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FEATURE ARTICLE

LP's Role in Preventing Workplace Violence

Written by Steven Millwee
March 2006

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"Loss prevention doesn't handle threats of violence." This statement was part of the testimony of the vice president of human resources during her deposition where the retailer was being sued for negligent hiring, screening, and security. The multi-million dollar suit followed the conviction of an assistant manager for raping a 16-year-old coworker in the manager's office.

The HR executive further testified that the manager had been reprimanded for sexual harassment during his first ninety days of employment, just days after completing the mandated harassment training program. In its reprimand, the manager was told that he would be watched closely. Yet, within weeks the manager was left alone with underage employees to close the store. Where was LP? Were they called?

The HR executive testified that no one in the human resources organization had any specific training or experience investigating allegations of sexual harassment or threats or acts of violence. It was revealed that the entire investigation had been conducted by telephone. She acknowledged that the LP executive and his team had years of law enforcement and investigative experience. Yet, she admitted that LP was never consulted until the suit was filed for negligence and discovery arrived about its role in sensitive employee investigations.

Why did this retailer place so little value in the expertise that LP could have brought to the table?

This real-life case highlights the need for loss prevention to take the lead in sensitive employee investigations and help promote programs that identify violent applicants before they become violent employees. Yet, you may often feel as if you are the lone voice in the wilderness and not know where to begin.

In the Beginning

Paul found a job in the local classified that peaked his interest. He called the special number and had a favorable five-minute telephone interview. Told to "come on down," he arrived the next morning wearing his Sunday best. Neither his neatly coifed hair, excellent hygiene, nor blue suit revealed the lurking threat within. He filled out the application without requiring special assistance. Attached to the application he put a positive reference letter from a past employer. It read that Paul was a great worker, an even better supervisor, and did not offer any negative information about his past.

Paul was ushered into a room where the HR representative interviewed him. He had all the right answers.

"He was exactly what we were looking for," the HR manager later testified.

A few months later after being hired, the real Paul Calden let himself be known. He told several coworkers that he was from the planet Mars. He heard voices telling him to prepare to kill his coworkers. He said he required complete blood transfusions daily. At first his supervisors and colleagues thought he was joking. But, Paul was no joke. He was the "real deal."

Concerned about his daily disappearances, the company executives began to question Paul. His outburst of threats alarmed HR. Then one day a young coworker ran into the personnel office yelling, "He's out to get me!" As her mascara dripped on the new carpet, she explained that Paul had threatened her in the parking garage when she inadvertently parked in his unassigned parking space. Her cries for help could be heard throughout HR.

The HR executive conferred with others. They wanted to be fair and investigate the complaint. They never

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thought to call LP or security, as Paul denied the allegation in the calmest of tones. "I don't know what you're talking about," he said. Not knowing who to believe, the company decided to wait and see. Much like Robert De Niro in the movie, Meet the Parents, they decided to "keep an eye" on Paul.

Finally, the company had enough. When Paul was unable to provide a doctor's note explaining his excessive tardiness, he was fired. He returned eight months later to do his own firing, with a gun. Three senior executives died. Two others, including the head of HR, survived despite being shot in the head and chest.

The Dilemma

In the litigation aftermath, the first employer who gave the glowing reference revealed that they had forced Paul to resign over similar threatening behavior, including bringing a gun to work during a meeting with his supervisor. It was the same gun he used on his killing spree. Why didn't their screening protocol uncover his longstanding history of violence, much less past workplace violence?

One of the most significant missed opportunities in HR and LP is related to the screening of applicants for employment. Today, primarily HR handles this important function, because LP has failed to make senior management aware of the natural fit between its investigative skills and pre-employment screening. Many do little screening due to high turnover, poor store manager training, and a tight labor market. Some say, "A warm body is better than a closed sign on the door."

Best Prevention Practices

The best source for finding a violent history is the applicant, as he or she knows their past. Though criminal history records reveal important insight about an applicant's past, it requires the employer search the right jurisdiction or database. But will applicants self-disclose a past history of violence?

One national retailer implemented a biographical questionnaire designed to elicit voluntary disclosures by the applicant. Here is what they found in the first 10,000 questionnaires:

- 42.5 percent of the applicants admitted to disqualifying misconduct, such as a history of violence, criminal behavior and convictions, workplace theft, or current illegal drug use.
- 8 percent were disqualified after admitting an extensive history of violence.
- 14 percent were not hired because of admitting to stealing from employers in the last 24 months.
- 12 percent were disqualified after admitting to committing crimes, having criminal convictions, or being on probation or parole.
- 3 percent admitted being fired from a previous job for acts or threats of violence.
- 5 percent smoked marijuana weekly.
- 2 percent used cocaine in the previous month.

These are applicants the retailer would have hired, as the questionnaire was the last step before making a hiring decision. At a cost of less than \$10 per questionnaire, the employer reduced turnover from 228 to 111 percent in six months. Violent applicants were not hired. Shrinkage numbers were cut in half.

However, convincing executives that applicants will admit a serious past is the first obstacle for loss prevention. Criminals confess every day to LP for three basic reasons. First, the wrongdoer was asked the right questions. Second, the questions were asked correctly, minimizing or rationalizing the conduct using a proven system. Third, the criminal expected the investigation would uncover the truth anyway. Yet, will applicants similarly self-report disqualifying information about their past?

Screening Protocols that Uncover Fact from Fiction



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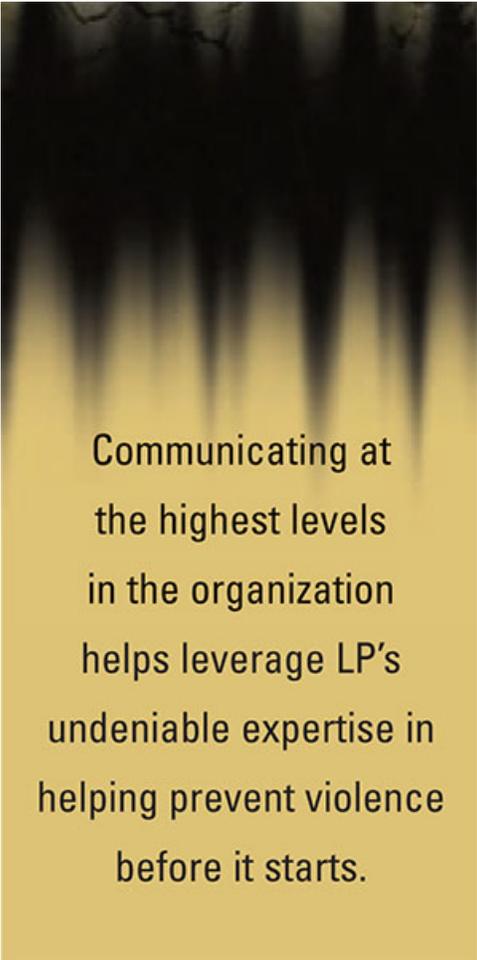
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Communicating at
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Loss prevention professionals should educate executives about their expertise in background and criminal investigations where people commonly admit misconduct. The LP manager can help develop new protocols in the investigation process or make strategic recommendations about questionnaires and other cost-effective screening tools that safeguard their most important assets, employees, customers, money, and inventory. Here are a few suggestions.

Review the employment application form and make suggestions to HR and legal on how to improve it. Does the criminal-history conviction question limit the applicant to the last seven years? In one recent workplace murder, the employer hired a convicted murderer who had recently been paroled from prison for killing his first wife. He had been in prison twenty years and thus answered the seven-year criminal conviction question truthfully.

Create recommendations for how LP can help HR select vendors to perform criminal-history searches. A growing trend is using databases with million of criminal conviction records. This cost-effective tool can help retailers save budget dollars by progressively screening candidates.

Develop guidelines and forms that specify what questions must be asked when making reference inquiries. For example, prior employers should be asked, "Was this applicant ever fired or forced to resign his or her employment because of acts or threats of violence?"

One retailer uses a biographical questionnaire that seeks both positive and negative information from past employers. The applicant signs a comprehensive release and authorization. The questionnaire is sent to past employers with a strongly worded request for a timely response. Failure to warn prospective employers who know about a former employee's history of violence is a risk that can be safely mitigated.

Help identify and implement effective threat assessment training programs that help defuse threatening or violent employees. Having skilled trainers, whether internal or contract experts, helps the retailer defuse deadly situations.

Implement guidelines, such as those put forth by ASIS International, that you customize to your

organization. The guidelines can easily be adapted to your culture and create an example of best practices that accentuate the positive role and expertise of LP [see the Guidelines link at www.asisonline.org].

LP is on the front line every day. Communicating at the highest levels in the organization helps leverage LP's undeniable expertise in helping prevent violence before it starts. However, what is LP's role in investigating threats or acts of violence?

Early Warnings—The Key To Preventing Violence

There are warning signs that every LP professional can know in helping conduct a thorough, yet safe threat assessment. A well-trained staff can help assess and mitigate risks that could easily expose the enterprise to million-dollar lawsuits.

Workplace violence is almost always precipitated by threats, which can be classified into three categories.

Direct threats are unmistakable. The employee says, "I'm going to kill you because you parked in my parking space!" He leaves no doubt as to his intentions. Too often managers fail to act, believing the employee is ventilating his frustrations.

Conditional threats are tied to an action. The violent employee says, "I'm going to come back with a gun if you fire me!" Some managers retreat and take no termination action fearing the threats will be acted out. More often management fails to contact labor counsel and LP or security experts hoping the violent employee can be rehabilitated through employee assistance programs. Yet, they may have given the threatening employee his best protection by treating him as being disabled under the American with Disabilities Act.

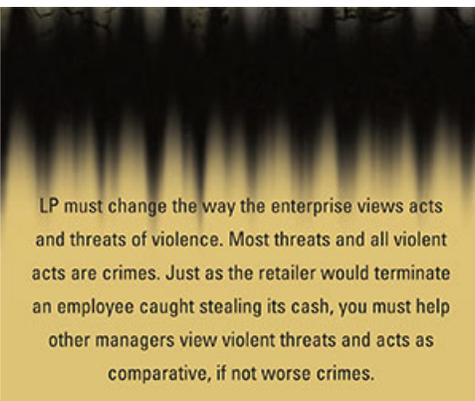
Veiled threats leave employers guessing about what the employee said, much less meant. A frustrated worker says, "That supervisor is a jerk. I could see why somebody would want to come in here with a gun." It is not uncommon for people to say things they do not mean. However, veiled threats in the workplace take on a form of harassment that negatively impacts productivity, a safe environment, and mutual respect.

Other common warning signs include, a history a violence, domestic violence, hostile behavior, and suicidal talk centered around the employee's anger towards others at work. Many workplace killers can't forgive. They talk about others' malicious acts, though often insignificant to others, and having occurred months if not years ago.

Violence is predictable when you know what to look for. It is preventable when you have the right tools to assess the threat, mitigate and defuse the threat, and have the buy-in from the executive suite to use internal and external resources that protect the retailer.

LP must change the way the enterprise views acts and threats of violence. First, most threats and all violent acts are crimes. Just as the retailer would terminate an

employee caught stealing its cash, you must help other managers view violent threats and acts as comparative, if not worse crimes. At the very least, an employee engaging in threatening behavior is creating a hostile work environment that violates your harassment policy.



The Rest of the Story

So, the next time you find yourself looking for cost-effective screening tools, look no further than the applicant and past employers. The applicant knows his or her past and the former employer had firsthand experience with the applicant. If you ask not, you will never uncover the real history of violence, criminality, drug use, thefts, terminations, sexual harassment, discrimination, and a host of other potential landmines that can be avoided.

Leverage the power of LP in helping conduct risk assessments, threat interventions with highly trained experts, and communicating your skill sets that took years to develop. It starts with you...unless you choose to remain silent.



STEVEN C. MILLWEE, CPP is the president and CEO of SecurFest, Inc. in Tampa, Florida. The past president of ASIS International, he is regarded by his peers as one of the leading experts on workplace violence prevention and intervention. Formerly with the FBI and a homicide detective, Millwee has over thirty-two years experience in helping identify violent applicants and defuse violent or

threatening employees. He was also an inaugural member of the editorial board for LossPrevention magazine. Millwee can be reached at 813-888-8000 or by email at smillwee@securtest.com.

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