



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: HRM/PDB
NUMBER: 3730.06
DATE: March 25, 2025

Workplace Violence Prevention, Staff

/s/

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1. **PURPOSE AND SCOPE.** To establish procedures for preventing and responding to acts of violence by staff and to inform all Bureau of Prisons (Bureau) employees such behavior is strictly prohibited.

Bureau facilities will be managed in a manner which permits employees to perform their duties in an environment free from threatening and violent behavior by other employees. Prevention of staff workplace violence begins with a commitment to treat all employees fairly and with respect, regardless of title or position. It is expected all employees will interact in ways which promote cooperation and mutual respect.

Although threatening and violent behavior by Bureau employees occurs infrequently, when identified, such behavior must never be ignored or tolerated. There must always be an immediate and decisive management response to each incident of staff workplace violence, regardless of severity. This response may involve assisting an employee who believes they have been a victim of workplace violence to obtain counseling.

This Program Statement applies to all Bureau employees, including employees of the Public Health Service, contractors, volunteers, and any employee detailed under the Intergovernmental Personnel Act.

Contractors and volunteers who work in Bureau facilities will follow the guidelines and procedures outlined in this policy.

a. **Summary of Changes**

- Information regarding the implementation of DOJ Policy Statement 1200.02 Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking is included.

- The management of cases resulting from a protection or restraining order is described.
- An alleged victim's participation in a threat assessment is clearly stated to be voluntary.
- The use of "cease and desist" letters is discontinued.
- The office of primary responsibility for writing the threat assessment report is identified.

Policy Rescinded

P3730.05 Workplace Violence Prevention Program (3/23/2004)

b. **Program Objectives.** The expected results of this program are:

- Staff are informed that all allegations of workplace and domestic violence, sexual assault, and stalking are taken seriously by the Bureau.
- Staff safety will be enhanced by curbing violence and threats of violence by other employees, contractors and volunteers.
- Bureau managers and supervisors will respond to incidents of staff workplace violence in a consistent, fair, and effective manner. Both management and the Union share a commitment to the safety of employees through the prevention, identification, and response (in accordance with the Program Statement) to workplace violence.
- Chief Executive Officers (CEOs) will have guidance/direction to prevent and respond to workplace violence.

2. **DEFINITION.** Staff workplace violence is any act, attempted act, or threat of violence by a Bureau employee against another employee; contractor; volunteer; another employee, contractor, or volunteer's family member; or any visitor to a Bureau work site (e.g., other government employees, inmate visitors, the general public, etc.). Staff workplace violence includes:

- any intentional infliction of physical harm or attempt to inflict physical harm against another;
- intentional damage to or an attempt to intentionally damage another's possessions or property, including government property; and
- any verbal, written, or other behavior which an objective reasonable person would interpret as a threat to inflict physical harm against another or another's possessions or property, including government property. This includes domestic violence, sexual assault, stalking, and sexual harassment when they occur in the workplace.

These acts are considered staff workplace violence whether they occur at the work site or at a work-related event. An act which occurs off Bureau property may also be considered staff workplace violence if the act was clearly work-related or if a nexus to work-related events or

settings is otherwise established.

Other Bureau directives prohibit staff behavior which is otherwise discriminating, intimidating, bullying, or harassing. Inasmuch as this behavior may be a prelude to staff workplace violence, it should never be ignored or tolerated.

Other types of workplace violence, such as inmate violence against staff, are addressed in other Bureau Program Statements and guidance.

3. **RESPONSE GROUPS.** Consistent with DOJ Policy Statement 1200.02 Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking, Chief Executive Officers (CEOs) will maintain a Domestic Violence, Sexual Assault, and Stalking Response Group (Response Group). The Response Group is responsible for responding to allegations of workplace/domestic violence, sexual assault, and stalking, and for developing plans to enhance the safety of victims and the workplace. Response Group members conduct threat assessments under CEO direction. Members of the Response Group are also points of contact for staff to report allegations of workplace or domestic violence, sexual assault, and stalking. They are responsible for reporting these allegations appropriately.

a. **Response Group Composition.** The Response Group's composition is at the discretion of the CEO. However, the following staff will ordinarily be considered as team members:

- local Executive Staff members,
- supervisory correctional services staff,
- supervising department heads,
- a representative designated by the Union,
- attorney or paralegal,
- the Chief Psychologist, and
- the Human Resource Manager.

If the CEO determines a conflict or potential conflict arises from the appointment of an individual Response Group team member during a specific incident, that team member will be replaced to protect the integrity of the Response Group. If the threat is external to the workplace but could impact the workplace (e.g., an employee's spouse does not work for the Bureau, but the employee believes they may attempt to enter the workplace), the CEO may contact outside law enforcement.

If a critical member of the Response Group is the alleged perpetrator or victim, the CEO will consult with staff from their Regional Office and consider an alternate from outside the institution (i.e., if an Associate Warden is the alleged perpetrator or victim, the CEO may want

to request another Associate Warden from a different institution take part in the Response Group). In the event the alleged perpetrator is the CEO, the incident will be raised to the next supervisory level (i.e., the Regional Director for Wardens and the Director for Regional Directors). The next level supervisor will utilize their component staff for the Response Group (i.e., Regional or Central Office staff).

CEOs will consider including other members on a case-by-case basis. For example, in cases where physical injuries are sustained, inclusion of the Safety Manager ensures proper handling of OSHA inquiries.

b. Domestic Violence, Sexual Assault, and Stalking Response Group. Consistent with DOJ Policy Statement 1200.02 Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking, Chief Executive Officers (CEOs) will maintain a Domestic Violence, Sexual Assault, and Stalking Response Group. The Response Group is responsible for responding to allegations of workplace/domestic violence, sexual assault, and stalking, and for developing plans to enhance the safety of victims and the workplace. Response Group members conduct threat assessments under CEO direction. Members of the Response Group are also points of contact for staff to report allegations of workplace domestic violence, sexual assault, and stalking. They are responsible for reporting these allegations appropriately.

c. Threat Assessment Response Group. The CEO makes a judgment regarding the level of threat posed to or by the employee(s) in question and determines what action is necessary to protect staff and the institution/work site. For serious or questionable incidents, if the CEO deems it necessary, the CEO will convene the Response Group to conduct a threat assessment.

The process utilized by the CEO in determining whether to order a threat assessment will be fair and equitable as much as the circumstances surrounding each case are similar, with the goal of being consistent.

Alleged perpetrators may be asked, but are not required, to provide information (verbally or in writing) as part of the threat assessment process. If any bargaining unit staff elect to provide information as part of the threat assessment process, they are entitled to a Union representative in accordance with 5 U.S.C. Section 7114 (a)(2)(B). Participation by the alleged victim, regardless of bargaining unit status, is completely voluntary. At no time will the alleged victim be required to provide information as part of the threat assessment process.

Threat assessment guidelines, which CEOs and Response Groups will use to guide their decision-making and deliberations in determining the severity, can be found in the Threat Assessment Guidelines. (Attachment A). The Response Group shall develop a report detailing deliberations, information considered, and the rationale for recommendations utilizing the

guidelines in Attachment A. This report will be submitted to the CEO.

4. **PROCEDURES.** Although management's response to any incident of staff workplace violence will depend on the specific circumstances of the incident, immediate action shall always be taken. Staff workplace violence will be addressed and responded to by following the required procedures:

a. **Initial Report.** Anyone who observes, or is a target of, threatening or violent behavior by another employee, contractor, or volunteer shall immediately notify management (e.g., their immediate supervisor, the Chief Executive Officer (CEO), Office of Internal Affairs (OIA), or to the Office of the Inspector General (OIG) at the Department of Justice). Employees are reminded that intentionally making false complaints against other staff may be subject to disciplinary action.

Anyone who is a target of workplace violence that is perceived to be discriminatory or sexual in nature may contact an EEO representative in addition to pursuing relief and assistance under this policy.

Information about reported incidents should be disclosed only to those with a legitimate need to know.

In cases where the initial report is made via a victim disclosing the existence of a protection or restraining order, management shall assist the victim in enforcing the order within the workplace, to the extent possible. In addition, the protection order will be maintained in a file which is confidential and separate from the employee's personnel files. This file is maintained by the Human Resource Department. The file will be maintained and disposed of in accordance with record retention requirements.

b. **Initial Responses.** In response to an initial report, the CEO may take any action deemed appropriate. These actions may include, but are not limited to, the reassignment of any employee to another job within the institution or removing any employee from the institution pending resolution of the matter.

c. **Employee Notifications.** In accordance with Section 3 of this program statement, when the CEO determines to convene a Response Group, the following notifications will be made:

1. The individual accused of the alleged threatening or violent behavior will be informed by their supervisor, in writing, of the specific actions the Agency requires him/her to take. If at all possible, this will be communicated in person. At a minimum, the individual accused will be reminded that threatening and violent behavior is strictly prohibited. This is accomplished

through the issuing of a letter regarding professionalism in the workplace. As soon as practicable after the allegations, both parties will be issued an Employee Assistance Program (EAP) referral. Due to the preliminary nature of initial allegation, “cease and desist letters” will not be issued.

2. Employees identified as potential targets of workplace violence shall be notified as soon as practicable as to the nature of the possible threat and measures being employed by management to reduce or eliminate the threat. The notification will be in accordance with all applicable laws, rules, and regulations.

If any bargaining unit employee is involved (whether as an alleged perpetrator or potential target), the local Union president may, at the Employer’s discretion, be notified of those individuals involved and what potential threat may exist. Union representatives can help in reassuring employees after an incident and in getting information to employees.

d. **OIA Notification.** As with any report of staff misconduct, management shall report the incident immediately to the Office of Internal Affairs (OIA) in accordance with Program Statement **Internal Affairs, Office of.**

e. **Record Keeping.** All parties possessing copies of reports, which result from or contain recommendations made from a Response Group, must ensure that the reports are safeguarded from loss or unauthorized disclosure. The confidentiality of all parties involved, to include victims and witnesses, is critical. CEOs will ensure all records are maintained in such a way as to safeguard this confidentiality. Response Group members are not to disclose any information, verbally or in writing, to anyone without prior written approval by the CEO.

Pursuant to Title 5 U.S.C. Section 2302(b)(13), these provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

When disclosure is necessary to prevent harm to another person or withholding information would jeopardize safety in the workplace, the CEO will limit the breadth and content of information disclosed to that which is necessary to meet the purpose of the disclosure. In addition, the victim will be notified of such disclosure.

The documentation contained or gathered during the Response Group process may be requested in accordance with applicable laws, rules, and regulations. Consideration will be given to redacting the document in order to protect victim and/or witness information or for other appropriate reasons.

f. **Other Responses.** Consistent with the Master Agreement and applicable laws, rules, and regulations, the range of possible actions is left to the judgment of the CEO. However, the CEO will consider recommendations of the Response Group, when applicable. These options may include, but are not limited to, the reassignment of either employee to another job within the institution or removing the employee from the institution pending resolution of the matter.

The Response Group will assist in safety planning post-incident. This safety plan will consider the preferences of the victim. The Response Group will consider workplace flexibilities (e.g. leave, flexible work hours), the physical layout of the workplace, and technology considerations (e.g. access to computers or programs) when developing a safety plan. Administrative Leave can be considered in cases which warrant complete separation of staff. Administrative Leave must be approved by the CEO. It should only be used when other options have been exhausted.

Pending further investigation, the CEO will consider limited/restricted access for any staff involved in a workplace violence incident before denying them access to Bureau property. If the perpetrator is a non-Bureau employee, the CEO and Response Group will consider what measures to take to restrict access to Bureau property (e.g., disseminate photo to mobile patrol units and front lobby, post photo in Control Center).

If the incident involves a contractor, the contracting officer will be promptly notified. The contracting officer will work with the CEO and/or Response Group to determine appropriate action.

In the event a supervisor becomes aware that an employee's declining performance or misconduct is related to being a victim of workplace or domestic violence, sexual assault, or stalking, the CEO will consider these as mitigating factors in determining any disciplinary action.

g. **Employee Assistance Program (EAP).** The employee(s) in question (i.e., alleged victims and alleged perpetrators) shall be referred to the EAP in accordance with established policy/procedures. If other employees involved demonstrate any distress about the alleged incident, they should be notified of the EAP and where to obtain assistance.

The EAP is a confidential process and it is improper to use the EAP as a means of obtaining a

fitness for duty or other formal evaluation for use by management. The purpose of a referral to the EAP is to provide help for employees and is not to be construed as a substitute for appropriate disciplinary action.

Federal regulations strictly prohibit disclosure of information learned while providing federally assisted EAP services unless exceptional circumstances exist (e.g., an employee is judged by the EAP provider to pose an imminent threat of serious harm to others) or unless certain conditions are met (e.g., the employee provides written consent to release information). If a Psychologist is providing EAP services for an employee(s) who has been the victim of workplace or domestic violence, sexual assault or stalking, a conflict of interest exists and that Psychologist may not be a member of the Response Group.

5. CRITICAL INCIDENTS. In the unusual event of an incident with the potential for significant danger to others or serious threats to the security of the institution/work site, such as a threat of or actual use of dangerous weapons, other steps shall precede the procedures previously described. Although the unique circumstances of any incident shall be considered in determining what specific actions to take, the following guidelines shall be considered:

- a. The situation is contained to the extent possible to minimize danger to others and/or escalation of violence.
- b. Local law enforcement, and/or federal investigative authorities such as the Federal Bureau of Investigation (FBI) will be contacted for possible assistance.
- c. The use of physical restraint(s) and/or munitions may be necessary to prevent loss of life or serious physical injury, or otherwise maintain or restore control. When this type of force is used on any bargaining unit staff member to remove them from the facility the local Union President (or designee) will be notified, in person or via telephone, of this use as soon as practicable.

Situations under which firearms may be used are outlined in the Program Statement **Correctional Services Procedures Manual**, Firearms and Badges chapter.

It may be necessary to provide emergency medical assistance through Health Services or other outside sources in the unusual event of a seriously violent or disruptive incident. The CEO may consider deploying the local Correctional Support Team (CST) or teams from other Bureau locations to assist staff, families, and others who may be traumatized by an incident.

6. TRAINING, RESOURCES, and REFERRALS. Staff workplace violence prevention information has been incorporated into the Standards of Employee Conduct lesson plans for

Annual Training (AT) and Introduction to Correctional Techniques (ICT). This will be presented at all AT and ICT classes to educate all staff about provisions of this Program Statement. The seriousness of workplace violence and the need to avoid it must be impressed upon employees.

New managers and supervisors will be provided training on workplace violence prevention. The Union may receive a copy of this training package in accordance with applicable laws, rules, and regulations. Response group members will be made aware of threat assessment criteria (Attachment A).

As with any other circumstance where a staff member believes they were injured in the performance of their duties, physically or mentally, those injured in workplace violence incidents will be informed of the procedures to be followed for filing a claim under the Federal Employees Compensation Act (see Program Statement **Workers Compensation Program**).

CEOs will maintain a list of resources for victims of domestic violence, sexual assault, and stalking. This will include local resources as well as appropriate security or law enforcement personnel (e.g., Justice Protective Service, Federal Protective Service) in the event a victim wishes to file a police report about incidents occurring in the workplace. The CEO will also post the list of Response Group members to whom an employee or contractor may disclose workplace/domestic violence, sexual assault, or stalking concerns when they do not feel comfortable disclosing such information to their supervisor.

7. **STATISTICS.** The OIA will maintain a centralized tracking system to generate management data/statistics on the incidence of staff workplace violence in the Bureau. In accordance with Title 5 U.S.C. Section 7114 (b) (4) sanitized copies of this information will be distributed to the Union upon written request.

In the event of an OSHA inquiry, sanitized copies of BOP data and statistics on incidents of workplace violence will be provided upon written request.

8. **WORKING WITH THE UNION.** Both the union and management share a commitment to the safety of employees through the identification and prevention of workplace violence. This includes the obligation to report acts of misconduct in accordance with the Program Statement **Standards of Employee Conduct**, consistent with the Master Agreement, and applicable laws, rules, and regulations.

Although some of the substantive issues relating to workplace violence, including issues concerning internal security, may be outside the duty to bargain, this does not mean that consultation and discussion with the union cannot occur. When appropriate, this dialogue

should occur up front, before decisions are made. The union may be helpful in identifying ways to prevent conflict, or in identifying situations where crisis counseling is appropriate.

REFERENCES

Program Statements

- P1210.25 Internal Affairs, Office of (8/1/2023)
 - P1601.06 Workers' Compensation Program (4/8/2024)
 - P3420.12, CN-1 Standards of Employee Conduct (2/18/2025)
 - P3630.02 Leave and Benefits (2/1/2017)
 - P3713.33 Discrimination and Retaliation Complaints Processing (2/24/2025)
 - P3792.11 Employee Assistance Program (4/4/2023)
 - P5500.14, CN-1 Correctional Services Procedures Manual (8/1/2016)
 - P5337.01 Correctional Support Team (4/4/2023)
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- 1200.02 DOJ Policy Statement Federal Workplace Responses to Domestic Violence, Sexual Assault, and Stalking (11/19/2013)

Master Agreement between the Federal Bureau of Prisons and the Council of Prison Locals.

STANDARDS REFERENCED. None.

Records Retention

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the agency intranet.

Attachment A

RESPONSE GROUP ASSESSMENT GUIDELINES ("RE-VIEW")

The following series of questions will be used as a guide when a decision is made to conduct an assessment. They are grouped into five categories, generally arranged from most to least important in terms of judging potential threat, using the acronym, "RE-VIEW". The first category of questions is about the reported incident; the remaining questions pertain to the individual(s) accused of threatening or violent behavior. These questions are guidelines only and do not necessarily constitute an exhaustive list of relevant factors to consider in every incident.

1. REPORTED INCIDENT

Does the alleged event involve:

- Domestic violence
- Sexual Assault
- Stalking
- Threat of physical violence
- Physical Violence

■ Severity

- Did any staff or others suffer actual physical harm?
- How much potential danger/harm were staff exposed to?
- Did staff or others feel threatened or in danger?

■ Motivation

- What precipitated or "triggered" this incident?
- Are the same or similar triggers likely to reoccur?

■ Aftermath

- Has the original precipitant or situation been resolved?
- Do all parties agree the situation is resolved?
- Does the individual(s) accused of the threatening or violent behavior continue to exhibit threatening or intimidating behavior?
- Do any staff or others continue to feel threatened or in danger?
- Do others continue to feel threatened or in danger in the workplace, and if so, how?

2. VIOLENCE HISTORY

- Is there any evidence of previous violence or threatening behavior, either on or off the job (e.g., domestic abuse, sexual assault, stalking, or physical violence)?
- Has the staff member been issued previous warnings for similar precipitating behaviors?

■ **Frequency/Recency/Severity**

- How often has violent or threatening behavior occurred?
- Has violent or threatening behavior occurred recently?
- Did past violence result in actual physical harm to others?
- How much potential danger or harm were others exposed to?
- Do others continue to feel threatened or in danger?

■ **Targets**

- Who or what were the “target(s)” of previous violent or threatening behavior?
- Do the same or similar target(s) exist in the work environment?
- If yes, does the individual(s) accused of threatening or violent behavior exhibit threatening or intimidating behavior in relation to the target(s)?

■ **Motivation**

- What precipitated or “triggered” past violent behavior?
- Are the same or similar triggers likely to (re)occur in the work environment?
- Is there any reason or evidence to suggest past triggers are no longer relevant?

3. **INDIVIDUAL FACTORS**

- Is there any evidence of alcohol or other substance abuse?
- Is the individual known to be preoccupied with weapons or other violent “themes”?
- Is there any evidence of a past or present psychiatric condition?
- Has there been a recent, abrupt change in the individual’s behavior?
- Does the individual...
 - tend to think that s/he is treated unfairly?
 - tend to blame others, hold grudges, or brood?
 - tend to display moral righteousness/indignation?

4. **ENVIRONMENTAL FACTORS**

- Are there any known stressors or negative changes in the individual’s life?
- Are quality social supports (friends, family) available?
- If available, does s/he tend to rely on supportive others?

5. **WORK PERFORMANCE/CONDUCT**

- Do other interpersonal difficulties or conflicts with coworkers or supervisors exist?
- Do other performance or conduct problems exist?
- Have there been any previous investigations or adverse actions taken against the individual?
- Does s/he have poor work habits or a “negative” attitude?