

CHAPTER 15
WORKPLACE VIOLENCE AWARENESS AND PREVENTION

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TABLE OF CONTENTS

<u>GENERAL</u>	15-3
Policy	15-3
Purpose	15-3
<u>DEFINITIONS</u>	15-3
Workplace Violence	15-3
Violence	15-3
Threat	15-4
Bullying	15-4
The Workplace	15-4
Domestic Violence	15-4
Property Damage	15-4
<u>TYPES OF WORKPLACE VIOLENCE</u>	15-4
Type 1	15-4
Type 2	15-4
Type 3	15-4
Type 4	15-5
<u>RESPONSIBILITIES</u>	15-5
Manager/Supervisor	15-5
Employee	15-5
<u>PREVENTION</u>	15-5
Pre-employment Screening	15-5
Security	15-5
Employee Assistance Program	15-6
<u>INDICATORS OF POTENTIAL WORKPLACE VIOLENCE</u>	15-6
<u>TRAINING</u>	15-6
<u>OCCURRENCES OF WORKPLACE VIOLENCE</u>	15-7
<u>DEPARTMENTAL REPORTING REQUIREMENTS</u>	15-7
<u>AVAILABLE RESOURCES</u>	15-8
Peer Support Personnel	15-8
Employee Assistance Program	15-8
Support Group	15-8
Clergy	15-8

ANNEXES

A – STD. 99, REPORT OF CRIME OR CRIMINALLY CAUSED PROPERTY
DAMAGE ON STATE PROPERTY 15-9

B – CHP 216, ARREST – INVESTIGATION REPORT 15-11

CHAPTER 15

WORKPLACE VIOLENCE AWARENESS AND PREVENTION

1. GENERAL.

a. Policy. The California Highway Patrol (CHP) desires to provide its employees with a workplace that is safe and healthful; this philosophy is directly supported by Section 6400 of the California Labor Code and the Federal Occupational Safety and Health Act of 1970. To this end, violence or threat of violence in the workplace will not be tolerated in any form and the CHP has enacted a “**Zero-Tolerance**” workplace violence policy. The Department understands that there are times individuals may encounter difficulties relative to their work, or their relationships with coworkers, supervisors, managers, or members of the public. In an endeavor to minimize the threat of violence to employees and the public in state facilities, the CHP will make a concentrated effort to heighten the level of awareness associated with the causes of, and potential results of violence, or the threat of violence in the workplace. The Department also will provide support and protection for victims.

b. Purpose. As a means by which to create and maintain the desired safe working environment, departmental employees are expected to conduct themselves in accordance with the personnel rules and regulations of the CHP (See General Order [GO] 0.1, Departmental Mission Statement and Organizational Values) which include: respect for others, fairness, ethical practices, and equitable treatment for all. Any deviation from this **Zero-Tolerance** policy toward workplace violence will result in departmental action being taken against the violator, up to and including administrative action and/or criminal prosecution.

2. DEFINITIONS.

a. Workplace Violence. Violence in which an individual knowingly and willfully inflicts or threatens to inflict, without legitimate purpose, serious harm, injury, or death upon other persons, or damage to property, at the place of work.

b. Violence. Extreme behaviors intended to frighten, intimidate, injure, damage or destroy another person or property. Most commonly an expression of anger demonstrated by one or more of the following actions: inappropriate gestures, physical force, retaliation, self-prediction of loss of control, stalking, and/or overt threats, bullying, harassment, and verbal abuse. This list should by no means be considered all-inclusive.

- c. Threat. A direct or implied expression of conduct intended to inflict physical harm, and/or actions, which a reasonable person would perceive as a threat to their safety, the safety of others, or the safety of property. Threats can be expressed through verbal communications, written format, or body language.
- d. Bullying. An act of repeated, aggressive behavior used to intentionally hurt another person, physically or mentally. Bullying is characterized by an individual behaving in a certain way to gain power over another person.
- e. The Workplace. Includes all on-site locations, buildings and facilities, including parking areas, all departmental property and off-site locations where employees are engaged in departmental business.
- f. Domestic Violence. Domestic violence is a pattern of abusive behaviors meant to control the victim. This may include the use of violence, threats, and intimidation between two people who have an ongoing or prior intimate relationship. This may include a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child.
- g. Property Damage. Intentional damage to property owned or leased by the CHP, employees, visitors, or vendors.

3. TYPES OF WORKPLACE VIOLENCE. According to the National Institute for Occupational Safety and Health (NIOSH), workplace violence typically falls into one of four categories.

- a. Type 1. Criminal Intent. In this kind of violent incident, the perpetrator has no legitimate relationship to the business or employee(s), rather the violence is incidental to another crime, such as robbery, shoplifting, or trespassing. Acts of terrorism also fall into this category.
- b. Type 2. Customer/Client. Type 2 is characterized by a violent person who has a legitimate relationship to the business or employee(s). The person is a customer or client and becomes violent while being served by the business. Police officer is one of the highest risk professions for this category.
- c. Type 3. Worker-on-Worker. The perpetrator of this type of violence is an employee of or former employee of the business who attacks or threatens another employee(s) at the workplace. All workplaces are at risk for this category of violence.
- d. Type 4. Personal Relationship. The perpetrators usually do not have a relationship with the business but have a personal relationship with the intended

victim. Typically, this category includes victims of domestic violence who are assaulted or threatened while at work.

4. RESPONSIBILITIES. All work sites, including state facilities, are required to prepare an Injury and Illness Prevention Plan (IIPP) with which all employees are familiar (refer to Highway Patrol Manual [HPM] 10.6, Occupational Safety Manual). Workplace safety rules should be included in the IIPP.

a. Manager/Supervisor. Managers and supervisors are responsible for ensuring compliance with the provisions of the IIPP. Furthermore, a single point of contact who is thoroughly familiar with the IIPP and workplace safety policies should be designated to address employee questions and concerns. The single point of contact should be referenced on the DWC 7, Notice to Employees – Injuries Caused By Work, which is required to be posted at all state work sites. All reports of workplace violence must be regarded as a serious matter, and the appropriate disciplinary actions should be taken. As far as is practicable, prospective employees' backgrounds should be checked prior to hiring.

b. Employee. California Highway Patrol employees are expected to act professionally, courteously, and responsibly at all times, which will ensure compliance with the Department's **Zero-Tolerance** workplace violence policy. It is the responsibility of each and every employee to immediately report any and all acts of workplace violence to their supervisor without fear of reprisal. Employees should question and/or report strangers to supervisors and be familiar with the procedures for dealing with workplace threats and emergencies.

5. PREVENTION. A solid prevention plan is vital and, in the long run, a cost-effective portion of the Department's workplace violence program.

a. Pre-employment Screening. The Department should determine, with the assistance of the Human Resources Section (refer to HPM 10.3, Personnel Transactions Manual, Chapter 2, Nonuniformed Hiring and Appointments) and the Legal Affairs Section, the pre-employment screening techniques which should be utilized. Interview questions, background checks, and reference checks are all effective methods.

b. Security. Maintaining a safe workplace is part of a good prevention program. The Department utilizes a uniform statewide CHP identification badge that doubles as a coded keycard for access to buildings and grounds. Continual inspection to ensure all points of entry (doors, gates, etc.) at CHP buildings and parking areas are secure and functioning properly, would limit the public's access to the lobby during business hours.

c. Employee Assistance Program. The Department has a confidential Employee Assistance Program (EAP) with trained counselors who can address workplace stress and violence issues. The counselors can also be used to strategize ways to deal with uncomfortable or threatening situations. Professional counselors are available to discuss problems that can adversely affect job performance and conduct.

6. INDICATORS OF POTENTIAL WORKPLACE VIOLENCE. Supervisors should be alerted immediately if an employee has concerns over a potentially violent situation. The following is partial list of warning indicators for potential workplace violence.

- a. Intimidating, harassing, bullying, belligerence, or other inappropriate and aggressive behavior.
- b. Numerous conflicts with customers, coworkers, or supervisors.
- c. Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or making idle threats about using a weapon to harm someone.
- d. Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- e. Statements indicating desperation (over family, financial and other personal problems) to the point of contemplating suicide.
- f. Direct or veiled threats of harm.
- g. Substance abuse.
- h. Extreme changes in normal behaviors.

7. TRAINING. On an annual basis, all employees, including supervisors, are required to complete the online Workplace Violence Awareness and Prevention training. Each Division Training Coordinator shall ensure their Division personnel register and complete the online training and enter results into the Electronic Training Record System (ETRS). Supervisors must ensure that new employees read and understand the Department's policy on Workplace Violence Awareness and Prevention.

8. OCCURRENCES OF WORKPLACE VIOLENCE.

a. In compliance with the provisions contained within Section 6401 of the California Labor Code, all employees should immediately report to a supervisor any violation of the Department's Workplace Violence Policy, or circumstances that detract from a safe and healthful workplace. In the event an alleged violation of this policy warrants further investigation, the investigation should be conducted consistent with the procedures enumerated within HPM 10.2, Internal Investigations Manual. A STD. 99, Report of Crime or Criminally Caused Property Damage on State Property should be completed, in compliance with Departmental policy. When applicable, a CHP 216, Arrest – Investigation Report, should be completed consistent with the provisions of GO 100.39, CHP 202, Driving Under the Influence (DUI) Arrest – Investigation Report, and CHP 216, Arrest – Investigation Report. Furthermore, commanders should ensure corrective action is taken to prevent future similar occurrences.

b. In accordance with Section 527.8 of the California Code of Civil Procedure, any employer may seek a temporary restraining order, and an injunction on behalf of an employee who has been the victim of violence, or a threat of violence in the workplace. A hearing should be held within 21 days of the filing of the petition for the injunction. If the requested injunction is issued, it should have duration not to exceed three years. Under this Section, the plaintiff may apply for a renewal of the injunction up to three months before its expiration.

9. DEPARTMENTAL REPORTING REQUIREMENTS.

a. If the departmental investigator assigned to follow-up on an incident of violence in the workplace deems it necessary to complete a STD. 99, a copy of the report should be entered into the State Crimes Automated Reporting System database as required by HPM 100.70, Safety Services Program Manual, Chapter 3, Crime Incident Reporting.

b. Copies of written reports, such as memorandums, documenting incidents of workplace violence which occur within the Department, shall also be forwarded to Emergency Operations and Safety Section.

c. Reports reflecting the number and types of workplace violence related incidents, which occur within the Department, may be generated for departmental use at the request of Executive Management, Division commands, or Area commands.

10. AVAILABLE RESOURCES. There are several places people can turn for help when they have, in some way, been involved with workplace violence. The following four suggestions are merely provided as a starting point.

- a. Peer Support Personnel. The Department offers a Peer Support Program to its employees. Peer Support Personnel are CHP employees who have personal first-hand experience dealing with the issues surrounding traumatic events. These employees volunteer their time to assist other employees with problems that may arise as a result of violence in the workplace. (Refer to HPM 10.5, Employee Assistance Program Manual.)
- b. Employee Assistance Program. The State of California provides access for all employees to EAP counselors, who are specially trained and ready to deal with the most difficult of workplace related problems. Personnel from EAP are available to provide assistance 24 hours a day at (866) 327-4762.
- c. Support Group. Sometimes talking with others who have shared the same experience is helpful in the healing process. If this is the case, consider joining a local support group. (For more information, contact the county social services office.)
- d. Clergy. Local clergy can be called upon for just about anything; rarely will any compensation be expected. Most often, pastors, ministers, priests, and rabbis have experience dealing with even the most horrible of situations. Members of the clergy generally receive specialized training to deal with a myriad of traumatic events.

ANNEX A

STD. 99, REPORT OF CRIME OR CRIMINALLY CAUSED PROPERTY DAMAGE ON STATE PROPERTY

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL REPORT OF CRIME OR CRIMINALLY CAUSED PROPERTY DAMAGE ON STATE PROPERTY STD. 99 (REV. 3/2023) <input type="checkbox"/> ORIGINAL REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT <input type="checkbox"/> ADMINISTRATIVE OFFICE OF THE COURTS		DISTRIBUTION OF COMPLETED STD. 99 Original: California Highway Patrol (Local Area Office) Copy: State Agency Completing/Filing Report Copy: State Agency Headquarters Copy: Bureau of State Audits Copy: Department of Finance (Larceny or Fraud ONLY)			
State agencies are required to complete and mail a STD. 99, Report of Crime or Criminally Caused Property Damage on State Property, to their local California Highway Patrol (CHP) office if a crime or criminally caused incident occurred on state-owned/leased property.					
PLEASE TYPE OR PRINT ALL INFORMATION					
1A. CRIME DATE (Mo./Day/Yr.)	1B. (If unknown, discovery date)	2. CRIME CLASSIFICATION (i.e., Assault, Theft, Vandalism)	3. REPORTING PARTY		
4. AGENCY/DEPARTMENT REPORTING CRIME		5. LOCATION WHERE CRIME OCCURRED (Street Address, City, County, Zip Code)			
6. LOCATION OF REPORTING AGENCY (Street Address, City, County, Zip Code)			7. PHONE NUMBER		
8. WAS A REPORT FILLED WITH LOCAL LAW ENFORCEMENT? (IF CHP RESPONDED, DO NOT SUBMIT SEPARATE STD. 99)			9. CASE NUMBER		
<input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, NAME OF AGENCY					
10. PERSON (Last Name, First Name, Middle Initial)		Check all applicable boxes:			
		<input type="checkbox"/> VICTIM <input type="checkbox"/> SUSPECT <input type="checkbox"/> WITNESS <input type="checkbox"/> EMPLOYEE <input type="checkbox"/> VISITOR <input type="checkbox"/> UNKNOWN			
PROPERTY INVOLVED					
<input type="checkbox"/> STATE (Building or Property) <input type="checkbox"/> OTHER (Please describe)					
Workplace Violence					
<input type="checkbox"/> Type I Inappropriate conduct by people with no legitimate business at the workplace <input type="checkbox"/> Type II Inappropriate conduct by a customer or client of the workplace <input type="checkbox"/> Type III Inappropriate conduct by an employee or former employee <input type="checkbox"/> Type IV Inappropriate conduct by a person associated with the workplace through an employee					
11. DESCRIBE TYPE OF STATE FACILITY WHERE CRIME OCCURRED (Check all applicable boxes)					
<input type="checkbox"/> STATE-OWNED <input type="checkbox"/> OFFICE/BUILDING <input type="checkbox"/> PARKING LOT <input type="checkbox"/> MAINTENANCE YARD/OPEN LAND <input type="checkbox"/> STATE-LEASED <input type="checkbox"/> WAREHOUSE/STORAGE FACILITY <input type="checkbox"/> MECHANICAL/UTILITY SHOP <input type="checkbox"/> OTHER					
12. BRIEF DESCRIPTION/DETAILS OF THE CRIME (Who, What, Where, and How)					
COMPLETE THE FOLLOWING SECTION IF ANY PROPERTY WAS STOLEN OR DAMAGED.					
NOTE: REFERENCE THE STATE ADMINISTRATIVE MANUAL (SAM) SECTION 843 FOR INSTRUCTIONS ON COMPLETING THE STD. 152, PROPERTY SURVEY REPORT FORM.					
13. DESCRIBE ALL PROPERTY (include Brand/Make/Model)	SERIAL NUMBER (if available)	STATE OWNED/LEASED	PRIVATELY OWNED	PROPERTY DAMAGE (Estimated damage value)	PROPERTY LOSS (Estimated loss value)
FOR CHP USE ONLY					
If report involves a monetary loss due to burglary, theft, robbery, or vandalism, attach a copy of the completed CHP 729, Uniform Crime Report.					
14. AREA-CASE NUMBER	ARRESTING/INVESTIGATING OFFICER		CRIME CLASS SECTION	I.D. NUMBER	
FOLLOW-UP ASSIGNED TO			DATE	I.D. NUMBER	
REVIEWING SUPERVISOR			DATE	I.D. NUMBER	
15. ASSIGNED CATEGORY	16. DISPOSITION CODE	17. DATA ENTRY OPERATOR	I.D. NUMBER	ENTRY DATE	
Commands shall retain copies of the completed STD. 99 along with the corresponding report (i.e., CHP 216 or CHP 202), and the Uniform Crime Report, CHP 729, if applicable, for a period no longer than 2 years.					
QUESTIONS REGARDING THE STD. 99 SHOULD BE REFERRED TO EMERGENCY OPERATIONS AND SAFETY SERVICES SECTION (916) 843-3250.					
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To align pasted content, select all text and click More, Paragraph, and set Spacing Above: 0, Below: 0, Line Spacing: Exactly, At: 18

LAST NAME, FIRST NAME, AND MIDDLE INITIAL

CITATION/CASE NUMBER

PAGE 2 OF 2

ARREST – INVESTIGATION REPORT NARRATIVE (CONTINUED)

ADMONITION OF RIGHTS

- 1. YOU HAVE THE RIGHT TO REMAIN SILENT.
- 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- 3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.
- 4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

NOT ADVISED

ARRESTING OFFICER

OR:

ID:

TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?

YES NO

HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

YES NO

WAIVER STATEMENT

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