



Case Three: "Darryl"

Writings on Workplace Violence

By J.R. Roberts

Darryl moved easily along the hot streets of the urban neighborhood. He had grown up on these streets. He knew their sights and sounds and rhythms. He was part of these streets, now. Homeless. Not yet 30 and homeless. It wasn't always like this. Darryl was the son of loving parents. His father was a minister and well respected in the community.

Darryl wasn't completely lost. He checked in on and helped his parents out almost every day. His father hoped that Darryl would find a way to kick the cocaine habit he had developed. In spite of everything, Darryl had managed to avoid any serious brushes with the law. He kept himself and his clothes clean. There was still hope for Darryl. Even on his last day.

The air inside the store was cold. A welcome relief from the blistering heat outside. Darryl moved up and down the aisles of the cavernous store, a plastic basket in hand.

Bob was muttering to himself under his breath as he finished stocking the lower shelf. His back hurt, and at 45, he resented having to do all the grunt work. Bob had played high school football. Been pretty good, too.

Hadn't had the chance to go to college and play, though. All the scholarships went to "them". His eyes narrowed in contempt when he saw Darryl. He watched him for a few moments, then caught the attention of the assistant store manager who was travelling towards the stock room.

"Hey. You see him"? Bob indicated Darryl with a nod of his head. "He's going to be stealing from us and going out the door." Bob walked off in pursuit of Darryl. Bob liked to catch shoplifters. It was a break from the monotony of the day and always gave him a sense of excitement. At every store he had been transferred to, Bob had the highest number of shoplifting detentions.

Catching sight of his quarry, Bob broke into a run, and shouted "Hey, what do you think you're doing"?

Startled, Darryl turned to see the burly man bear down on him, roughly grabbing the shopping basket from his hand. "Come with me to the office." Bob demanded, turning to lead Darryl to the back where he questioned shoplifting suspects.

In a panic, Darryl turned and ran to the exit. Bob pursued and caught him at the door, seizing the smaller man in a tight bear hug. Darryl struggled desperately and broke free.

Bob grabbed at the man again, calling for help. The assistant store manager and two clerks rushed forward, as Darryl burst through the doors and onto the street. Bob caught Darryl with a flying tackle and took him down hard onto the pavement.

Darryl continued to try and break away as Bob struggled to turn him face up on the sidewalk. "Get his legs. Help me turn him over and hold him." Bob ordered to his three co-workers.

The men complied, roughly rolling Darryl onto his back. One clerk lay across his legs, another across his waist. A third sat on his chest, while Bob knelt on Darryl's neck. Darryl tried to speak, telling the men to get off him. Telling them that he couldn't breathe. No one moved.

A crowd of by-standers and employees from neighborhood shops came out of their stores. "They was chasin' people out that door all the time." One local business owner would later say. "I told them they oughtin' do that. Someone was going to get hurt real bad."

Darryl stopped struggling and pleaded one last time for the men to get off him.

"I can't breathe." He repeated, weakly.

Bob heard him quite clearly.

"He was faking." He told police officers.

While store employees called 911, the crowd grew and became increasingly hostile. One man driving by, saw the crowd and pulled over to investigate.

"They were hurting that man. Anyone could see that. I told them, if he stole from them, we'll keep him here till the police arrive. But let him up. He can't breathe."

He was told by the store manager it was none of his business. That he would be arrested unless he left the area. The crowd grew belligerent and vocal, insisting the man be allowed to stand. The clerks refused to budge.

911 calls continued to pour into the police department. One of the last calls prior to police arrival was a description of a "riot in progress".

By the time the police arrived on the scene, Darryl was dead.

Analysis:

This case is included in this collection, because the wrongful death of "Darryl" was a direct result of the actions of negligent and reckless company employees.

The retail store in question has a written policy regarding shoplifters that conforms to generally acceptable norms.

Those policies included:

- Keep the subject in sight at all times. Know exactly where the merchandise is concealed.
- Wait until the subject has passed the last possible point of sale
- Do not touch the subject
- If the subject runs, do not pursue them

These policies were clearly intended to reduce the risk of violence to subjects, employees, or innocent by-standers. They also reduce the risk of exposure to civil action for unlawful detention.

The practices of the store employees were a far- cry from the policies.

A review of incidents revealed that employees regularly engaged in tactics that any reasonable person would expect to result in injury and abuse.

"Bob" systematically targeted subjects in complete disregard of stated company policies, and based on race. As we saw in Case One, management failed to correct a continuous and on-going problem concerning the behavior of an employee.

Proper background search and evaluation might have also revealed that the employee in question should not have been given the responsibilities or duties of loss prevention.

The public at large often complains about the size of jury awards, frequently forgetting that these verdicts are intended to send a message.

As recent events have shown, corporate responsibility must resonate at all levels of corporate life.

The consequences of failure are literally a matter of life and death.

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About the author

With 25 years of experience, J.R. Roberts offers specialized security consultation and services in three specific arenas:



Expert Testimony: plaintiff and defendant in a wide variety of civil suits have retained Mr. Roberts to provide consultation, analysis, and testimony across the United States (for a partial list of representative cases and attorney endorsements, [click here](#)).

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Seminars and Training: As the former Director of Risk Management for Valor Security Services, Inc. J. R. wrote, developed, and implemented the training program for that company. He has lectured Nationwide for trade associations, property management firms, and fortune 1,000 corporations.

To discover how J. R. Roberts Security Strategies, can assist you in providing the very latest training For your employees on such critical topics as employee theft/shoplifting prevention, Liability, or Comprehensive Security Guard Training visit our seminars and training page, or contact our Savannah, Ga. office.

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