

Board of County Commissioners Leon County, Florida

Policy No. 03-12

Title:	Violence Prevention and Intervention
Date Adopted:	September 10, 2013
Effective Date:	September 10, 2013
Reference:	N/A
Policy Superseded:	Policy No. 03-12, "Violence Prevention and Intervention," adopted June 10, 2003

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that policy, Policy No 03-12, AViolence Prevention and Intervention,@ adopted June 10, 2003, be revised, to wit:

The following policy and procedures are internal policies for the conduct of all Leon County employees and volunteers: in the performance of their assigned duties; while on Leon County property; or in County vehicles, or in personal vehicles on premises defined as Leon County property. This policy, as stated, shall also apply to members of the public including vendors/contractors who engage in violent behaviors directed against County employees or Leon County facilities.

In addition, the County reserves the right to review any incident of violent behavior involving a County employee, on or off duty, and take appropriate disciplinary and/or legal action to discourage future violent behavior and to protect the safety of employees and the public.

00.01 STATEMENT OF POLICY

Violence in the workplace can have a devastating effect on the productivity of organizations and the quality of life of employees. All across America today we are seeing an increase in acts of violence that occur within the workplace. Recognizing this problem, Leon County has developed procedures to identify, report, intervene, and prevent workplace violence.

It is the policy of Leon County to provide a work environment that is reasonably safe, secure, and free from threats, intimidation, abusive behavior, and physical violence. Acts of physical violence, direct or indirect verbal threats, stalking, aggressive, or intimidating behavior, or provocation, which could lead to violence, will not be tolerated.

00.02 PURPOSE

The purpose of this policy is to provide standards, procedures, and guidelines to identify, report, intervene and prevent workplace violence. These standards, procedures, and guidelines are further provided to: identify and communicate prohibited behaviors; facilitate management's ability to intervene, prevent, and respond to designated violent behaviors; communicate a reporting protocol; articulate a mechanism to assess on-duty and off-duty violent behaviors; recommend training

standards; and establish procedures for post-incident response and management.

00.03 SCOPE AND APPLICABILITY

This policy shall apply to all Leon County employees and volunteers:

- § in the performance of their assigned duties;
- § while on Leon County property;
- § in County vehicles; or,
- § in personal vehicles on premises defined as Leon County property.

In addition, the County reserves the right to review any incident of violent behavior involving a County employee, on or off duty, and take appropriate disciplinary and/or legal action to discourage future violent behavior and to protect the safety of employees and the public.

This policy, as stated, shall also apply to members of the public including vendors/contractors and applicants who engage in violent behaviors directed against County employees or Leon County facilities. This policy, as stated, shall also apply to applicants for employment as referenced in Section 00.12 B Criminal History Screening.

00.04 DEFINITIONS AND TERMS:

CONCEALED WEAPON

Any Billie club, metallic knuckles, tear gas gun, chemical weapon or device, or other deadly weapon or firearm carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.

CONVICTION

For the purposes of this policy, a criminal conviction includes an adjudication of guilty, pleading guilty, or pleading nolo contendere regardless of adjudication.

EMPLOYEE

Any County employee or volunteer working under Leon County supervision.

FIREARM

Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any machine-gun.

IMMINENT DANGER

A situation of threatening behavior occurring through physical or verbal means that does not respond to intervention and/or where the individual has the ability and means to do immediate physical harm to themselves or others.

VIOLENT BEHAVIORS

Violent behaviors are defined as any of the following listed acts or behaviors committed by a County employee, volunteer, or by an individual not employed by the County against a Leon County employee in the performance of their duties, as a result of or related to the performance of those duties, in a County workplace, or against County facilities. Violent behaviors include, but are not limited to the following:

- § Any act of violent criminal behavior as defined in Florida Statutes including but not limited to: homicide, forcible sex offenses, robbery, reckless endangerment, aggravated assault, battery, stalking, arson, threats of physical violence, weapons violations, malicious damage to property, and destructive device violations.
- § Any verbally threatening, provoking, or intimidating behavior occurring from or in the work place or through electronic communications, which results in a fear for personal safety. This includes verbal intimidation or threats (direct or indirect) and swearing or shouting with the result of provocation or fear. Such behaviors will be judged from the perspective of the victim given a reasonable person standard.
- § Any act of violence, threats, or stalking committed by an employee or volunteer, or by another person against a County employee or volunteer, during work hours at a County facility or workplace, or related to the performance of County duties.

WEAPON

Any device that can be used to inflict great bodily harm, such as a sharp edged instrument, vehicle, equipment, or object that is utilized in a threatening manner thereby putting a person in fear for their safety when judged from the perspective of the victim given a reasonable person standard.

WORKPLACE

Any location where an employee performs County work related duties, including parking lots and areas surrounding County facilities and locations where County work is performed, and areas of travel between job locations.

00.05 COMMUNICATION OF POLICY

The Human Resources division shall be responsible for developing a training and education plan for the organization. Formal training on the policy may include the following:

- § **Leon County=s Violence Prevention and Intervention Policy**
 - How to report incidents
 - Your facility=s threat handling process
- § **How to Prevent and Defuse Volatile Situations**
 - Techniques on how to manage anger & conflict
 - Stress management, relaxation techniques, wellness training
 - Personal safety training
 - How to conduct a functional security audit/review
 - How to give and take disciplinary action
 - How to properly terminate an employee
- § **How and when to contact the Employee Relations Coordinator**
 - Community resource & referral list
 - County mediation and employee assistance program

Each department shall be responsible for ensuring that their employees and volunteers are made aware of these policy provisions through the following means:

- § Access to and posting of policy on common area bulletin boards
- § Participation in formal training on the policy
- § Informal managerial/supervisory work site orientations
- § Inclusion in new employee/volunteer orientation packets
- § Demonstrated departmental support and compliance with the policy provisions

00.06 REPORTING

All occurrences of violent behaviors shall be taken seriously, and situations of imminent danger should be reported directly to law enforcement.

All County employees are responsible for immediately notifying their supervisors, division or department management, following the chain of command, of any actual or potential violent behaviors, which occur in the workplace that they have witnessed, been the victim of, or have knowledge of. Factual information on behaviors observed, the nature and type of violent behaviors, any observed or potential weapons, person(s) involved, time, locations, witness information, and any other relevant information should be reported through the employee's chain of command using the Workplace Violence Report Form and related procedures. Employees should report the threat to their immediate supervisor or another member of management.

Upon being notified of actual or potential acts of violent behaviors, supervisors and managers shall immediately notify the Human Resources division to ensure that the matter is evaluated, appropriate disciplinary action is initiated, and any potential victim(s) receive appropriate assistance regarding their safety, security, referral to counseling and if necessary, other referrals.

Reports of suspected violations of this policy shall be kept confidential to the extent permitted by law, and employees who report such violations will not be retaliated against.

Any employee or volunteer who is convicted of any felony or a misdemeanor of a violent nature, shall within one (1) business day of such action notify his/her supervisor in writing of the occurrence. Failure to make such notification shall be grounds for disciplinary action up to and including termination.

00.06.01 Procedure: Reporting

All occurrences of violent behaviors shall be taken seriously, and situations of imminent danger should be reported directly to law enforcement.

1. The victim/witness shall notify their immediate supervisor of the incident. If the immediate

supervisor is unavailable, the victim/witness shall notify the next person of authority, following the chain of command.

2. The supervisor will evaluate the situation and take immediate action within their authority to diffuse the situation, including, but not limited to, separating the parties (if applicable). All occurrences of violent behaviors shall be taken seriously, and situations of imminent danger should be reported directly to law enforcement.
3. The supervisor will notify their chain of command of the situation and the action(s) taken. This may include a notification to the Human Resources division.
4. The victim/witness and the supervisor will jointly complete the Workplace Violence Report Form and route through the chain of command.
5. The completed Workplace Violence Report Form is then forwarded to the Human Resources division who will ensure that the matter is evaluated, appropriate disciplinary action is initiated (when applicable), and any potential victim(s) receive appropriate assistance regarding their safety, security, referral to counseling and, if necessary, other referrals.

00.07 FALSE REPORTING

Any employee who knowingly: provides information which falsely accuses another employee, vendor/contractor, or job applicant of a violent behavior, provides information which is non-factual in an investigation or inquiry involving a violent behavior, or maliciously spreads or conveys false information to others regarding such incidents, is subject to disciplinary action up to and including termination.

00.08 WEAPONS - PROHIBITIONS

The possession of a weapon, or any type of firearm, is not permitted on County property, in County facilities, at County work sites or in County vehicles. The sole exception shall be where such possession or use of a weapon is a necessary and approved requirement of the employee's job. Violations of this provision shall result in disciplinary action.

00.09 PROTECTIVE/RESTRAINING ORDERS

- A. With the exception of Injunctions for Protection described in Section 00.09(C), protective/restraining orders are not required reporting issues and the County assumes no responsibility for the enforcement of a restraining order.

- B. County employees with an Injunction for Protection or other court-ordered protective/restraining order issued and in effect against another person (the “Respondent”), which orders the Respondent to stay away from the workplace, are encouraged, but not required, to notify their County supervisor or Leon County’s Employee Engagement & Performance Manager. Upon receipt of such employee’s notification, the employee’s supervisor should contact the Human Resources Director or Leon County’s Employee Engagement & Performance Manager and, if requested by the employee, Leon County may take reasonable steps to ensure that the workplace is reasonably safe, secure, and free from threats, intimidation, abusive behavior, and physical violence.
- C. A County employee who is a Respondent to an Injunction for Protection (“Employee/Respondent”) shall notify his/her supervisor of such Injunction for Protection as soon as possible, but no later than at the commencement of the Employee’s next scheduled work day, if any of the following applies:
1. If the Petitioner for such Injunction for Protection is an Employee with whom the Employee/Respondent may come in contact with during such Employee/Respondent’s Leon County work-related duties; or
 2. If the Petitioner for such Injunction for Protection is another person with whom the Employee/Respondent may come in contact with during such Employee/Respondent’s Leon County work-related duties; or
 3. If the Employee/Respondent used any Leon County resources in any of the conduct, which gave rise to the Injunction for Protection, as, contained in the court records for such Injunction for Protection.

Upon receipt of notification, the supervisor will notify Leon County’s Employee Engagement & Performance Manager, and the Human Resources Director will subsequently contact the County Attorney’s office to discuss appropriate actions to be taken, if any.

- D. As used in this section:
1. “Injunction for Protection” means a court-ordered restriction placed on an individual who has, or who has allegedly, committed acts or, in some cases, made threats of violence against another individual;
 2. “Petitioner” means the person who is seeking or obtains an Injunction for Protection;
 3. “Respondent” means the person who is alleged to have engaged in an act or acts of domestic violence, or another form of violence, and whom an Injunction for Protection may be or is issued against;
 4. Leon County “resources” includes, but is not limited to, work time, Leon County vehicles, telephones, printers, copiers, FAX machines, mail, e-mail or other Leon County resources; and
 5. “Contact” includes, but is not limited to, phone, e-mail, text, in person, third-party conduit, Internet or social network, and any other contact proscribed by the court in the Injunction for Protection.

00.10 POST INCIDENT RESPONSE & COUNSELING

Following an act of violence in which the division has made a determination that the workplace has been affected, and subsequent to stabilizing the scene, the Human Resources division will coordinate appropriate counseling services via the Employee Assistance Program (EAP). Employee counseling will be conducted, ideally within 24 to 72 hours depending on circumstances and events. Initially, counseling will be done for the victims and direct witnesses to the event. Group counseling may be conducted for work site personnel not directly involved in the incident. Individual follow-up counseling will be conducted as deemed appropriate.

A post incident response and counseling shall be provided for all employee victims and any other potentially affected employees in instances where acts of violent behaviors have been perpetrated resulting in significant injury or death. A post incident response and counseling may occur in any other instance of violent behaviors, which has substantially disrupted the workplace resulting in significant mental and/or emotional trauma to the affected employees.

00.11 CONSEQUENCES OF VIOLATIONS

Any employee who commits an act of violent behavior in the workplace shall be subject to disciplinary action up to and including termination. In addition, such individual may be immediately removed from the premises and suspended without pay, as quickly as safety permits (Reference Leon County Board of County Commissioners Personnel Policy and Procedures Manual (LCBCC PP&PM), Section 10.03.5 B Suspension for policy guidance). The suspended employee shall remain off County property pending the outcome of an investigation to determine if further action is warranted. Such further action may include a fitness for duty referral through the EAP program, mandatory counseling, reassignment of job duties, progressive discipline, suspension, termination from employment, and/or criminal prosecution of the person(s) involved.

When a situation requires an investigation in order to determine an employee's involvement in an alleged act of violence in the workplace, the employee(s) under formal investigation or employee(s) participating in a formal investigation, may be placed on Administrative Leave, with or without pay (reference LCBCC PP&PM, Section 7.19 G. Formal Investigations).

Other acts of actual violent behaviors, or violations of this policy, and other matters that are reported shall be fully evaluated by the Human Resources division in coordination with the affected department to determine the appropriate management response.

When any other non-County employee: exhibits threatening behavior which places employees or other citizens in fear for their safety, brandishes or utilizes a weapon to create fear or intimidation, or engages in violent behaviors on County property, the appropriate law enforcement agency shall immediately be notified. The County may take whatever legal action is appropriate and necessary to prosecute such person(s) and ensure that they are not permitted back in the facility or on County property where the violation occurred.

00.12 CRIMINAL HISTORY SCREENING

Leon County is committed to a policy of screening applicants for employment, volunteer service and promotion (merit or competitive), and may deny employment or promotion to those applicants who have previously engaged in violent behaviors.

Additionally, for current employees, the County will engage in a policy of early intervention, counseling, referral programs, awareness strategies, training, and if necessary disciplinary action up to and including termination for employees who may engage in violent behaviors either on or off-duty.

In all instances, each applicant/employee=s criminal history will be considered by Human Resources on a case-by-case basis with primary consideration for the protection and best interests of the citizens and employees of the Leon County.

Revised 9/10/2013