

Recommended Practices for Virginia College Threat Assessment

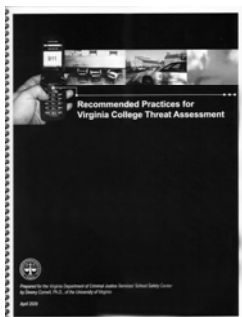
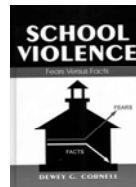
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Dr. Cornell has studied youth violence for over 20 years and has assisted numerous schools in the development of violence prevention programs. He has authored more than 100 publications in psychology and education, including two recent books: *Guidelines for Responding to Student Threats of Violence* and *School Violence: Fears versus Facts*.



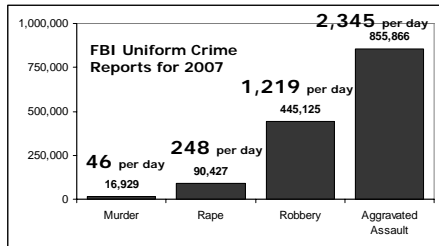
Download at
<http://youthviolence.edschool.virginia.edu/>
 or
<http://www.dcs.virginia.gov/vcss/ocps/?menuLevel=11&mlID=18>

Main Points

1. Beware of overreactions; college campuses are safe places.
2. Threat assessment is a multidisciplinary, problem-solving approach to violence prevention.
3. The four stages of threat assessment are Identification, Evaluation, Intervention, and Follow-up.

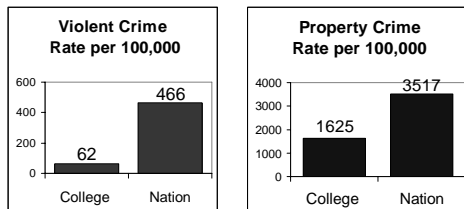
Handouts under "conference presentations" at
<http://youthviolence.edschool.virginia.edu/>

1.4 Million Violent Crimes in the U.S.

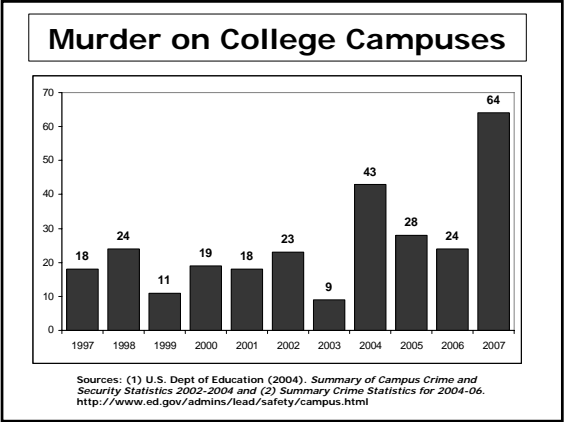
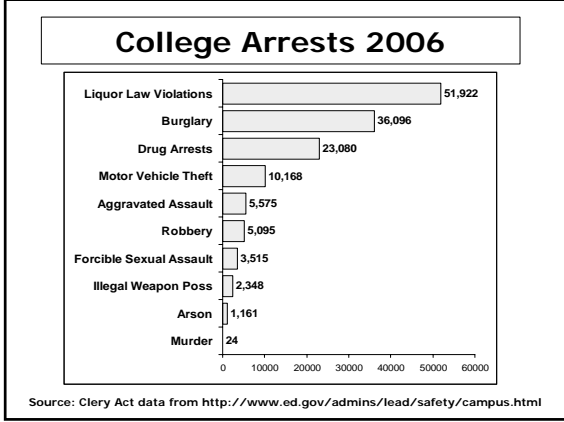
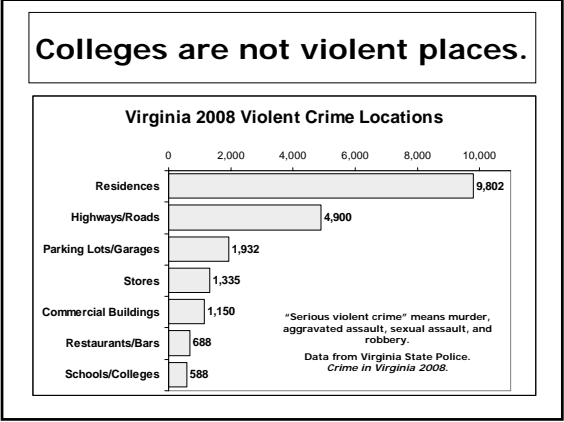


<http://www.fbi.gov/ucr/cius2007/data/documents/07tbl01.xls>

College Crime Rates



Campus Law Enforcement, 2004-05 (published Feb 2008)
<http://www.ojp.usdoj.gov/bjs/pub/pdf/cle0405.pdf>



What is the likelihood of a college campus homicide?

- 281 homicides in 11 years = 26/year
- 4,200 colleges ÷ 26 =
- 1 case every 161 years

Problems with a Statistical Analysis

- Many threats and near-misses for every real case
- Copycat effects can generate additional cases
- Disturbed individuals can be influenced by highly publicized sensational events.

Colleges must avoid the fear-driven over-reactions that have plagued K-12 schools

Avoid Fear-Based Reactions to Shootings

Prevention cannot wait until the gunman is at the door.



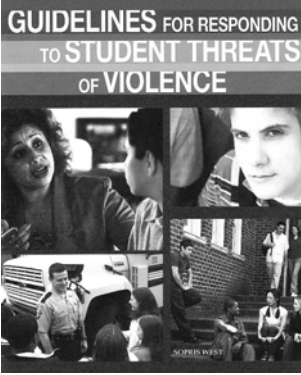
FBI Recommendations on School Violence



Download at www.fbi.gov

“Although the risk of an actual shooting incident at any one school is very low, threats of violence are potentially a problem at any school.

Once a threat is made, having a fair, rational, and standardized method of evaluating and responding to threats is critically important.” (FBI report p 1)



- Legally defensible procedures for responding to student threats
- Step-by-step guidelines and decision-tree
- Research-based and field-tested
- Covers K-12, regular and special education

Available from sopriswest.com

Threat Assessment in College Settings

1. Students, staff, faculty, and community members have different legal standing.
2. Colleges are open, complex settings and not easily monitored or secured.
3. Colleges have multiple administrative units, often not in close communication.

Threat Assessment in Community College Settings

1. Commuting and part-time students
2. Older students, many with jobs and families
3. Limited campus law enforcement
4. Limited counseling and student health services

Threat assessment may require contracts with community resources.

§23-9.2:10

Violence prevention committee; threat assessment team

D. The board of visitors or other governing body of each public institution of higher education shall establish a specific threat assessment team that shall include members from law enforcement, mental health professionals, representatives of student affairs and human resources, and if available, college or university counsel. Such team shall implement the assessment, intervention and action policies set forth by the committee pursuant to subsection C.

What is Threat Assessment?

Threat assessment is a strategy to prevent violence through early recognition of threatening situations and intervention to solve problems.

What is Threat Assessment?

- Used by Secret Service
- Widely used for workplace violence
- Some research in K-12 schools
- No known research on college threat assessment



Threat Assessment Does Not Replace Other Helping Efforts

- Dean of Students
- Student Health
- Counseling Services
- Employee Assistance, etc.



Case oversight is shared with the Threat Assessment Team when a threatening situation is identified.

Team Membership

- Membership must follow Code.
- No requirement that all members participate in all cases.
- Law enforcement, administration, mental health, and legal counsel are appropriate for all cases.
- Other members may depend on nature of case (e.g., employee matter).

What Are Threats?

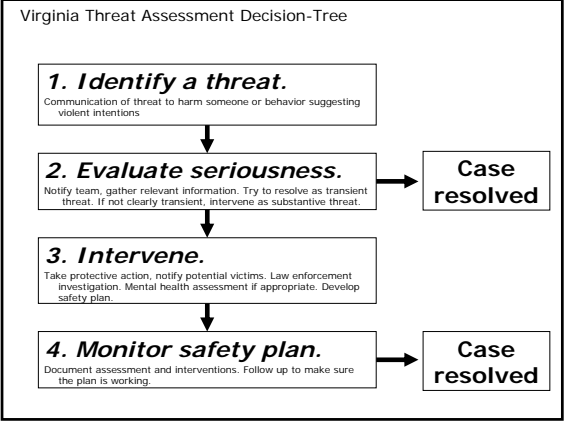
- Direct threats to harm someone.
- Indirect threats made to third parties (more common).
- Behavior that indicates preparation for a violent act.
- Conflicts or disputes that raise concern for safety.



When in doubt, consult the Threat Assessment Team

4 Steps in Threat Assessment

- 1. Identification** of threats.
- 2. Evaluation** of the seriousness of the threat.
- 3. Intervention** to reduce risk of violence.
- 4. Follow-up** to monitor safety.




The first step is most important.

1. Identification of threats.

Unless threats are reported, nothing can be done. Essential to educate the community to report troubling situations.

- Threat reporting process**
1. Someone in the institution community wants help for a problem.
 2. The problem is recognized as a threat by the help-provider.
 3. The help-provider contacts the team.

- Threat education recipients**
1. Help-seekers (general community)
 - Students, parents, faculty, staff
 2. Help-providers
 - Student services, health providers, counseling, law enforcement, administrators, including key contacts outside the institution
- 

- Threat education strategies**
1. Web-based training and resource
 - When to seek help
 - Who to contact
 - Counseling, law enforcement, academic needs, etc.
 2. Integrate theme of a caring and helping community into publications and outreach efforts

2. Evaluate the seriousness of the threat.



- Notify relevant team members.
- Gather all relevant information.
- Attempt to resolve the situation as a transient threat.
- If not transient, treat case as a substantive threat.

Continuum of Threats



- Warning of impending violence
- Attempts to intimidate
- Thrill of causing a disruption
- Attention-seeking, boasting
- Fleeting expressions of anger
- Jokes
- Figures of speech

Avoid Over-Reaction and Under-Reaction to Threats

- Over-reaction
 - Wastes time and effort
 - Alienates community
- Under-reaction
 - Violent incident

Evaluate the threat.

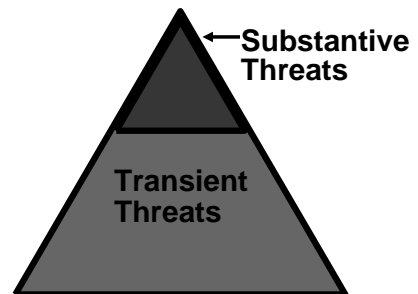
- Obtain an account of the threat and the context from the subject and witnesses.
- Write down the exact threat.
- Obtain subject's explanation of the threat's meaning and his/her intentions.
- Obtain witness perceptions of the threat's meaning.

Document your evaluation.

Critical question: Transient or Substantive?

- Determine whether the threat is transient or substantive.
- The critical issue is not what the student threatened to do, but whether the student intends to carry out the threat.
- When in doubt, treat a threat as substantive.

Most threats are transient.



Transient Threats

- Often are rhetorical remarks, not genuine expressions of intent to harm.
- At worst, express temporary feelings of anger or frustration.
- Usually can be resolved on the scene or in the office.
- After resolution, the threat no longer exists.
- Usually end with an apology or clarification.

Substantive Threats

- Express intent to physically injure someone beyond the immediate situation.
- There is at least some risk the student will carry out the threat.
- Require that you take protective action, including warning intended victims and parents.
- May be legal violations and require police consultation.
- When in doubt, treat threats as substantive.

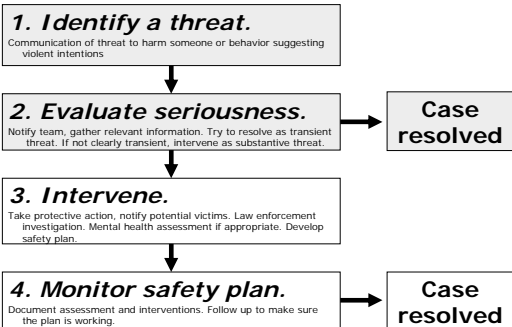
Substantive threats: Factors to consider

- Capability to carry out the threat
- Subject's history of aggression, mental health problems
- Subject's credibility and willingness to acknowledge his or her behavior
- Credibility of witness accounts
- When in doubt, treat threats as substantive.

Presumptive indicators of substantive threats

- Specific, plausible details. ("I am going to blast Mr. Johnson with my pistol.")
- Threat has been repeated over time. ("He's been telling everyone he is going to get you.")
- Threat reported as a plan ("Wait until you see what happens next Tuesday in the library.")
- Accomplices or recruitment of accomplices.
- Physical evidence of intent (written plans, lists of victims, bomb materials, etc.)

Virginia Threat Assessment Decision-Tree



Responses to a transient threat.

- No need to take further safety precautions.
- See that threat is resolved through explanation, apology, making amends.
- Provide counseling and education where appropriate.
- Disciplinary consequences, if appropriate

3. Intervene to reduce risk of violence.

- All substantive threats require protective action.
- Notify potential targets of attack.
- Develop a safety plan, based on law enforcement investigation and mental health assessment, if indicated.

Develop a safety plan.

- Law enforcement investigation
- Mental health assessment, if feasible
- Efforts to resolve the problem that stimulated the threat

6 Principles of the Threat Assessment Process

(abridged from Secret Service/DOE Guide)

1. Targeted violence is the result of an understandable process, not a random or spontaneous act.
2. Consider person, situation, setting, & target.
3. Maintain an investigative, skeptical mindset.
4. Focus on facts and behaviors, not traits.
5. Use information from all possible sources.
6. *Making* a threat is not the same as *posing* a threat. Ask "Is this student on a path toward an attack?"

Indicators of planning

- Surveillance of prospective target
- Acquisition of weapons or other supplies
- Rehearsal or practice of skills used for an attack
- Study of similar crimes
- Increase in secretive behavior

The Subject's Ambivalence

Even after preparations have begun, the decision to act may be contingent upon other situational events that provoke or disturb the subject. Many subjects are ambivalent and uncertain about what they intend to do, even until the shooting starts. This means there are many opportunities to change the course of action.

Law Enforcement Investigation

- Any violations of law?
- Any immediate security concerns?
- What future security concerns?
- What information relevant to identifying motive, method, or preparation for an attack?

Law Enforcement Investigation

- Background checks (arrests, employment, residences, schools)
- Internet communications
- Interviews
- Check access to firearms and explosives
- Authorized searches

Team Access to Law Enforcement Information

In order to function effectively as a multidisciplinary team, threat assessment teams require access to law enforcement information, including background checks.

Team Access to Law Enforcement Information

Virginia Code 19.2-389, paragraph 3, "Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data."

Team Access to Law Enforcement Information

Colleges should have a written agreement with their local or affiliated law enforcement agency to authorize release of information to the team for the administration of criminal justice, with assurance that the data will be maintained in a secure, confidential manner and used only for threat assessment purposes.

Mental Health Assessment

- Not a prediction model
- Identify any mental health needs.
- Identify reasons why threat was made.
- Propose strategies for reducing risk.

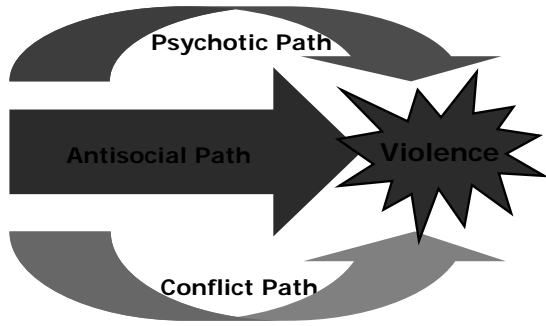
Mental Health Assessment

- Only if clinically appropriate and feasible
- Can be condition for continued employment or enrollment, with prior notice to all
- Require a release for all mental health records

Avoid Escalation.

- Establish a respectful relationship with the subject.
- Seek resolution of the subject's concerns.
- Avoid actions that unnecessarily intimidate, threaten, or humiliate the subject (understanding that disciplinary consequences may be necessary).

3 Pathways to Violent Behavior



Look for patterns, not a single profile.

- Antisocial path – predatory/instrumental crime
- Conflicted path – vengeful anger or crime of passion
- Psychotic path – delusional motive



Antisocial Path



- Predatory or instrumental crimes
- Under-controlled aggression
- Antisocial peers, gang member
- Delinquent history
- Early childhood problems
- School discipline history

Conflict Path



- Bully victim, angry employee
- Over-controlled hostility
- May have few overt behavior problems
- Over-sensitive to shame
- Intense need for approval, status
- Suicidality

Psychotic Path



- Delusional motive
- Auditory hallucinations
- Substance abuse
- Resentment over mistreatment
- Alienation from peers
- Odd behaviors

4. Follow-up to monitor safety.

- Is the subject still threatening?
- Is everyone compliant with the plan?
- Is the plan working?

Tarasoff

The Duty to Protect Potential Victims of Violence

- 1974 and 1976 California Supreme Court decided that suits against University and police failed, but...
- **Psychologist found liable** for failing to do enough to protect Tarasoff. Did not warn her personally. Court said, "The protective privilege ends where the public peril begins."
- Called "the duty to warn" or the "the duty to protect."
- Many cases in other states support the duty to break confidentiality and take action to protect potential victims of violence. (For example, Colorado federal case involving Hinckley's psychiatrist, *Brady v. Hopper*)

Tarasoff v Regents of University of California, 1974, 1976

Virginia's Tarasoff Law

§54.1-2400.1

"A mental health service provider has a duty to take precautions to protect third parties from violent behavior or other serious harm only when the client has ... communicated to the provider a specific and immediate threat to cause serious bodily injury or death to an identified or readily identifiable person or persons, if the provider reasonably believes, or should believe according to the standards of his profession, that the client has the intent and ability to carry out that threat immediately or imminently...."

Virginia's Tarasoff Law

§54.1-2400.1

The duty of the mental health service provider is discharged by one or more of the following actions:

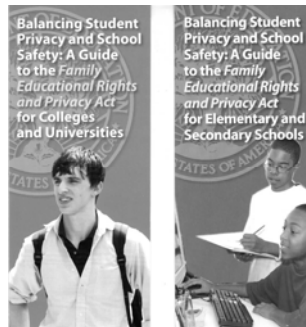
1. Seeks involuntary admission...
2. Makes reasonable attempts to warn the potential victims....
3. Makes reasonable efforts to notify a law-enforcement official...
4. Takes steps ...to prevent the client from using physical violence...until the appropriate law-enforcement agency can be summoned and takes custody of the client.
5. Provides therapy... in the session in which the threat has been communicated until the mental health service provider reasonably believes that the client no longer has the intent or the ability to carry out the threat."



Communication and Problem Solving

Threat assessment is a problem-solving approach that requires communication and cooperation among all parties.

This process must not be hindered by FERPA.



Released Oct 30 2007

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/index.html>

What can school officials disclose in an emergency situation?

"In an emergency, FERPA permits school officials to disclose, without consent, education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals."
<http://www.ed.gov/policy/gen/guid/fpco/brochures/elsec.html>

Can school officials share their observations of students?

"FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation, and not from the student's education records."
<http://www.ed.gov/policy/gen/guid/fpco/brochures/elsec.html>

Can school officials share their law enforcement unit records?

"Under FERPA, investigative reports and other records created and maintained by these 'law enforcement units' are not considered 'education records' subject to FERPA. Accordingly, schools may disclose information from law enforcement unit records to anyone...."
<http://www.ed.gov/policy/gen/guid/fpco/brochures/elsec.html>

HIPAA Permits Breach of Confidentiality

HIPAA allows disclosure of protected health information, including psychotherapy notes, concerning a patient when it is considered necessary to prevent a serious and imminent threat to others. This can include disclosure to law enforcement, family members, potential victims and others if the disclosure can be justified as reducing the risk of violence. See CFR § 164.512(j).

Liability Protection

- Follow recognized standards.
- Make reasonable decisions. (Perfection is not required.)
- Maintain adequate documentation. (Post hoc records are inadequate.)

<http://youthviolence.edschool.virginia.edu>