



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 (<http://www.cs.ny.gov/pio/WorkersCompAnnualReport2016.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							
	2016/ 2017	2015/ 2016	2014/ 2015	2013/ 2014	2012/ 2013	2011/ 2012	2010/ 2011	2009/ 2010
Assaults and Violent Acts by Person(s)	773	690	593	789	816	680	595	636
Assault by Patient	829	806	601	591	372	355	328	343
Assaults and Violent Acts	279	423	509	411	320	406	393	405
Hitting, Kicking, Beating	220	288	428	393	413	540	485	439
Assaults and Violent Acts by Person(s), Unspecified	249	226	125	167	120	114	136	113
Biting	133	126	152	154	186	185	164	206
Assault by Inmate	202	312	274	144	82	82	91	65
Patient Pushing Staff	42	33	42	45	47	50	49	36
Assaults and Violent Acts by Person(s)/Not Elsewhere Classified	120	76	72	43	70	150	185	209

- 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/liason 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 or 518-785-1900, ext. 254 or 1-800-342-4306, ext. 254.

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