

# The Active Shooter & Workplace Violence Threat

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*on Safety, Health and Sustainability*

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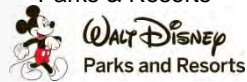
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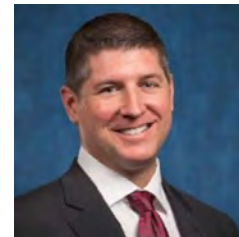
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# Safety Training courses include, but are not limited to:

- OSHA 10 Hour - Construction Industry
- OSHA 30 Hour – Construction Industry
- OSHA 10 Hour – General Industry
- OSHA 30 Hour – General Industry
- HAZWOPER 8 Hour
- HAZWOPER 24 Hour
- HAZWOPER 40 Hour
- Advanced Safety Certification
- Active Shooter
- Bloodborne Pathogens
- CPR/First AID/AED
- Confined Space Entry
- Crane & Hoist Safety
- Creating a World Class Safety Culture
- Defensive Driver 4HR / 6HR / 8HR
- Electrical Safety
- Fall Protection
- Fire Protection & Prevention
- Flagger
- Hazard Communications
- Hazardous Materials and Waste
- Heat Stress Prevention
- Heavy Equipment Operator Training
- Hearing Protection
- Hand Protection
- Incident Investigation: Root Cause Analysis
- Job Safety Analysis
- Ladder Safety
- Lock Out/Tag Out
- Mobile Elevating Work Platforms - MEWP's (Boom Lift & Scissor Lift)
- OSHA Recordkeeping
- Personal Protective Equipment - PPE
- Powered Industrial Trucks – Forklift Operator
- Principles of Occupational Safety & Health
- Respirable Crystalline Silica
- Respiratory Protection
- Safety Inspections
- Safety Audits
- Safety for Supervisors
- Safety Management Techniques
- Safety Training Methods
- Scaffold Safety
- Silica Respirable Crystalline
- Slips, Trips & Falls Prevention
- Team Safety
- Trenching & Excavation for Competent Person

# Upcoming Public Training Opportunities

Date	Training	Location	Price
April 19	Team Safety	via Zoom	\$285/person
June 6,7, 20 & 21	Principles of Occupational Safety & Health (POSH)	via Zoom	\$1,345/person
July 11 & 12	Effective Safety Management Practices I	via Zoom	\$725/person
August 8 & 9	Effective Safety Management Practices II	via Zoom	\$725/person
September 27	Safety Inspections	via Zoom	\$285/person
October 10	Industrial Hygiene Basics	via Zoom	\$285/person
November 14	Ergonomics: Managing for Results	via Zoom	\$285/person
December 5, 6, 12 & 13	Principles of Occupational Safety & Health (POSH)	via Zoom	\$1,345/person

## Disney's Contemporary Resort May 8, 2024



Risk Assessment Workshop  
8:30 a.m. – 4:30 p.m.  
\$285 per person



Safety for Supervisors  
8:30 a.m. – 4:30 p.m.  
\$225 per person



Heat Stress Prevention  
1:30 p.m. – 4:30 p.m.  
\$145 per person

# EXHIBITOR REGISTRATION IS OPEN!

**DISNEY'S  
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[www.flleadershipconference.com](http://www.flleadershipconference.com)



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**2024**

## **Leadership Conference on Safety, Health + Sustainability**

**May 9-10, 2024**  
**Disney's Contemporary Resort**



[fichm.co/leadconfshs](https://fichm.co/leadconfshs)

# Welcome New Safety Council Members

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Serve as Your Safety  
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Membership Program



[fchm.co/3GNzLax](http://fchm.co/3GNzLax)





Heat Stress Monitoring



Fall Protection Equipment



Inspection Solutions, Visitor  
Management & Signage





Edwin G. Foulke, Jr.  
Former Head of OSHA &  
Current Partner Fisher Phillips,

Florida Chamber Safety  
Council Advisory Board  
Member



Chief Carl Metzger  
Associate Vice President and  
Chief of Police, University of  
Central Florida

Florida Chamber Safety  
Council Advisory Board  
Member



Sergeant Matthew Scott  
University of Central Florida



## Workplace Violence and Active Attackers: Employers' Legal Obligations

March 13, 2024

Presented by:

Edwin G. Foulke, Jr.

Phone (404) 240-4273 | Email: [efoulke@fisherphillips.com](mailto:efoulke@fisherphillips.com)

# Some Dangers Are Unavoidable

Workplace violence cannot be completely prevented.

We can only work to reduce it and minimize the impact.



# Today's Topics



- Workplace violence generally
- Preventing workplace violence
- Active attackers

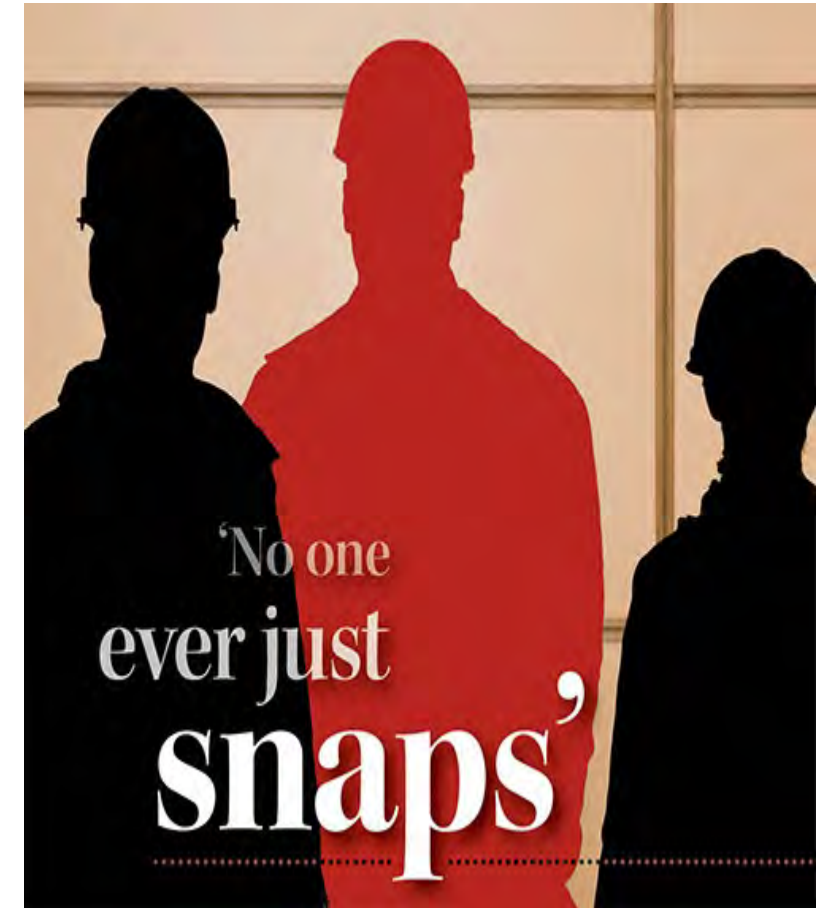
# What is Workplace Violence?

- Examples of workplace violence include:
  - Physical or verbal assault
  - Threats
  - Coercion
  - Intimidation
- The ultimate nightmare:
  - An armed, disgruntled employee, client, or visitor who shoots or otherwise unleashes deadly force at persons present in the workplace.
- Others are common—shootings are extremely rare.



# Common Myths About Workplace Violence

- That couldn't happen here.
- Violent employees just snap without warning signs.
- If violent employees provide clues, then all workplace violence is preventable.





# Common Myths About Workplace Violence

- I work in the “safe” part of town. I don’t have to worry about that.
- A general philosophy of dignity and respect will prevent workplace violence.



# How May Employers Be Held Liable For Workplace Violence?

- In most states, there is no law that requires employers, generally, to:
  - Have a workplace violence policy; or
  - Prohibit weapons in the workplace; or
  - Have a plan for an active shooter event.
- Not even OSHA specifically requires any such thing.
- Employers are, however, responsible for exercising **ordinary care to prevent foreseeable harm**.

# How May Employers Be Held Liable For Workplace Violence?

- Employee harms Employee
  - Workers' comp generally limits employer's liability
- Third party harms Employee
  - Employer may be liable under OSHA general duty clause
  - May be liable under common law theories of negligence
- Employee harms third party
  - Employer may be liable under common law theories of negligence

# Employer Liability For Negligence



- Hiring: insufficient screening results in hiring a person with a history or evidence of criminal acts.
  - Employer places employee in a situation where the employee's propensity for harm results in harm to another.
- Retention: keeping an employee after learning of his/her unsuitability.
- Supervision: failing to provide adequate supervision to safeguard employees and customers from potential threats.

# *Oakley v. Flor-Shin Inc.*, 964 S.W.2d 438 (1998)



- Flor-Shin hired X, knowing of X's history of criminal violence.
  - Assigned X to clean floors in Kmart's closed store, in the middle of the night, where X was alone with Kmart's female employee Oakley.
  - X sexually assaulted Oakley.
- Flor-Shin held liable for negligent hiring and retention
  - Failed to exercise ordinary care in assigning X;
  - Creating a foreseeable risk of harm to a third person.

# Costs Of Workplace Violence

- Physical & emotional harm, death
- Counseling
- Time spent dealing with crisis
- Lost productivity, during & after
- Legal fees
- Jury awards



# Costs of Workplace Violence

- Temp agency failed to carefully screen applicant & do background check.
  - Employee stabbed a worker at a client company.
  - \$5.5 million award.
- Amtrak failed to discipline employee with violent tendencies.
  - Employee shot and seriously injured his supervisor.
  - \$3.5 million award.
- Employee sexually assaulted co-worker at a pizza parlor.
  - A criminal background check would have shown a similar prior felony.
  - \$1.5 million award.

# Who Is At A Highest Risk?

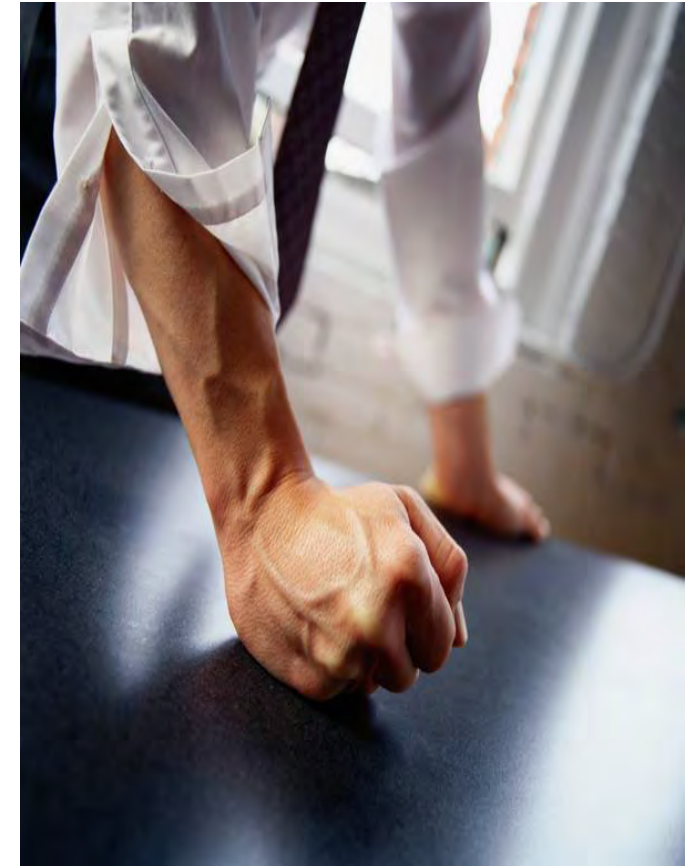


- Employees who:
  - exchange money with the public;
  - deliver passengers, goods or services;
  - work alone or in a small group during late night or early morning hours;
  - work in high-crime areas; or
  - work in community settings and homes, experiencing extensive contact with the public.



# Causes of Workplace Violence?

- Too many “causes” to list, but they include:
  - Mental instability
  - Insensitive employment action (e.g., termination decisions)
  - Type of industry (e.g., liquor stores, banks, “quickie marts”)
  - Labor disputes
  - Offensive management styles
  - Downsizing/reorganizations
  - Trouble at home



# The “Profile” Of The Typical Offender (Not Just Shooters)

- White male, 35-45 years old
- Transient job history
- A “loner” with little or no family or social support
- Chronically disgruntled
- Externalizes blame (victim mentality)
- High maintenance employee
- Fascination with weapons



# Identifying Potentially Violent Employees



The profile is not a “rule”

- Some violent people do not fit the profile.
- Profiles, like prejudices, are a substitute for logic, active awareness, and good judgement.
- Focus on behaviors, not just “profiles.”

# Signs To Watch For

- History of violence
- Threats
- Mood swings
- Alcohol/drug abuse
- Decrease in, or inconsistent, productivity
- Overreaction to minor events
- Paranoid/Obsessive behavior
- Recent poor attendance



# Signs To Watch For

- Frequent, unreasonable complaints
- Erratic, impulsive, reckless or unsafe behavior
- Baiting or provoking others
- Insubordination, open defiance or disrespect for authority
- Stalking: overly frequent visits, calls, faxes, emails, letters, gifts, etc.
- Derogatory comments, such as racist or sexist remarks



# Prevention

So, what should employers do to *prevent* workplace violence--and avoid the need for *damage control* mode?



# Preventive Measures

## 1. Hiring Process

- Application form: **verify all information**, especially relating to skills, qualifications, job history and education
- Face-to-face interviews: conduct them at two different times by **someone skilled** in interviewing and the use of open-ended questions
- Background checks: review **criminal**, credit, driving and other records



# Preventive Measures

## 2. Policies

- Basic work rules
- Anti-violence policy
- Electronic communications policy (prevent harassment)
- **Robust issue identification & resolution policy**
- Workplace searches
- Emergency action plans





# Preventive Measures

## 3. No Violence Policy

- One or two managers ultimately responsible for the policy
- Easy to understand – zero tolerance
- Violence, threats, and abuse = discharge
- Complaints taken seriously
- Multiple means of reporting concerns
- No retaliation



# Preventive Measures

## No Violence Policy

- Prompt, well documented investigations
- Follow up with reporter/accuser
- Document all reports and violations
- Check back to ensure effectiveness of remedies
- Conduct training
- Enforce policy consistently



# Preventive Measures



## 4. Education and Training

- Train all employees, supervisors, and managers on:
  - Company workplace violence policy, including **what to report:**
    - Weapons at work
    - Any threat, veiled or direct
    - Situations that could lead to violence
    - **Potential implications of domestic abuse**
    - Employees who are known to be violent
    - Outsider threats

# Preventive Measures

## Education and Training

- Be alert to potential dangers and trust their instinct  
(**situational awareness**)
- Recognize pre-attack behavior
  - Physical signs:
    - Widening of the eyes
    - Quick breathing
    - Clenched fists
    - Uncontrolled yelling
    - Twitching muscles
    - Jerky eye movements



# Preventive Measures

## Education and Training

- **What to do in an emergency situation**
  - Call 911 for police emergency response
  - Activate panic/emergency alarms
  - Alert the security



# Preventive Measures

## 5. Physical Security

- Limited access/access control system
  - Intercom/locks and alarms
  - Photo ID badges
- Lighting (especially parking)
- Receptionist/security officers
- Surveillance/video monitoring
- Rules for working alone
- Professional security audit/review



# Preventive Measures

## 6. Searches

- Use common sense
- Don't touch their bodies
- If they refuse to submit, let them leave
- Keep the parking lot gun laws in mind (vs. concealed carry laws)



# Preventive Measures

## 7. Threat investigation

- Check with counsel
- Witness interviews
  - Who made the threat?
  - Where, when, what exactly said?
  - Isolated or part of pattern?
  - Other witnesses?
  - **Do not promise confidentiality.**





# Preventive Measures

## Threat investigation

- Appropriate corrective action
  - Document your actions
- Follow through
  - Inform the accuser of action taken
  - Demand prompt complaint upon recurrence
  - **Check back with accuser**



# Preventive Measures

## 8. Employee Assistance Programs

- Stress management
- Trauma counseling
- Fitness for duty
- Be aware of ADA and other legal implications
- Protect confidentiality



# Preventive Measures



## 9. Discipline and Discharge

- Discharge is the most common trigger for workplace attacks
- Do it at the beginning or end of a shift
- State the facts; do not debate the decision
- Manage, or prevent, employee's return to work area
- **Anticipate security needs**
- Plan for contingencies (off duty cop in the next room?)

# Prevention Is Worth A Pound Of Cure



- Adequate background checks
- Appropriate physical security (locks, gates, cameras, etc.—that are actually used)
- Robust ways to report concerns—so you can resolve them.
- See something, say something
- Training (harassment, domestic violence, etc.)

# Preparedness



- Identify vulnerabilities, ingress, egress, choke points, assembly areas, etc.
- Work with law enforcement to develop a plan
- Plan the emergency chain of command
  - Highest ranking manager on the ground should have full authority
- Train employees on the plan
  - They need to know escape routes and basic run/hide/fight strategy
- Practice the plan (drills)

# Preparedness - Emergency Action Plan

- OSHA 29 CFR 1910.38 requires emergency plans to contain:
  - Means for **reporting emergencies**;
  - **Evacuation** procedures and emergency escape routes;
  - Procedure for employees to follow who remain to operate **critical plant operations** before they evacuate;
  - Procedures to **account for all employees** after evacuation; and
  - Names or job titles of persons **who can be contacted** for further information about the emergency action plan.
- OSHA does not specifically require workplace violence plans in most workplaces, but this is a good template.

# Response

- Company should have a response plan
  - Who communicates with emergency responders?
  - Who gathers & instructs employees immediately after threat is neutralized?
  - Who communicates with the media?
  - Who contacts loved ones, and how?
- Employees should know how to respond, individually
  - Run;
  - Hide; or
  - Fight

# Recovery

- How will you operate if the facility is closed for a day, week, or month?
  - Off site access to electronic & physical information?
  - Meeting payroll (DOL doesn't care about your problems)
  - Communicating with customers and vendors
  - Communicating with employees
  - Production contingencies
- The day after is too late to start thinking about these things.





# Thank You!

Presented by:

Edwin G. Foulke, Jr.

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# Active Assailant Awareness

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**UCF Police Department**  
**Florida Chamber Safety Council**

- Chief Carl Metzger began his career at the Orlando Police Department in January 1989 and worked numerous assignments, ultimately retiring with the rank of Deputy Chief. Chief Metzger's final assignment with the Orlando Police Department was Patrol Services Bureau Commander, where he was responsible for nearly 400 sworn police officers and employees, five police substations and a service area of approximately 110 square miles.
- Upon his retirement from the Orlando Police Department after serving for 26 years, Chief Metzger was hired by the University of Central Florida Police Department as a Deputy Chief. After spending four years as the Operations Commander, Chief Metzger was appointed Chief of Police in June of 2018.
- Chief Metzger serves on the Florida Chamber of Commerce Leadership Cabinet, the Florida Safety Council, the Central Florida Crisis Intervention Team Advisory Board, the UCF Criminal Justice Department Advisory Board, and is the current president of the Orange/Osceola County Police Chiefs Association. He is a member of the following professional organizations: Central Florida Criminal Justice Association, the Florida Police Chief's Association (FPCA), the National Association of Campus Safety Administrators (NACSA), the International Association of Campus Law Enforcement Administrators (IACLEA) and the International Association of Chiefs of Police (IACP).
- He received his Bachelor of Science Degree in Finance from the University of Florida and his Master's degree in Criminal Justice from the University of Central Florida.



# WARNING

- The content about to be discussed can be **potentially triggering** to some.
- The goal of this presentation is not to make you **paranoid!**
- It is to **prepare** you should you ever find yourself in a dangerous situation.
- The **takeaway** should hopefully give you **tools** to use in or out of the office!





# Active Assailant

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What is it?

# IT IS...

- 
- An **Active Assailant** is an individual or group of individuals actively engaged in **killing** or **attempting to kill** people or wound in a confined and populated area.
  - This act is **typically** carried out through the use of **firearms**.
  - Victims are usually selected at **random**.
  - The event is **unpredictable** and evolves **quickly**.
  - Law Enforcement is **usually** required to end an active shooter situation.



- Sergeant Matthew Scott began his career at the UCF Police Department as a Community Service Officer in 2006. He was hired on as a Police Officer in 2007 and has since worked as a Patrol Officer, a Detective for 6 years, a K9 handler for 4 years to two full-service narcotic drug dogs and a therapy K9 for criminal investigations, a Patrol supervisor and the Community Partnerships supervisor.
- Sergeant Scott was a founding member of the current Threat Management Team (formed in the Criminal Investigations Division in 2018) and has worked with numerous federal agencies in mitigating active threat.
- Sergeant Scott currently has developed a 3-tiered Active Assailant educational program for UCF faculty, staff and students with the university's Department of Emergency Management and the Department of Security.
- Sergeant Scott received his Bachelor's Degree and Master's Degree in Criminal Justice from the University of Central Florida.





# Avoid, Deny, Defend

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What should you do?



# DECISION MAKING

- This action is the most important part of personal safety and self-defense.
- **A Type Decision:** your quick decision turns out to be the *right one*. Advanced preparation and thinking leads to a quick reaction.
- **B Type Decision:** your quick decision isn't going the way you want or *isn't working*. It's time to do something different and make a change.
- **C Type Decision:** this is *freezing* or an indecisiveness. This is failing to have a plan and **panic** sets in.



# AVOID

- Be **aware** of your surroundings at all times.
- Know the **exits** of your room and your buildings.
- Be aware of the **actions** of those around you (**to include verbal responses**).
- Be aware of **suspicious activity**.
- Be aware of something that looks **confusing** or “*not right*” in your eyes.
- Do not argue with a **deranged** person.
- **Do not hesitate. LEAVE AS SOON AS POSSIBLE.**



# DENY ACCESS

- **Keep** the assailant away from you if you cannot avoid them.
- **Lock** door, **lights off** and **stay** out of sight (**cell phones off**).
- If the door opens out towards you, **BARRICADE**. Stack as much as you can in front of the door to slow an assailant.
- If the door opens away from you, barricading is still a viable option. Utilizing belts, rope or straps to **prevent** the door from opening is preferred.



# HOW DO WE STOP THE THREAT?



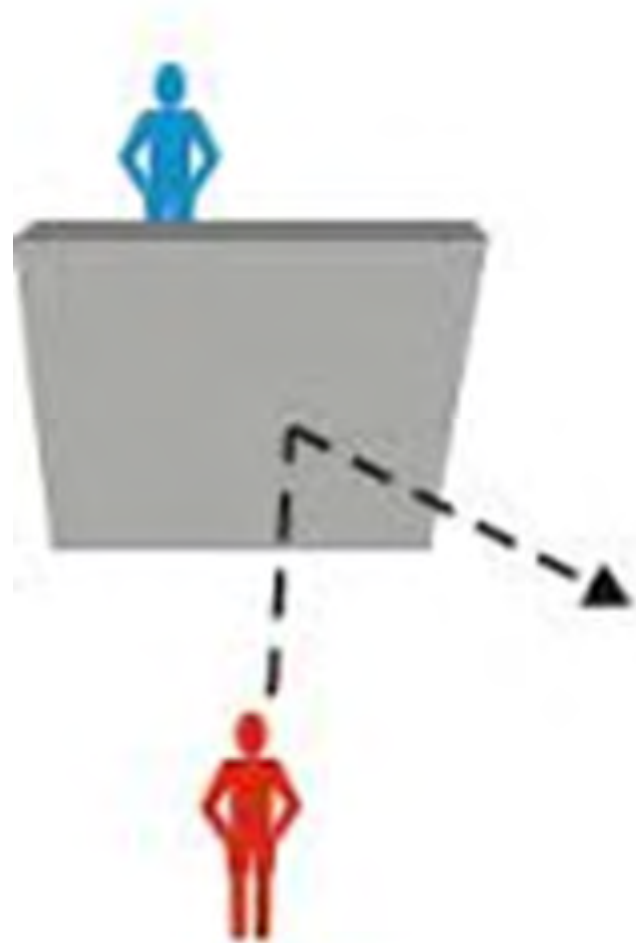
# BLOCKADES



# COVER VS CONCEALMENT

- **Cover** is when you are hidden behind an object or barrier that provides you with **complete protection** from deadly missiles.
- **Concealment** is when you are hidden behind an object that only provides you with **physical screening** from an assailant. It **will not** deflect or reduce the velocity of deadly missiles.
- What are some examples of either?





COVER



CONCEALMENT

# DEFEND

- You have the legal right to **DEFEND** yourself from an assailant.
- **Commit** to your actions and be **aggressive** in fighting the aggressor.
- Fight to the best of your ability and do not stop until the assailant is stopped.
- Mindset plays a huge role in this, as you **MUST** keep fighting.
- You are **not** helpless! You can survive! **Make it home.**





# IN THE EVENT...REMEMBER

- Take a breath and remain **calm**
- **Follow instructions given**
- Put down any items in your hands and **keep them visible**
- **Raise your hands and spread your fingers**
- Avoid quick movements and avoid **pointing, yelling or screaming**
- Exit the building passing the armed Officers running in



# FOCUSED INFORMATION TO PROVIDE

- **Location** of attack
- **Number** of suspects seen
- Physical **description**
- **Type of Weapons** and other items
- **Number** of potential victims





# OTHER THREATS

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Things to be aware of

# VEHICLE BORN ATTACKS

- This is where an assailant uses a vehicle of any kind to injure a group of people.
- This can be during any major gathering...like a parade or a sporting event.
- Ways to prevent this attack are the use of **bollards** and vehicle disabling devices.
- Such attacks were made popular overseas and recently in **Nice, France (2016)**.
  - A 19-ton cargo truck drove **purposefully** into a celebratory crowd, causing a tragedy.



# IMPROVISED EXPLOSIVE DEVICE

- IEDs are explosives that are created for the intent of causing mass causality incidents.
- This can be as small as a **pipe bomb** and as large as a full blown complex device.
- An example of this was the **1995 Oklahoma City bombing**.
  - Suspect Timothy James McVeigh **detonated** a large truck filled with explosives that caused a major tragedy and structural damage.



# KNIFE ATTACKS

- This is where the assailant is armed with nothing but a **knife or a sword** of some sort.
- The assailant **indiscriminately** attacks people in crowded spaces for the **maximum effect**.
- **Machetes** are a common weapon of choice.
- This is a crime very popular in the **U.K.**
- Weapon is very easily **concealable**.



# OTHER THREAT EMERGENCIES

- The above listed crimes *can* happen, but are the **unlikely** daily confrontation office staff will have.
- In your offices, what may you be normally faced with?
  - **Irate / Disrespectful** co-workers
  - **Stalkers**
  - Off-site individuals with **grievances**.





# Mitigating the Threat

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Part 1: Neutralization



# Mindset

- The way you prepare for *any* encounter starts with how you **think** about it.
- **How are you waking up in the mornings?**
- Is your mindset *positive* or *negative*?
- Do you encourage your fellow co-workers? Are we lifting staff up?
- Are you alert to the changes in your fellow co-workers behavior?
- Is your office a comfortable place where staff can be open about possible threats or do people feel they have to keep things to themselves?



# See Something, SAY Something

- 
- Should you see or hear something in your office space that's disturbing...**please report it!!**
  - This can include everything from a verbal threat to a strangely placed backpack.
  - We are currently in a societal place where we put other people's feelings above our own personal safety. **DO NOT DO THIS!**
  - Trust your gut if something feels wrong, because you're probably right.
  - *Even* emails that are worded in a way that makes you feel uncomfortable!!!



# The Pathway to Violence





# Self-Defense

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Part 2: What do you **do** in the moment?

# Pepper Spray

- The self-defense “weapon” of consideration for **everyone** is Oleoresin Capsicum (**OC pepper spray**).
- Some considerations to think about if you **own**
  - Have you **tested** it before?
  - **Where** do you keep it? In your pocket or purse?
  - **How does it deploy?** Stream? Mist? Foam?



# Number 1: Utilize Established Protocol

- If you are meeting with a “**problem**” employee or visitor in your office...consider having a plan in place before hand. Things to consider:
  - Have other staff members **be aware** of your meeting. They can either stand by or participate as well.
  - Utilize “Teams” or a form of **inter office communication** to keep all (or a specific few) in the loop.
  - If *necessary*, have the Police read in on any plans.



# Number 2: DE-ESCALATION

- As you face that irate co-worker/individual, remember to...**BREATHE**.
- **Breathe** slowly in through your nose and hold it up **top** for **2 seconds**. Breathe out slowly through your mouth and hold it at the **bottom** for **2 seconds**.
- Introduce yourself and talk in a **clear** but *gentle* tone.
- The idea is to bring an angry subject **down** to this tone of voice with you.
- Listen to their listed grievance with no judgement and assist in any way you professionally can.
- **Make no promises.**



# Number 3: Distance and Commands

- Give **clear commands** to the subject on what you want them to do.
- Outstretch your hand to create **psychological barrier** between you and your aggressor.
- **Distance** is your friend.
- **Push** the subject away from you if they insist on getting too close.
- Assume a “**defensive stance**”.
- “Get Back!” “Get AWAY from me!” **USE YOUR VOICE AND DEFEND YOURSELF**
- Ensure the Police has been contacted







**Be Safe!**

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Remember:

Bad decisions make good stories  
and usually the evening news.

# QUESTIONS?



**UCF Police Department**

Community Partnerships Unit

[PoliceCR@ucf.edu](mailto:PoliceCR@ucf.edu)

<https://police.ucf.edu/active-threat>

