



Judicial Proceedings Committee

January 28, 2021

Testimony of Bernard Gerst, Assistant Vice President, Chief of Security and Parking, LifeBridge Health
Position: SB105 – Peace Orders – Workplace Violence

I am writing in support of SB105 – Peace Orders – Workplace Violence. As in many public settings, assaults, threats, and other forms of workplace violence are increasing. Our physicians, nurses, and ancillary staff already have stressful and demanding work environments. The incidence of violence or threats of violence add to an already stressful and at times dangerous work environment and detract from their time and attention to the performance of their duties. This legislation is an important tool to help protect our staff and our institutions from violence.

Current Limitations of Trespass Notices: For the “bad actor” who has assaulted, threatened, stalked, or intimidated a member of our staff, one of the few tools currently at my disposal is issuance of a trespass notice to prevent that person from returning to the facility. Those notices provide limited protection, as they pertain only to the workplace. Peace orders apply to not only the workplace but also the residences of affected staff members and other locations as they go about their personal lives. Further, if someone violates a trespass notice, responding law enforcement officers are less apt to effect an arrest and instead just tell the person to leave. Officers are more willing to arrest if someone is violating a valid peace order issued by a judicial officer.

Supporting Our Employees in Responding to Violence: This legislation is needed so staff members who have already been traumatized and victimized are not subjected to having to respond to the court to apply for the peace order in person. It will allow hospital security professionals to obtain the necessary statements from victims and apply on their behalf for the interim peace order. Our security professionals are familiar with the courts and are here for these purposes so staff can stay on their jobs providing healthcare services. I believe this concern is a factor as to why some staff decide not to pursue the peace order - so they don't leave their unit or floor short-handed. The respondent is afforded due process just as they would be if the victim made the petition, by appearing at the initial hearing wherein the judge decides whether to issue a permanent order. The party or parties on whose behalf the peace order was obtained would still have to attend that hearing.

Finally, note one very poignant irony - today, if a nurse is assaulted, my investigator can take the nurse's statement, gather evidence and proceed to district court and make application for a statement of charges on behalf of our nurse victim. That application could result in issuance of an arrest warrant for which the defendant could be arrested, booked, and held until he or she could post bond for release. But today, that same investigator can't apply for an interim peace order which merely tells the respondent to stay away from the victim or the facility. That simply makes no sense!

For the foregoing reasons, I respectfully request a **FAVORABLE** report on SB 105 – Peace Orders – Workplace Violence.