



# PEFactsheet



## Workplace Violence Prevention Working With District Attorneys and Law Enforcement

Workplace violence is a significant cause of injuries for many PEF members, especially those who work in state agencies who work with psychiatric, behavioral, developmental or youth populations such as OMH, OPWDD, OCFS or DOCCS. Law enforcement and/or district attorneys may be reluctant to arrest and prosecute perpetrators of violence from these settings due to age or mental capacity. One way to address this problem is for PEF leaders and political action liaisons to meet with local law enforcement and District Attorneys (DAs) to encourage them to work with assault victims, public employers, and labor leaders to prosecute criminal assault cases in state facilities.

***What follows are some key points to make with management, law enforcement agencies and DAs on addressing this issue.***

- Assault and violence-related injuries result in thousands of often very severe injuries to NYS employees each year. According to the Annual Report of New York State Government Employees Workers Compensation Claims (<https://www.cs.ny.gov/pio/WorkersCompAnnualReport2024-2025.pdf>), there are many categories of workplace violence incidents. And those are just the ones that are reported. Many other incidents of workplace violence go unreported each year.

Causes of Workplace Violence Incidents	Workplace Violence Injuries								
	2024/ 2025	2023/ 2024	2022/ 2023	2021/ 2022	2020/ 2021	2019/ 2020	2018/ 2019	2017/ 2018	2016/ 2017
Assaults and Violent Acts by Person(s)	1,029	742	708	579	379	545	814	731	773
Assault by Patient	1,132	1,012	1,030	824	744	883	840	696	829
Assaults and Violent Acts	261	191	133	176	281	350	220	274	279
Hitting, Kicking, Beating	295	403	333	190	164	306	278	349	220
Assaults and Violent Acts by Person(s), Unspecified	52	43	34	53	188	237	232	316	249
Biting	110	84	72	64	79	108	121	130	133
Assault by Inmate	389	501	416	389	303	326	328	335	202
Patient Pushing Staff	213	219	290	367	337	400	328	111	42
Assaults and Violent Acts by Person(s)/Not Elsewhere Classified	38	22	28	16	14	7	34	52	76

- Some state officials and criminal justice authorities have said that violence towards workers in facilities is just "part of the job" and have been reluctant to prosecute. PEF believes that violence cannot be tolerated regardless of where it occurs. Otherwise, the criminal justice system is setting a separate lower standard for public employees who are assaulted in state institutions.
- Get to know your local DA. Advocate for a contact/liaison in the DAs office and in local law enforcement entities that understand the issues and problems faced by PEF members on the job.
- Protocols with DAs and local law enforcement are required in certain circumstances by the NYS Workplace Violence Prevention Law **12 NYCRR PART 800.6(i)(2)** requires:  
 "Employers at sites where there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury shall attempt to develop a protocol with the District Attorney or Police to insure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The employer shall provide information on such protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident."
- In some locations, PEF and management representatives have jointly developed such agreements with local law enforcement and DAs.
- PEF can offer assistance in providing the DA and local law enforcement with data, access to witnesses, and other helpful information. The DA and local law enforcement can help PEF better support injured members by providing timely information regarding the progress and status of cases.
- Provide copies of the PEF booklet on the Nurse Felony Law. DAs and law enforcement agencies may not be aware of the law which may result in errors in police reports and criminal charges in cases of assaults against nurses.
- Police should respond to each incident and take the reports – assaulted PEF members are the victims of a crime and should be treated with respect
- Notwithstanding the DA's process of evaluating the age and/or mental capacity of the perpetrator on a case by case basis, the responding officer cannot unilaterally decide that the person is too young or not competent to be prosecuted.
- Serious assaults of public employees must be appropriately prosecuted. Staff should not forfeit their rights as a citizen when they enter their workplace.
- Prosecution of these serious crimes safeguards the other consumers and staff, and can serve as a deterrent.

*Upon request, the PEF Occupational Health & Safety Department will provide other factsheets, standards, regulations, and other resources. Contact us at [healthandsafety@pef.org](mailto:healthandsafety@pef.org) or 518-785-1900, ext. 254 or 1-800-342-4306, ext. 254.*

**Produced by the New York State Public Employees Federation**

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