

Protecting Against Workplace Violence

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In 2009 – Workplace Violence, U.S. Department of Justiceⁱ:

- Approximately 572,000 nonfatal violent crimes and 521 homicides occurred in the workplace.
- Based on 1.68% of the national population, that equates to 9,618 violent workplace crimes in Colorado per year – or 801.5 per month.
- Nationally, 70% were committed by robbers, 21% by co-workers and shootings accounted for 80% of the workplace homicides.
- Strangers created the greatest proportion of nonfatal violence (53% against males and 41% against females).

In 2012, Law Firm Ogletree and Deakins citedⁱⁱ:

- “Negligent Hiring” is increasing the risk of workplace violence because new EEOC regulations limit hiring guidelines. Arrest records cannot be considered.
- “Negligent Retention” also increases risk created by concerns of litigation for dismissal.
 - Example - In 1991, the U.S. Postal Service fired an employee that demonstrated erratic emotional behavior with verbal outburst. The employee’s supervisor alleged that the employee was mentally unbalanced and capable of a workplace shooting event. A Portland, Maine judge ruled that the employee’s discharge was illegal because he had a mental disability which was protected by the Americans with Disabilities Act.
- Gregory Boop, lawyer specializing in workplace violence: OSHA regulations impose a general duty to maintain a safe work environmentⁱⁱⁱ.
- Most traditional commercial general liability policies exclude coverage for workplace violence^{iv}.

Liability Consultants, experts representing major U.S. corporations in 750+ lawsuits in 40 states: Robberies, rapes, assaults, batteries, abductions, and homicides occur at all types of businesses, and employers can be held civilly liable for these crimes.

In 2013, the FBI Uniform Crime Statistics^v reported:

- 16,226 violent crimes in Colorado
- 14,979 – or 92.3% - occurred in a metro areas where businesses are prevalent
- Add to that Property Crimes of 140,057 and Burglary of 25,081 – and the total is 181,364 of which 91.5% occurred in a metro Colorado community.
- 128 Hates Crimes in Colorado in 2013^{vi}
 - 97 were in metro areas
 - 65 – 67.01% - occurred in Metro Denver which represents 50.78% of all Hate Crimes in Colorado
 - Nationally, 6,933 Offenses left 7,242 Victims – as defined by a person, business, institution, or society as a whole.
 - 26.6% of Hate Crimes occur in schools, businesses or government buildings^{vii}.

Continuing Status Quo

- The average response time law enforcement for an emergency is estimated at 3-8 minutes.
- The average duration of an active shooter or workplace violence event is less than 3 minutes.

How Many Lives Could Have Been Saved at Aurora Theater Shooting?

- Five off-duty law enforcement officers in the parking lot and shooting over before they could breach the building.
- Example: Civilian armed and capable – did not engage.

Is Supporting Armed Business Owners and Managers a Safe Bet?

Using Concealed Handgun Permits for civilians as a statistical baseline:

- 170,636 Concealed Handgun Permits (CHP) in Colorado^{viii} (2014)
- 364,699 gun owners participating in 7,261,855 days of firearms training in Colorado every year – for an average of 20 days of training per year per trainee^{ix}. (2013)
- 16,700 sworn law enforcement officers in Colorado. (2013) In context of civilians:
 - 10.2 CHP civilians per every sworn law enforcement officer
 - 21.8 active firearm training civilians for every sworn law enforcement officer

Crime Prevention Research Center: CHP Revocations for Florida and Texas – Firearms Violations^x

- Of 2.66 million concealed carry permits issued in Florida (10/87 – 05/14) only 168 were revoked for an annual rate of 2/10,000 of 1%. From 01/08 – 05/14, only 4 revoked at 7/100,000 of 1%.
- Of 586,850 concealed carry individuals in Texas, 2/100 of 1% lost their permits
- Statistically, concealed carry permit holders are extremely law-abiding citizens.
- National data for police cites 12/100 of 1% - or approximately 6 times higher than civilian concealed carry.

In Summary

- Violent Crimes in the Workplace are pervasive with a proportional estimate of 9,618 distinct events in Colorado every year.
- It is difficult-to-impossible to prevent workplace violence from within a business – yet government regulations place responsibility on business owners to provide a safe work environment.
- Violent Crimes in our community are occurring in proximity to businesses and inherently related.
- Law Enforcement cannot be everywhere and often arrive after the act of violence.
- Colorado has an exceptionally strong history of concealed carry law abiding civilians who act in accordance with legal guidelines to help protect our community.

ⁱ *Workplace Violence, 1993-2009*, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2377>.

ⁱⁱ *When Employees Snap: Recognizing and Preventing Violence in the Workplace*, Ogletree Deakins, St. Louis Missouri

ⁱⁱⁱ *Business Insurance to Cover the Risk of Workplace Violence*, Gregory Boop, Lawyer and Business Insurance Expert

^{iv} *Business Insurance to Cover the Risk of Workplace Violence*, Gregory Boop, Lawyer and Business Insurance Expert

^v FBI Uniform Crime Statistics, 2013, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/5tabledatadecpdf/table_5_crime_in_the_united_states_by_state_2013.xls

^{vi} FBI Uniform Crime Statistics, 2013, [http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/tables/13tabledatadecpdf/table-13-state-](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/tables/13tabledatadecpdf/table-13-state-cuts/table_13_hate_crime_incidents_per_bias_motivation_and_quarter_colorado_by_agency_2013.xls)

[c-](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/tables/13tabledatadecpdf/table-13-state-cuts/table_13_hate_crime_incidents_per_bias_motivation_and_quarter_colorado_by_agency_2013.xls)
[cuts/table_13_hate_crime_incidents_per_bias_motivation_and_quarter_colorado_by_agency_2013.xls](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/tables/13tabledatadecpdf/table-13-state-cuts/table_13_hate_crime_incidents_per_bias_motivation_and_quarter_colorado_by_agency_2013.xls)

^{vii} FBI Uniform Crime Statistics, 2013, [http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/topic-pages/location-](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/topic-pages/location-type/locationtype_final)
[type/locationtype_final](http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/topic-pages/location-type/locationtype_final)

^{viii} Crime Prevention Research Center, July 9, 2014, [http://crimepreventionresearchcenter.org/wp-](http://crimepreventionresearchcenter.org/wp-content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf)
[content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf](http://crimepreventionresearchcenter.org/wp-content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf)

^{ix} National Shooting Sports Foundation, <http://www.nssf.org/PDF/research/TargetShootingInAmericaReport.pdf>

^x Crime Prevention Research Center, July 9, 2014, [http://crimepreventionresearchcenter.org/wp-](http://crimepreventionresearchcenter.org/wp-content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf)
[content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf](http://crimepreventionresearchcenter.org/wp-content/uploads/2014/07/Concealed-Carry-Permit-Holders-Across-the-United-States.pdf)