

Know What To Do When the Police Come Calling

By Steve Bates

Would you know what to do if a police officer appeared in your office with an arrest warrant for one of your employees? You should—because such appearances are more frequent than the explosive incidents of workplace violence that make headlines nationwide.

Here's what happened at a Pennsylvania worksite a few years ago, according to security consultant Philip Deming, SPHR, of Philip S. Deming & Associates in King of Prussia, Pa. A constable was attempting to serve an employee with a court order to stay away from his estranged wife. A supervisor escorted the constable to the worker's desk in view of dozens of his fellow employees. "The employee became very abusive toward his supervisor, yelling and screaming," recalls Deming. "Then the receptionist panicked and called the police. It was extremely embarrassing for everybody."

Security experts say managers should keep some basic principles in mind when dealing with authorities:

- If police come to a worksite unannounced, it's probably important.
- Police do not want to create a scene or endanger anyone.
- Be polite and responsive. Tell the authorities you intend to cooperate, but be cognizant of your rights and the rights of employees while responding to authorities.

"Courtesy and dispatch are essential" for the first contact in the worksite, says Raymond Parker, SPHR, the CEO of PHRST & Co., a Miami-based security consulting firm. But you also need to "find out quickly what the purpose of the visit is," says Parker.

If the officers are in plain clothes rather than in uniform, it might be appropriate to ask them for identification. Officers should not be offended by such a request, says Michael Brasfield, chief of police in Fort Lauderdale, Fla., and a member of the Private Sector Liaison Committee of the International Association of Chiefs of Police. However, if authorities enter with guns drawn and say there's an immediate threat--such as a bomb threat or a report of an armed employee--getting identification data can wait, security experts note.

Perhaps the most crucial step is to locate the worksite manager who is designated to deal with the police. If he or she is not available, a deputy or other designee who can meet with the officers within five minutes of their arrival must be alerted. And rather than give out inaccurate or privileged information, tell the police that the manager who is on the way will be happy to answer any inquiries.

If the designated manager meets with law enforcement authorities and learns that they intend to escort an employee out of the building, the manager's next task is to try to work with the officers to arrange for the least disruptive method to accomplish the task. "You don't want to see the police march in to make an arrest in front of other employees," says Deming. "You want to try to reach an arrangement."

Typically, that means the designated manager will tell the target employee's supervisor to escort the worker to a location, such as a conference room, that is out of other employees' view and where an altercation is unlikely. The supervisor should inform the worker of the situation and tell him or her that management is legally bound to cooperate with the authorities. The goal, says Deming, is "to make sure that you control the situation as much as you can."

If authorities display a search warrant, the same principles generally apply. Have a key management contact person and work with officials to help them do their job with minimal disruption. But if a sheriff's deputy or privately employed process server is attempting to serve a subpoena on company property, you might have the right to ask that person to leave, say the experts.

"These issues are really grounded in state law," says Michael O'Brien, an attorney with Jones Waldo in Salt Lake City and a member of SHRM's Legislative Action Committee. For example, suppose a process server has a lawsuit naming an employee in a matter unconnected to the workplace. The receptionist can contact management to confirm its policy and tell the process server that he cannot come into the worksite because it's private property.

It's a different matter if a process server has a lawsuit naming the organization, says J. Jonathan Schraub, an attorney with Schraub & Co. in McLean, Va. A major concern here is that such a document might be left with a receptionist and not be recognized as something that must go to legal counsel immediately.

If a search warrant or subpoena is presented, there's nothing you can do to prevent authorities from coming in to get the documents, says Deming. Yet "it's still important to have someone designated" as the contact person with the authorities while they are in the building and afterward, he says.

Managers also need to be mindful of workers' rights to privacy in the workplace. These rights vary from state to state, and consultants have varying advice on what, if anything, to tell co-workers after an employee is taken from a worksite by law enforcement officers. Providing sensitive information about police action involving an employee should be done on a need-to-know basis.

"It's good business for a manager to tell employees what happened—to an extent," says Michael Gambrill, senior vice president of Dunbar Armored in Hunt Valley, Md., and chairman of the Law Enforcement Liaison Council of the American Society for Industrial Security. Employers might want to release some information to prevent the rumor mill from churning out wild speculation, he notes, but in no case do you want to violate the confidentiality of the worker. "There's a thin line between the right to know and the right to privacy," says Gambrill.

“The mere fact that a law enforcement representative wants to meet with an employee does not necessarily mean that the employee has done something wrong,” says Fort Lauderdale police chief Brasfield. “He could very well be a contact in an investigation” against others, he adds.

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