were afraid she might hurt them because of her inflammatory statements. She also learned a former supervisor previously gave the employee a reprimand and two counseling memoranda for inappropriate language and absence from the worksite in addition to offering her leave for treatment as a reasonable accommodation.

Upon the recommendation of the employee relations specialist, the employee was placed on excused absence pending further agency inquiry and response with a requirement to call in daily. The employee relations specialist, a trained investigator, conducted interviews with the employees who filed the reports and with the employee’s coworkers. She found most of the employees were afraid of the woman because of her inflammatory statements.

The employee relations specialist then set up a meeting with the woman’s first-and second-line supervisor, the director of personnel, a legal office, the director of security, the agency’s medical officer, and an EAP counselor. The following options were raised:

- Propose an indefinite suspension pending a fact-finding inquiry (this option was rejected because the agency already had all the information about the incident that it needed);
- Reassign or demote the employee to another office (this option was rejected because the reported conduct was too serious);
- Propose a suspension based on her day-long frightening and disruptive comments and conduct (this option was rejected because the reported conduct was too serious);
- Order a medical examination to determine whether the employee was fit for duty (this option was rejected because the employee was not in a position with medical standards or physical requirements);
- Offer a medical examination (the option was rejected because the supervisor already tried it several times); and
- Offer her leave for treatment (this option was rejected because the supervisor had already tried it).

The response team recommended the supervisor issue a proposal to remove the employee based on the events in the other office (e.g., her day-long frightening, disruptive comments and conduct). They suggested the notice also refer to the earlier counseling memos and the reprimand that placed the employee on notice concerning her inappropriate behavior and absence from the office.

The supervisor proposed her removal. Three weeks later, the employee and her brother-in-law came in for her oral reply to the proposed notice. She denied making any of the statements attributed to her. Her brother-in-law asked the deciding official to order her to go for a psychiatric examination, but he was told that regulations prohibited the agency from doing so. The employee did not provide any additional medical documentation.

### **11.5.3 Resolution**

The agency proceeded with a removal action based on her disruptive behavior. Once her brother-in-law realized her salary and health benefits would soon cease, he was able to convince her to go to the hospital for the help she needed and to file for disability retirement. The agency assisted her in filing forms with OPM. The disability retirement was approved by OPM and this provided her with income and a continuation of medical coverage.

### **11.5.4 Questions for the Agency Planning Group**

1. Do you agree with the agency's approach in handling this case?
2. Does your employee training direct employees to call security or 911 in emergency situations?
3. Is your team knowledgeable about accessing appropriate community resources for emergency situations?
4. What if the employee had not been willing and able to apply for disability retirement herself? Do you know the rules (discussed in Section 5.3.6) concerning the agency's filing for disability retirement on behalf of the employee?

5. Does your agency's supervisory training encourage early intervention in cases of this type?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## **11.6 Case Study 4: Frightening Behavior due to Personal Problems**

### **11.6.1 Incident**

A supervisor contacted the employee relations office because one of his employees was making the other employees in the office uncomfortable. He said the employee did not seem engaged in any actionable misconduct. However, due to the agency's new workplace violence policy and training he had received, he thought he should at least mention the situation. The employee was recently divorced and went through a difficult time for over two years. He also made it clear he was having financial problems that caused him to be more stressed. He was irritable and aggressive in his speech much of the time. He would routinely talk about the number of guns he owned in general conversation where he would mention someone else was causing all of his problems.

### **11.6.2 Response**

At the first meeting with the supervisor, the employee relations specialist and the EAP counselor suggested that, since this was a long-running situation rather than an immediate crisis, the supervisor had time to do some fact-finding. They gave him several suggestions on what to do while safeguarding the privacy of the employee (e.g., request a confidential conversation with previous supervisors, go back for more information to coworkers who registered complaints, and review his personnel records). Two days later they had another meeting to discuss the case and strategize a plan of action.

The supervisor's initial fact-finding showed the employee's coworkers attributed his aggressive behavior to the difficult divorce situation; however, they were afraid of him. The supervisor did not learn any more specifics about why they were afraid, except that he was short-tempered, ill-mannered, and spoke a lot about his guns. Although, according to the coworkers, he spoke of his guns in a matter-of-fact rather than in an intimidating manner.

After getting ideas from the employee relations specialist and the EAP counselor, the supervisor sat down with the employee and discussed his behavior. He told the employee his peers were uncomfortable and that it must stop. He referred the employee to EAP, setting a time and date to meet with the counselor.



### 11.6.3 Resolution

As a result of counseling by the supervisor and by the EAP counselor, the employee changed his behavior. He was unaware his behavior was scaring people. He learned new ways from EAP to interact with people. EAP referred him to a therapist in the community to address underlying personal problems. The supervisor continued to monitor the employee's conduct.

### 11.6.4 Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?
2. Can you think of other situations that would lend themselves to this kind of low-key approach?
3. Does your agency have effective EAP training so that supervisors are comfortable in turning to the EAP for advice?
4. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.7 Case Study 5: Intimidation with Previous Behavior

### 11.7.1 Incident

An employee called a member of the agency crisis team for advice, saying that a coworker was picking on her and expressing fear that something serious might happen. For several weeks, a coworker had been making statements such as, "You actually took credit for my work and you're spreading rumors that I'm no good. If you ever get credit for my work again, that will be the last time you take credit for anybody's work. I'll make sure of that." She also said her computer files had been altered on several occasions and she suspected it was the same coworker. When she reported the situation to her supervisor, he tried to convince her there was no real danger and she was blowing things out of proportion; however, she continued to worry. She said she spoke with her union representative who suggested she contact the agency's workplace violence team.

### 11.7.2 Response

In situations involving intimidation, the agency's plan called for the initial involvement of employee relations, insider threat program manager, security officer and EAP. The employee relations specialist and EAP counselor met with the supervisor of the employee who reported it.

The supervisor told the employee relations specialist and the EAP counselor he was aware of the situation, but the woman who reported it tended to exaggerate. He knew the alleged perpetrator well as he had supervised him for years, stating: "He just talks that way; he's not really dangerous." He gave examples of how the alleged perpetrator is all talk and not likely to act out. One example occurred several months earlier when he talked to the alleged perpetrator about his poor performance. The employee became agitated and accused the supervisor of being unfair, siding with the other employees, and believing the rumors the coworkers were spreading about



him. He stood up and in an angry voice said, “You better start treating me fairly or you’re going to be the one with the problem.” The supervisor reasoned that, since he had always been that way, the employee was not a real threat to anyone.

During the initial meeting, the team asked the supervisor to sign a written statement about these incidents and recommended he take disciplinary action. However, the supervisor was reluctant to sign a statement or to initiate disciplinary action and could not be persuaded by their recommendations to do so.

The Employee Relations Specialist conducted a fact-finding inquiry. Interviews with other coworkers confirmed the intimidating behavior on the part of the alleged perpetrator and several coworkers said they felt threatened by him. None were willing to sign affidavits. The investigator also found a witness to the incident where the supervisor was threatened. As the alleged perpetrator left the supervisor’s office and passed by the secretary’s desk, he said, “He’s an (expletive) and he better watch himself.” However, the secretary was also unwilling to sign an affidavit.

Although the fact-finder confirmed the validity of the allegations, the supervisor refused to take action and the only affidavit signed was from the employee who originally reported the situation. As a result, the team considered the following courses of action:

- Arrange for the reassignment of the victim to a less threatening work situation;
- Report the situation to the second-line supervisor;
- Recommend the second-line supervisor propose disciplinary action against the alleged perpetrator; and
- Locate an investigator with experience in workplace violence cases

The investigator would conduct interviews with the reluctant witnesses and be given a letter of authorization from the director of the office stating the requirement that employees must cooperate in the inquiry or face disciplinary action.

The team located an investigator who was experienced in workplace violence cases from a nearby Federal agency and worked out an interagency agreement to obtain his services. During the fact-finding mission, he showed the letter of authorization to only one employee and to the supervisor as he was able to persuade the others to sign written affidavits without resorting to showing them the letter. The results of the inquiry showed evidence of intimidating behavior by the alleged perpetrator.

The agency security specialist met with the alleged perpetrator to inform him to have no further contact with the victim. He also met with the victim to give her advice on how to handle a situation like this if it were to happen again. In addition, he recommended a procedure to the team that would monitor computer use in the division.

This action resulted in evidence showing that the employee was, in fact, altering computer files.

### 11.7.3 Resolution

The first-line supervisor was given a written reprimand by the second-line supervisor for failing to take proper action in a timely manner and for failing to ensure a safe work environment. He was counseled about the poor performance of his supervisory duties. The alleged perpetrator was charged with both disruptive behavior and gaining malicious access to a non-authorized computer. Based on this information, he was removed from Federal service.

### 11.7.4 Questions for the Agency Planning Group

1. Would supervisory training likely have resulted in quicker action against the alleged perpetrator?
2. Do you have other approaches for convincing a recalcitrant supervisor to take action?
3. Do you have other approaches for convincing reluctant witnesses to give written statements?
4. Are you up-to-date on the case law associated with requiring the subject of an investigation to give statements?
5. If you had not been able to convince the reluctant witnesses to give written statements, and you only had the one affidavit to support the one incident, do you think this would have provided your agency with enough evidence to take disciplinary action? If so, what type of penalty would likely be given in this case?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.8 Case Study 6: Intimidation without Previous Behavior

### 11.8.1 Incident

A supervisor reported to an employee relations specialist that one of his employees (the alleged victim) recently stated another employee (the alleged perpetrator) was intimidating him with “in-your-face” behavior. The alleged perpetrator engaged in several intimidating behaviors: standing over the alleged victim’s desk in what was perceived as menacing; physically crowded the victim out of an elevator; and making menacing gestures. The supervisor stated the alleged perpetrator was an average performer and somewhat of a loner, but there were no behavior problems the supervisor was aware of until the alleged victim came to him expressing fear. The supervisor said the reporting employee did not want the supervisor to say anything to anyone, so the supervisor observed the situation for a couple of days. When he did not observe any of the behaviors described, he spoke with the alleged victim again and told him he would consult with the crisis management team.

### 11.8.2 Response

In cases involving reports of intimidation, this agency’s crisis response plan called for involvement of the employee relations office, insider threat program manager, security officer

and EAP (with the clear understanding the agency would contact other resources as needed). Prior to confronting the accused individual regarding his or her behavior, the supervisor consulted with an employee relations specialist. The employee relations specialist's first action was to set up a meeting for the next day with the supervisor, an EAP counselor, and another employee relations specialist who was skilled in conflict resolution.

Several options were discussed at that meeting. One was to initiate an immediate fact-finding inquiry into the allegations that involved interviewing the alleged victim, any witnesses identified by the alleged victim, and the alleged perpetrator. Another suggestion offered by the EAP counselor was that, in view of the alleged victim's reluctance to speak up about the incident, they could arrange a training session for the entire office on conflict resolution that would allow the EAP counselor to observe the dynamics of the entire work group. The EAP counselor noted conflict resolution classes were regularly scheduled at the agency. The supervisor also admitted he was aware of a lot of tensions in the office and would like EAP's assistance in resolving whatever was causing it.

After discussing the options, the supervisor and the team decided to try the conflict resolution training session before initiating a fact-finding inquiry. At the training session, during some of the exercises, it became clear the alleged victim not only contributed significantly to the conflicts and tension with the alleged perpetrator, but also with other employees and in the office in general. The alleged perpetrator seemed to react assertively, but not inappropriately, to the alleged victim's attempts to annoy him.

### **11.8.3 Resolution**

Office tensions were reduced to minimum as a result of the training session and follow-up work by EAP. The employee who initially reported the intimidation to his supervisor not only realized what he was doing to contribute to office tensions, but he also actively sought help to change his approach and began to conduct himself more effectively with his coworkers. He appreciated getting the situation resolved in a low-key way that did not cause him embarrassment and began to work cooperatively with the alleged perpetrator. The alleged perpetrator never learned about the original complaint, but he did learn from the training session more effective ways to conduct himself with his coworkers. The agency reported that both employees became productive team players.

### **11.8.4 Questions for the Agency Planning Group**

1. Do you agree with the agency's approach in this situation?
2. Can you think of other situations that could be addressed effectively through an intervention with the work group?
3. In what kinds of situations would this approach be counter-productive?
4. Can you envision a scenario where using the group conflict resolution session to get at any individualized problem might have a negative, rather than a positive, effect?

5. Has your agency conducted employee training on such topics as conflict resolution, stress management, and dealing with hostile persons?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## **11.9 Case Study 7: Stalking Situation between Agency Employee and Agency Contractor**

### **11.9.1 Incident**

A supervisor notices one of her employees is visibly upset and distracted after witnessing a loud, confrontational meeting. When the supervisor asked the employee if everything is okay, the employee reports to her supervisor that she recently separated from her intimate partner who works in the same building as a contractor. The employee told her supervisor that he keeps bothering her and she doesn't want him coming around her work area. He had just come to her office area and said he would find her in the parking lot later when she was off duty. The employee also said, "He's going to kill me."

### **11.9.2 Response**

The supervisor reports the concerns to the threat assessment team. The threat assessment team contacts the Federal Protective Service (FPS), and contacts the contractor's contracting officer representative and program manager to make a report. The company tells the threat assessment team they cannot locate the contractor who is still scheduled on shift. The team coordinates a BOLO (be on the look-out) to locate the agency contractor. The team interviews the reporting employee to get further information about her concerns, arranges new parking and monitoring, and connects the employee to EAP. The FPS officer interviews the reporting employee and shares information about how to obtain a protective order.

### **11.9.3 Resolution**

Once the situation stabilized, the team worked with the contract company to have the contractor reassigned to another building and denied him access to the building where the agency employee works. The team continued to monitor the case until the employee was able to report that her safety concerns lessened and the team had no other information that the situation posed a safety risk.

### **11.9.4 Questions for the Agency Planning Group**

1. Do you agree with the agency's approach in this case?
2. Does your agency have procedural plans to handle situations with contractors?
3. Does your workplace violence policy and training encourage supervisors to approach employees who appear troubled?

4. If the employee had not reported the concerns, and the estranged partner did approach her, how would you handle the situation?
5. Does your workplace violence policy and training encourage employees to seek guidance with regard to problems that trouble them even when they don't fully understand the nature of the problem?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## **11.10 Case Study 8: Stalking Situation Involving Agency Employees**

### **11.10.1 Incident**

An agency employee went to her supervisor to report harassing communications sent to her work account and personal phone during duty hours. The employee had recently separated from her husband, who was also an agency employee. The employee reported that her estranged spouse was texting her a hundred times a day and recently wrote in an email, "If you don't respond to me, I will come to your office and show you." Her estranged spouse had also threatened suicide, and a month earlier had broken her phone and assaulted her outside of work.

### **11.10.2 Response**

The employee's supervisor reported the concerns to the agency's multi-disciplinary threat assessment team. The threat assessment team interviewed the supervisor for further information, where they learned the estranged spouse had called the supervisor to ask about his wife's whereabouts, and to share with the supervisor details about their marital problems. The supervisor was concerned the estranged husband would come to office space, as both individuals worked in the same building. The threat assessment team interviewed the reporting employee, who told them that a month earlier, her estranged spouse had broken her phone and assaulted her outside of work, that he does own weapons, and that she was in the process of obtaining a protective order. The team shared EAP as a resource.

### **11.10.3 Resolution**

The threat assessment team, which included security, an employee labor specialist and legal counsel, interviewed the estranged spouse's supervisors to alert them to the situation. They reported the estranged spouse was a good employee and they were aware he was experiencing stress due to his marital problems. They said they would refer their employee to EAP and asked for verification their employee (the estranged spouse) had been communicating with the wife while at work. The EAP representative had a constructive, compassionate conversation with the employee about communication expectations in the workplace.

## 11.10.4 Questions for the Agency Planning Group

1. Do you agree with the agency's approach in this case?
2. Does your workplace violence policy and training encourage employees to report incidents when personal issues could potentially involve the workplace?
3. Does your agency provide additional resources to the employee (i.e. outside assistance)?
4. If the employee had not reported the concerns, and the estranged spouse did approach her, how would you handle the situation?
5. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.11 Case Study 9: Threat

### 11.11.1 Incident

When on a break with one of his colleagues from down the hall, an employee was reported to have said, "I like the way some employees handle problems with their supervisors: they eliminate them. One of these days I'm going to bring in my gun and take care of my problem." The employee who heard the statement reported it to his supervisor, who in turn reported it to his supervisor, who then called a member of the workplace violence team.

### 11.11.2 Response

In the case of a reported threat where there does not appear to be an imminent danger, the agency's plan called for the employee relations specialist to conduct an immediate preliminary fact-finding mission and for the team to meet with the supervisor immediately afterward to look at the available evidence and strategize a preliminary response.

The employee relations specialist interviewed the employee who heard the threat, that employee's supervisor, the supervisor of the employee who made the threat, and subsequently the employee who allegedly made the threat. The employee who made the threat denied saying any such thing. There were no other witnesses.

The supervisor of the employee who allegedly made the threat reported that, several months earlier, the same employee had responded to his casual question about weekend plans by saying, "I'm going to spend the weekend in my basement with my guns practicing my revenge." At that time, the supervisor had warned the employee that such talk was unacceptable at work and referred the employee to EAP. Both supervisors expressed concern for their staff's safety. Based on comments from supervisors and the employee who made the threat, the employee relations specialist recommended that a more thorough fact-finding mission be done.

A follow-up meeting was held to discuss the inquiry's findings. The following people were present:

- First-level supervisor of the employee who allegedly made the threat;
- Second-level supervisor of the employee who allegedly made the threat;
- Associate director of the agency;
- Agency security officer;
- Employee relations specialist;
- EAP counselor; and
- Attorney with the OGC.

One of the team members recommended the employee be given a counseling memo and referred to EAP. However, the consensus of the others, based on the employee relations specialist's oral report, was to recommend to the supervisor that the employee be placed on excused absence pending a fact-finding mission and that he be escorted from the premises.

Security and the employee's second-level supervisor went together to give the employee a letter that stated, "This is to inform you that effective immediately, you will be placed on paid, non-duty status pending an agency determination regarding your actions. You are required to provide a phone number where you can be reached during working hours." They also took away his identification badge and office keys and escorted him to the building exit.

OIG arranged for a criminal investigation to be conducted. The criminal investigator interviewed all of the employee's coworkers and two other employees who the coworkers indicated had knowledge of this employee's prior statements about his supervisors. He then interviewed the suspended employee. The criminal investigator checked to see if the employee had a police record; he did not. The investigator also checked his workplace to see if he had any weapons at the office or if he had any written material of a threatening nature. The search of his workplace found nothing of consequence.

The investigative report showed that the employee told his coworkers on several occasions that he had no respect for his supervisor, and that he thought that threatening him was an effective way to solve his problems with him. Signed witness statements indicated that he bragged about knowing how to get his way with his boss.

The prosecutor's office, after receiving the investigative report, made a determination that it would not prosecute the case and informed management that they could proceed with administrative action. The team recommended a proposed removal action since the evidence showed that the employee was using threats to intimidate his supervisor.

### **11.11.3 Resolution**

The second-level supervisor proposed a removal action based on a charge of "threatening a supervisor." A top manager who was not directly involved in the case initially insisted that the

agency enter into a settlement agreement that would give the employee a clean SF 50. Based on the particular facts in this case, the team convinced him that he would not be solving any problems by settling the case in this way and would be, in fact, just transferring the problem to another unsuspecting employer. The top manager finally agreed and the employee was removed from Federal service. Even though the agency did not settle the case and did, in fact, effect a removal action, the employee was soon hired by another agency. The new agency never checked his references and they began experiencing the same type of intimidating behavior from the employee.

#### **11.11.4 Questions for the Agency Planning Group**

1. What would your agency have done about checking references before hiring this employee?
2. What do you think would have been the risks of settling the case with a clean SF 50?
3. How would your agency have handled the case if the key witness (i.e., the employee who heard the threat) had demonstrated certain behavior that cast doubt on his credibility?
4. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

### **11.12 Case Study 10: Threat**

#### **11.12.1 Incident**

A visibly upset male employee cornered a female employee in her office. Quietly and slowly he said she would pay with her life for going over his head to ask about his work. The male employee then stared at his coworker with his hands clenched rigidly at his side before leaving the office and slamming the door behind him. The female employee, fearful and shaken, reported this to her supervisor, who immediately reported the incident to the Director of Employee Relations.

#### **11.12.2 Response**

In cases involving threats, the agency's response plan called for involvement of employee relations, security, and EAP. The Director of Employee Relations immediately reported the incident to the response team. Immediately following the report to the response team, the security officer contacted the female employee to assist her in filing a police report on the threat and to discuss safety measures she should take. The victim was also referred to EAP, where she received brief counseling and educational materials on handling severe stress.

A fact-finding inquiry was immediately conducted by OIG. In her statement, the female employee repeated what she reported to the supervisor earlier about the threat. In his statement, the male employee stated that, on the day in question, he was upset about what he felt were some underhanded activities by the female employee, and his only recollection about the conversation was that he made a general statement to her like, "You'll pay." He stated this was not a threat,



but just an expression. The fact-finding mission showed the employee had several previous incidents of intimidating behavior that resulted in disciplinary actions.

### **11.12.3 Resolution**

After reviewing the results of the fact-finding mission, the supervisor proposed a removal action, finding the female employee's version of the incident more credible. In his response to the proposed notice, the employee brought in medical documentation that said he had a psychiatric disability of post-traumatic stress disorder causing his misconduct, and he requested a reasonable accommodation. The deciding official consulted with an agency attorney and employee relations specialist who explained that nothing in the Rehabilitation Act prohibits an agency from maintaining a workplace free of violence or threats of violence. Further, they explained a request for reasonable accommodation does not excuse employee misconduct nor does it shield an employee from discipline. The deciding official determined removal was the appropriate discipline in this case. The employee did not appeal the action.

### **11.12.4 Questions for the Agency Planning Group**

1. Do you agree with the agency's approach in this case?
2. If this situation occurred at your agency, would you have involved law enforcement in the process?
3. Who would conduct the fact-finding at your agency?
4. What else would your agency have done to protect the employee?
5. Would you have requested more medical documentation from the employee?
6. What risks must be balanced when selecting a penalty?
7. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## **11.13 Case Study 11: Threat Made During an EAP Counseling Session**

### **11.13.1 Incident**

When the employee first contacted the in-house EAP counselor several months earlier, he said he was referred by his supervisor because of frequent tardiness and his inability to complete assignments on time. He complained of lack of interest in his job and inability to sleep. The counselor referred the employee to a psychiatrist for evaluation. The employee agreed to sign releases so the counselor could contact both his supervisor and the psychiatrist. The psychiatrist diagnosed depression, prescribed an anti-depressant, and referred the employee for psychotherapy.

Several weeks later, the supervisor called the EAP counselor to report that the employee often came in looking disheveled; coworkers complained his speech and manner were sometimes

bizarre; and he bragged of drinking large amounts of alcohol each evening. The counselor immediately called the employee and asked him to come in for a follow-up visit. He agreed and appeared late that afternoon in a euphoric state. He said he never felt better in his life and decided against psychotherapy. The counselor encouraged him to return to the psychiatrist for re-evaluation, but the employee refused.

The employee was in a talkative mood and began to reminisce about his Federal career: first his early successes, then recent disappointments such as being passed over repeatedly for promotions and failure to receive any type of recognition. As he continued, he revealed in a matter-of-fact tone he had been spending his evenings planning revenge on his managers because they had treated him unfairly for many years and deserved to be punished. He believed he had planned the “perfect murder” and that he would never be caught. Thinking that he was venting frustrations, the counselor questioned the employee further and quickly realized he was very serious. She urged him to call his psychiatrist immediately, and he again refused but said he would “think about calling” in a day or two.

### **11.13.2 Response**

As soon as the employee left the EAP counselor’s office, the counselor called the psychiatrist and asked whether he viewed the employee’s statement as a threat. The psychiatrist said he believed it was a serious threat and recommended immediate action be taken. The EAP counselor called the police and agency officials and informed them about the situation. The following morning when the employee reported to the office, he was met by the local police. A police officer brought him to the community’s emergency services clinic for an evaluation and subsequently transported him to the hospital. He remained in the hospital for several weeks.

### **11.13.3 Resolution**

Following discharge from the hospital, the employee remained at home for several more weeks, during which time agency management held many discussions with physicians. It was finally decided and agreed upon by the team that the employee would be allowed to return to work and not be removed from his position on the following conditions:

- Continue in psychotherapy;
- Remain on medication as prescribed;
- Refrain from alcohol and other drug abuse; and
- Be seen on a regular basis by a psychiatric consultant to the agency.

Although some coworkers were concerned after seeing him removed from the premises by the police and observing his strange behavior, several visited him in the hospital and were supportive of his return to the office. He worked his remaining years with no further problems, then retired and moved to another state.

## 11.13.4 Questions for the Agency Planning Group

1. Do you agree with the agency's approach in handling this case?
2. Would you have let the employee back to work after his hospitalization?
3. What information would you need to make this determination?
4. What safety precautions would your agency take if you did/did not take him back?
5. What should the EAP counselor have done if the employee denied making the threat?
6. Would your agency have proposed disciplinary action prior to the last chance agreement?
7. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.14 Case Study 12: Threats from Non-Employees

### 11.14.1 Incident

The agency's new workplace violence team received a call from a small field office. The field office staff consisted of three employees, two of whom spent much of their workday outside of the office. All three employees had close calls with violent individuals in the past. On two occasions, clients who came into the office lost their tempers because they received answers they did not like. Several times the employees who conducted their business outside the office were the targets of threats and aggressive behavior. The office employees asked the workplace violence team how they could help them out in the field.

### 11.14.2 Response

Presented with this problem, the workplace violence team consulted with the following organizations:

- Local law enforcement agency in the jurisdiction where the field office was located;
- Several Federal law enforcement agencies, including FPS;
- Other Federal government agencies that had small field offices and workers in the field;
- The National Center for Victims of Crime; and
- State police prevention units located near the agency field offices.

### 11.14.3 Resolution

The agency implemented a violence prevention plan not only for the office that made the initial request, but for many of their other field offices as well. The plan included:

- Installing a panic button connected to a security service in the office;
- Installing a video camera (with an audio component) in the public service area;
- Reconfiguring office furniture, especially in public service areas, to maximize security;
- Training all employees in personal safety techniques;

- Providing back-up for employees in the field when a threatening situation is suspected;
- Providing copies of the laws regarding harassment, threats, and stalking in their states;
- Providing lists of state and local organizations that can assist in preventing violence;
- Developing and maintaining relationships with state and local law enforcement agencies;
- Establishing a system of daily, periodic check-ins for employees in the field; and
- Providing cellular phones, personal alarms, and other safety devices as appropriate.

#### **11.14.4 Questions for the Agency Planning Group**

1. Do you agree with the agency’s approach in this case?
2. What more could be done?
3. What lessons can be learned from this case study?
4. How can these lessons be applied to future real-life scenarios?

### **11.15 Case Study 13: Threats Made by a Former Employee**

#### **11.15.1 Incident**

The first incident report that came into the agency’s newly formed workplace violence team was from a field office. Two months after an employee retired on disability retirement, he began threatening his former supervisor. He knocked on his former supervisor’s apartment door late one evening. He left threatening statements on the supervisor’s home answering machine such as, “I just wanted to let you know I bought a gun.” On one occasion, a psychiatrist called the supervisor as well as the agency’s security office and told them that the former employee threatened to murder him. The psychiatrist said the threat should be taken seriously especially due to the heavy drinking of the former employee. A coworker received an anonymous letter stating, “It is not over with [name of supervisor].”

Each time a threat was reported, the agency’s security office would take extra measures to protect the supervisor while at the workplace and the supervisor would report the incident to the local police. Each time, the supervisor was informed that the police were unable to take action on the threats because they did not rise to a criminal level. The supervisor spoke with the county magistrate about a restraining order; however, once again, was told the threats did not rise to the level required to obtain a restraining order.

#### **11.15.2 Response**

The workplace violence team held a conference call with the security officer, director of the office, the supervisor, and the security chief of the field office. Roles were discussed and each person was informed they should perform their allotted actions.

The team decided that the agency official should assume the following responsibilities:

- Confer with local law enforcement on the whereabouts of the former employee and determine whether the former employee's behavior constituted a crime in the jurisdiction and whether other applicable charges (e.g., stalking or harassment) might be considered;
- Verify all of the former employee's access privileges have been revoked;
- Asked if the police department had a threat assessment unit or access to one at the state level;
- Asked police about contacting the U. S. Postal Service for assistance in tracing the anonymous letter<sup>10</sup>;
- Met with the psychiatrist who called the agency, and asked him to send a letter to the chief of police reporting the threats;
- Informed the psychiatrist about the former employee's behavior and discussed whether or not involuntary hospitalization might be an option;
- Attempted to establish an ongoing dialogue with the psychiatrist and get a commitment to share information about the case to the extent allowed by confidentiality;
- Provided periodic updates to the supervisor on the status of the case, actions taken, and actions being contemplated; and
- Provided support and advice to the supervisor including telephone numbers and points of contact for the local telephone company, local law enforcement, and local victim assistance organizations.

The director of the field office was assigned the following roles:

- Meet with security and police to consider options (and their ramifications) for encouraging the former employee to cease and abstain from his threatening activities; and
- Provide support to the supervisor by encouraging the supervisor to utilize the Employee Assistance Program.

The supervisor was told to:

- Keep detailed notes about his contact with the former employee;
- Give copies of all the notes to the police. (They explained to the supervisor in all probability, each time he went to the police, it was treated like a new report, and thus, as individual incidents, they had not risen to the level of a crime.);
- Contact the phone company to alert them to the situation;
- Tape record all messages left on the answering machine; and
- Contact the local office of victim assistance for additional ideas.

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<sup>10</sup> For more information on this statute, refer to 18 USC §876.

### 11.15.3 Resolution

Contact with the local police confirmed each report was treated as a new case. When presented with the cumulative evidence, the former employee's behavior did rise to the level of stalking under state law. The police visited the former employee and warned him further threats could result in an arrest. At the supervisor's request, the county magistrate issued a restraining order prohibiting personal contact and any communication. Two months after the restraining order was issued, the former employee was arrested for breaking it. The agency security office and the supervisor kept in contact with the police about the case to reduce any further risk of violence.

### 11.15.4 Questions for the Agency Planning Group

1. Do you think the agency's approach in this case was adequate protect the supervisor?
2. Have you already established liaison with appropriate law enforcement authorities to ensure that situations such as this get the proper attention from the beginning?
3. What would your agency do if the psychiatrist refused to get involved? Are there any laws in your state requiring mental health professionals to protect potential victims when threats have been made?
4. How would you continue to monitor the former employee's activities after he is released from jail?
5. What would your agency do if the case continued without the former employee being arrested?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.16 Case Study 14: Threat of a Suicide Attempt

### 11.16.1 Incident

A member of the agency's incident response team received a frantic call from an employee saying her coworker just left her office muttering about the final straw: "You all won't have me to push around anymore." She said she worried for weeks about the possibility of her coworker committing suicide and knew she should have called earlier. The staff member who took the call told the employee to see if she could find her coworker and remain with her. Help was on its way.

### 11.16.2 Response

For incidents involving suicide threats, the agency's plan was to call local police if there seemed to be imminent danger. If there is insufficient information about the situation, then there is a need to contact security and the EAP counselor to do an immediate assessment of the situation.

The team member who took the initial call first contacted a security officer, who immediately located the two employees. The EAP counselor could not be reached, so the team member called

an employee in the employee relations department trained to help in emergency situations dealing with suicide attempts.

The employee relations specialist arrived at the distressed employee's office within two minutes of the call. The employee was crying and making statements such as, "No one can help me," and "It'll be over soon." The employee relations specialist recognized what was happening and asked the security officer to call police and an ambulance and tell them there was a suicide attempt. After calling the police, the security officer went outside to meet the emergency workers to direct them to the scene. The employee relations specialist then learned she had swallowed 10 pills an hour earlier. The police and ambulance were on the scene within three minutes of the call and the woman was hospitalized.

The employee relations specialist contacted the employee's family and then prepared an incident report. The EAP counselor consoled and supported the coworker, who had initially called the incident response team.

Emergency treatment was successful, and the employee was admitted to the hospital's psychiatric unit. The EAP counselor and employee relations specialist stayed in touch with the employee and supported her in planning her return to work. She returned to work four weeks later, functioning with the help of anti-depressant medication and twice-weekly psychotherapy sessions.

With the employee's consent, the EAP counselor arranged a meeting involving the employee, her supervisor, and the employee relations specialist to coordinate her treatment and work activities. The supervisor agreed to adjust the employee's work schedule to fit her therapy appointments as a reasonable accommodation and provided guidance on procedures and medical documentation requirements for leave approval. The counselor, supervisor, and employee agreed on a plan for getting the employee emergency help should she feel another crisis coming on.

### **11.16.3 Resolution**

Two years later, the employee was doing well, working a normal schedule, and serving as a productive employee. She no longer took anti-depressant medication but she stayed in touch with both her psychiatrist and the EAP counselor.

### **11.16.4 Questions for the Agency Planning Group**

1. Do you agree with the agency's approach in this case?
2. Does your agency have alternate plans for situations where key team members are not available?
3. Has your agency identified employees with skills in handling emergencies?
4. Does your workplace violence policy and training encourage employees to report incidents at an early stage?



5. Does your workplace violence policy and training encourage employees to seek guidance with regard to problems that trouble them even when they don't fully understand the nature of the problem?
6. If the employee had left the building before emergency personnel arrived, would your plan have provided for contacting the appropriate authorities?
7. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.17 Case Study 15: Veiled Threats

### 11.17.1 Incident

A workplace violence team member took a phone call from a supervisor who said, "One of my employees said this morning that he knows where my kids go to school. I know this may not sound like much, but if you saw the look in his eyes and heard the anger in his voice, you'd know why I need your help in figuring out what to do."

### 11.17.2 Response

The team member who took the call heard more details about the incident and then set up a meeting with the supervisor who made the call, a security specialist, an employee relations specialist, and an EAP counselor. The supervisor told the team that the employee in question engaged in intimidating behavior towards him for a year since becoming his supervisor. The supervisor spoke with him on several occasions to let him know that his behavior was unacceptable. He also gave the employee a written warning along with a written referral to the EAP.

The office was in a General Services Administration controlled building, so the security specialist called the regional FPS office. FPS contacted the threat assessment unit of the state police, who agreed to assign a threat assessment consultant to assist the agency. In a phone consultation with the team, the threat assessment consultant suggested the team arrange for an immediate inquiry by an investigator who was experienced in workplace violence cases. The investigator explored the following areas:

1. What further background information could be learned about the relationship between the supervisor and employee?
2. What was the relationship between the supervisor and his other employees and co-workers?
3. Was there evidence of problems of a similar nature with the employee's previous supervisors? If so, how were they resolved or handled? If there were problems with previous supervisors, were they similar to or different from the current situation?
4. What were the alleged employee's relationships with coworkers? Might there have been other potential victims? Were there also interpersonal problems between the employee and other employees?



5. Were there unusually stressful problems in the life of the employee (e.g., divorce, financial reversal, or any other recent significant traumatic event)?
6. Did anyone else feel threatened based on their interaction with the employee?
7. Did the employee have access to weapons? Had he recently acquired weapons?

The threat assessment consultant scheduled another telephone consultation with the team for three days later. He also suggested the investigator refrain from interviewing the alleged perpetrator until after the next phone consultation.

A legal investigation was conducted immediately by a professional investigator and the team reviewed the investigative report prior to the next phone conversation with the threat assessment consultant. The report contained statements by the employee's supervisor about veiled threats the employee had made, such as, "If you give me that assignment, you'll be sorry. I know where you live, and I see you every day on your way to work." Also, the employee lived at the opposite end of town from the supervisor.

The investigative report included a transcript and a tape recording of two voicemail messages that the supervisor found intimidating: one in which the employee said he needed annual leave that day to go for target practice, and another where the employee said he could not come to work that day because he had to go hunting. Again, the supervisor's statement showed he considered the employee's tone of voice to be intimidating and said, on the day previous to each of these phone calls, the employee acted as though he was angry about new assignments the supervisor gave him. The supervisor said he took several precautions as a result of the threats. For example, he told his children to take precautions, installed dead bolt locks at his home, and asked the local police to do a security survey of his home. In addition to the investigative report, the security office obtained a police record on the employee showing a misdemeanor conviction for spousal abuse several years earlier.

Participating in the phone consultation with the threat assessment consultant was the workplace violence team, the second-line supervisor, and the director of the office. The purpose of the consultation was to:

- Analyze the information contained in the investigative report;
- Determine what additional information was needed;
- Determine whether to interview the alleged perpetrator;
- Help the team members organize their thinking about how to proceed with the case; and
- Discuss a range of options that could be taken.

The threat assessment consultant recommended the investigator interview three coworkers, the employee's ex-wife, and subsequently the employee. The purpose of the interview with the employee would be to corroborate what was said by the others and get his explanation of why he made the statements. The interviewer would also communicate to him that this kind of conduct had been noticed, troubled people, and was not condoned. The consultant recommended additional security measures for the interview, including having a security officer in the next

room. The threat assessment consultant also gave the team guidance in the preservation of evidence such as written materials, tape recordings, and documentation of all contacts. During the interview, the employee made what the investigator believed were several additional veiled threats against the supervisor. He even behaved in a way that led the investigator to be concerned about his own safety.

Based on the findings of the investigation, the threat assessment consultant concluded the employee presented a real possibility of carrying out some of the threats toward the supervisor's family. He expressed concern the situation could escalate if the employee continued to work in the same office. Management decided to place the employee on excused absence for the safety of the threatened supervisor.

The threat assessment consultant worked with team members to develop a plan for ongoing security. For example, he suggested the team identify one member to coordinate case management, recommended monitoring any further communication between the employee and other agency employees (e.g., phone calls, e-mail messages, and any sighting at residences were to be reported to the case manager). He recommended security officials be in the area, though not visible, whenever meetings were held with the employee. The threat assessment consultant remained available for telephone consultation as the team carried out the plan.

### **11.17.3 Resolution**

Though the agency had concerns that any agency action might trigger retaliation against the supervisor's family, the agency went ahead and removed the employee based on a charge of threatening behavior. The agency's analysis considered the credibility of the supervisor, employee, and the information and evidence gathered. The employee did not appeal the removal action.

The agency security officer gave the supervisor advice on personal safety and discussed with him the pros and cons of obtaining a restraining order for his family. The security officer also helped the supervisor get in touch with the local office of victim assistance for additional ideas on ways to protect his family. The threat assessment consultant also spoke with the supervisor and suggested he may want to go to the school, school bus driver, and neighbors and make them aware of the problem and the employee's appearance (show them his picture). The reason for involving the school and neighbors would be to encourage them to report any suspicious activities to the police. The security officer talked to the supervisor about police involvement and discussed filing criminal charges. If the police said the situation was not serious enough to file criminal charges, he suggested finding out from the police what actions would warrant an arrest. For example, the supervisor could discuss with police a pattern of behavior that might be considered serious enough to pursue action under the state's stalking or harassment statute.

## 11.17.4 Questions for the Agency Planning Group

1. If this incident were reported at your agency, would you have used a criminal investigator or administrative investigator to conduct the initial inquiry?
2. If your agency has a criminal investigative service, have you discussed the feasibility of involving agency criminal investigators at an early stage in the process of dealing with threatening behavior (i.e., in situations where threatening behavior does not yet rise to the level of a crime)?
3. Has your agency identified a threat assessment professional to whom you could turn for assistance if the need arose?
4. How does your agency keep up with Merit Systems Protection Board case law on charges and threats?
5. If this happened at your agency, and the threatening behavior continued, what would you do to protect the supervisor and his family?
6. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## 11.18 Case Study 16: Viciously Beating and Wounding a Coworker

### 11.18.1 Incident

A female employee broke off a romantic relationship with a male coworker, but he would not leave her alone. She finally had a restraining order served to him. After receiving the restraining order, the perpetrator lost control and entered the woman's office. He hit her, and she fell from her chair. While she was on the floor, he broke a soda bottle and cut her face with the broken glass. While this was going on, coworkers heard the commotion and called the police. The perpetrator fled the scene before police arrived and the victim was transported to the hospital. The incident was later reported to the agency's incident response team.

### 11.18.2 Response

The incident response team immediately took action. The agency's security organization worked with hospital security to ensure the victim received around-the-clock security while she was in the hospital. He ensured that the hospital staff knew not to give out any information about the victim to callers. He gave the victim advice, reading material, and a video on personal safety. He made sure the perpetrator's card key was deactivated and he had pictures of the perpetrator made for the building guards. Lastly, he coordinated efforts with local police.

An EAP counselor visited the victim in the hospital and ensured she was seen regularly by a social worker on the hospital staff. She worked with the victim's colleagues to help them be supportive of the victim when she came back to work. The EAP counselor visited the worksite to let coworkers know she was available to them.

An employee relations specialist contacted the agency's OGC and OIG and alerted them to the situation so they could begin to monitor any criminal proceedings. He helped the supervisor develop a notice of proposed indefinite suspension using the crime provision set forth in 5 USC 7513(b). An agency attorney maintained contact with the local prosecutor's office.

The union was fully supportive of the agency's efforts to help the victim. Since both the victim and the perpetrator were bargaining unit employees, the union was aware of its role to represent all employees in the bargaining unit. In this particular case, the perpetrator filed a grievance, but because of the viciousness of the attack, union officials were reluctant to take the case to arbitration. In addition, realizing this could happen to other employees, the union officials obtained brochures on stalking from their national headquarters and invited an expert speaker on the subject to a chapter meeting.

The supervisor obtained all the necessary forms and assisted the employee in filing an Office of Workers Compensation Programs (OWCP) claim to pay for hospital and medical costs. The supervisor and the employee's coworkers visited her in the hospital, kept in touch with her during her convalescence, and kept her up to date on news from the office.

### **11.18.3 Resolution**

The police caught and arrested the perpetrator after about 10 days. The agency proposed and effected a removal action against the perpetrator based on a charge of "wounding a coworker." He did not appeal the action.

The employee remained hospitalized for two days and then went to the home of a friend until the perpetrator was apprehended. She remained at home for another two weeks before returning to work. Her OWCP claim was accepted. She continued to stay in touch with the EAP counselor who had visited her at the hospital and assisted her during her time away from the office. The counselor referred her to a support group for battered women, which she found to be very helpful.

The perpetrator was found guilty and received jail time. After jail time was served, and at the suggestion of an agency attorney, the court forbade the perpetrator to contact the victim or the agency as one of the conditions of probation. The security officer alerted security guards and discussed security precautions with the victim, ensuring there would be an effective response if the perpetrator violated this restriction.

### **11.18.4 Questions for the Agency Planning Group**

1. Who at your agency would monitor the proceedings of the criminal case (e.g., to be aware of the situation if the perpetrator got out of jail, made bail, or was given probation)?
2. Does your security office maintain liaison/keep in contact with agency or local law enforcement authorities to coordinate efforts in these types of cases?

3. Do you have a procedure in place for cleaning up the scene of the incident after investigators are finished examining it?
4. Would employees at your agency know who to call in an emergency (e.g., 911, FPS, in-house security, or in-house law enforcement)?
5. What lessons can be learned from this case study? How can these lessons be applied to future real-life scenarios?

## Abbreviations / Acronyms / Initialization List

ADR	Alternative Dispute Resolution
APA	American Psychiatric Association
ATAP	Association of Threat Assessment Professionals
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
CISA	Cybersecurity and Infrastructure Security Agency
CVE	Countering Violent Extremism
DBT	Design-Basis Threat
DHS	Department of Homeland Security
DOL	Department of Labor
EAP	Employee Assistance Program
EEOC	Equal Employment Opportunity Commission
EMI	Emergency Management Institute
EO	Executive Order
FAP	Federal Agency Programs
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FOUO	For Official Use Only
FPS	Federal Protective Service
FSC	Facility Security Committee
FSL	Facility Security Level
HHS	Department of Health and Human Services
GS	General Schedule

GSA	General Services Administration
HHS	Department of Health and Human Services
HSIN	Homeland Security Information Network
IACP	International Association of Chiefs of Police
ISC	Interagency Security Committee
LES	Law Enforcement Sensitive
LOP	Level of Protection
MSPB	U.S. Merit Systems Protection Board
NCJRS	National Criminal Justice Reference Service
NCPC	National Crime Prevention Council
NIOSH	National Institute for Occupational Safety and Health
NITTF	National Insider Threat Task Force
NOVA	National Organization for Victim Assistance
OEP	Occupant Emergency Plan
OGC	Office of General Counsel
OIG	Office of the Inspector General
OPM	Office of Personnel Management
OSHA	Occupational Safety and Health Administration
OWCP	Office of Workers Compensation Programs
RMP	Risk Management Process
USC	United States Code
USDA	United States Department of Agriculture
USSS	United States Secret Service

# List of Terms

## Agency Planning Group

A group comprised of members of an agency’s human resources, EAP, legal, and security offices as well as representatives of the agency’s FSC, union(s) (if present), and senior management among others.

## Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.<sup>11</sup>

## Alternative Dispute Resolution (ADR)

An approach to dispute resolution that often involves a neutral third party who assists parties in resolving disagreements. Examples of ADR techniques include, but are not limited to, facilitation, mediation and peer review.

## Assault

To attack someone physically or verbally, causing bodily or emotional injury, pain, and/or distress. This might involve the use of a weapon, and includes actions such as hitting, punching, pushing, poking, or kicking.<sup>12</sup>

## Assessment

Determination of the progress toward accomplishing a task, creating a condition, or achieving an objective.<sup>13</sup>

## Behavioral Health

The scientific study of the emotions, behaviors and biology relating to a person's mental well-being, their ability to function in everyday life, and their concept of self. “Behavioral Health” is the preferred term to “Mental Health.”

## Cyberbullying

Bullying that takes place over digital devices like cell phones, computers, and tablets, which can occur through SMS, text, and apps, or online in social media, forums, or games. Cyberbullying

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<sup>11</sup> See *FBI Uniform Crime Report 2004*, 23 (2004)

<sup>12</sup> See *DOL Workplace Violence Program – Appendices*: <https://www.dol.gov/oasam/hrc/policies/dol-workplace-violence-program-appendices.htm>

<sup>13</sup> See *Department of Defense Dictionary of Military and Associated Terms*



includes sending, posting, or sharing negative, harmful, false, or mean content about someone else.<sup>14</sup>

### **Disruptive Behavior Committee**

Interdisciplinary committees which act as standing groups trained to assess incidents, evaluate the risk of recurrence, and provide guidance on prevention in the future.

### **Domestic Violence**

A reference to acts of physical and psychological violence, including harassing or intimidating behavior, that occur as part of personal relationships. Included in the concept of domestic violence are spousal abuse, abuse among intimates, as well as sexual and physical abuse of children, elderly, or the infirm.<sup>15</sup>

### **Employee Assistance Program (EAP)**

A program offered in every Federal agency that provides short-term counseling and referral services to its employees.

### **Evacuation Plan**

A plan for emergency evacuation which includes procedures for getting workers out of a building, office or plant, as well as a method for those evacuated to assemble or check in to determine who is safe and who may still be missing.

### **Facilitation**

Technique to improve the flow of information in a meeting between two parties in a dispute.

### **Facility Security Level (FSL)**

A categorization based on the analysis of several security-related facility factors, which serves as a basis for the implementation of countermeasures specific in ISC standards.<sup>16</sup>

### **General Duty Clause**

Regulation that tasks Executive Branch agencies with the general duty of protecting Federal employees from workplace hazards not covered by specific OSHA standards.

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<sup>14</sup> See *Stopbullying.gov*: <https://www.stopbullying.gov/cyberbullying/what-is-it/index.html>

<sup>15</sup> See *DOL Workplace Violence Program – Appendices*

<sup>16</sup> See *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard*, 2<sup>nd</sup> Edition, p. 50 (November 2016).

## **Harassment**

Unwelcome conduct, whether verbal, nonverbal, or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile environment on the basis of an individual's race, color, religion, sex (including pregnancy), national origin, age, disability, protected genetic information, sexual orientation, marital status, parental status, political affiliation, or any other basis protected by law. Examples of unwelcome conduct are epithets, slurs, stereotyping, intimidating acts, and the circulation or posting of written or graphic materials that show hostility toward individuals because of their protected status.<sup>17</sup>

## **Incident Response Team**

A group that collects current and reliable information and then consults with a threat assessment professional to develop options for managing the situation. Incident response teams can also use a threat assessment professional to conduct the initial assessment, identify the risks, and make recommendations for managing the situation.

## **Interest-Based Problem Solving**

A technique that creates effective solutions while improving the relationship between parties.

## **Intimidation/Intimidating Behavior**

Threats or other conduct which create a hostile environment, impair agency operations, or frighten, alarm, or inhibit others. Psychological intimidation includes making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt others' reputations. Physical intimidation may include holding, impeding or blocking movement, following, stalking, touching, or any other inappropriate physical contact or advances.<sup>18</sup>

## **Kalkines Warning**

A warning issued to the subject of an investigation that, (1) informs he/she is subject to discharge for not answering interview questions; and (2) statements he/she makes (and the information gained as a result of these statements) cannot be used against him/her in criminal proceedings.<sup>19</sup>

## **Mediation**

An ADR technique whose objective is to assist the parties in voluntarily reaching an acceptable resolution of issues in dispute.

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<sup>17</sup> See *DHS Anti-Harassment Policy, Directive 256-01*

<sup>18</sup> See *DOL Workplace Violence Program – Appendices*

<sup>19</sup> Derived from *Kalkines v United States*, 473 F.2d 1391 (Ct. CL. 1973)

## **Non-Custodial Warnings and Assurances**

Statement(s) that warns the subject of an investigation that any statement he/she makes may be used against him/her in criminal proceedings, and therefore they have the option of participating in the interview.

## **Occupant Emergency Plan (OEP)**

A plan consisting of procedures developed to protect life and property in specific Federal-occupied space under stipulated emergency conditions.

## **Ombudsmen**

Individuals who rely on a number of techniques to resolve workplace disputes. These techniques include counseling, mediation, conciliating and fact-finding.

## **Peer Review**

A problem solving process whereby an employee takes a dispute to a panel of fellow employees and managers for a decision.

## **Response Team**

Agency representatives who respond to reported incidents of workplace violence.

## **Risk**

A measure of potential harm from an undesirable event that encompasses threat, vulnerability and consequence.<sup>20</sup>

## **Risk Assessment**

Product or process evaluating information based on a set of criteria and assigns values to risks for the purpose of informing priorities, developing or comparing courses of action, and informing decision making.<sup>21</sup>

## **Risk Management**

The process that includes a critical evaluation of threats, vulnerabilities, and assets to determine the need and value of countermeasures.<sup>22</sup>

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<sup>20</sup> See *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard*, 2<sup>nd</sup> Edition, p. 52 (November 2016).

<sup>21</sup> See *DHS Lexicon Terms and definitions*, IM 262-12-001-01, April 18, 2018.

<sup>22</sup> See *Joint Publication 3-0*.

## **Stalking**

A malicious course of conduct that includes approaching or pursuing another person with intent to place that person in reasonable fear of serious bodily injury or death to him/herself or to a third party.<sup>23</sup>

## **Terrorism**

The use of violent acts to frighten the people in an area as a way of trying to achieve a political goal.

## **Threat**

The intention and capability of an adversary to initiate an undesirable event.<sup>24</sup>

## **Threat Assessment**

Product or process of evaluating information based on a set of criteria for entities, actions, or occurrences, whether natural or man-made, that have or indicate the potential to harm life, information, operations and/or property.<sup>25</sup>

## **Union**

Elected representatives of bargaining unit employees that are legally entitled to negotiate over conditions of employment of those employees.

## **Violent Behavior**

The intentional use of physical force or power, threatened or actual, against a person or group that either results in or has a high likelihood of injury, death, or psychological harm to self or others.<sup>26</sup>

## **Weingarten Rights**

Rights that cover any examination of a bargaining unit employee by a representative of an agency in connection with an investigation.

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<sup>23</sup> See *DOL Workplace Violence Program – Appendices*

<sup>24</sup> See *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard*, 2<sup>nd</sup> Edition, p. 55 (November 2016)

<sup>25</sup> See *DHS Lexicon Terms and definitions*, IM 262-12-001-01, April 18, 2018.

<sup>26</sup> See *Department of Defense Instruction 1438.06*.

## **Workplace Bullying**

“Repeated, health-harming mistreatment by one or more people of an employee and/or abusive conduct which includes:

- Work interference or sabotage;
- Threats, intimidation, humiliation;
- Verbal abuse;”<sup>27</sup> or
- A combination of any or all of the above.

## **Workplace Violence**

Any act of violent behavior, threats of physical violence, harassment, intimidation, bullying, verbal or non-verbal threat, or other threatening, disruptive behavior that occurs at the workplace.

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<sup>27</sup> See The Workplace Bullying Institute Definition of Workplace Bullying:  
<http://www.workplacebullying.org/individuals/problem/definition/>