Maryland's Model Policy for Behavior Threat Assessment

MARYLAND **CENTER FOR**
SCHOOL SAFETY
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Subcabinet of the Maryland Center for School Safety
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Acknowledgment

INTRODUCTION

On April 10, 2018, Governor Hogan signed into law Senate Bill 1265 (Chapter 30), the Maryland Safe to Learn Act of 2018, which enacted several updates and additions to the *Annotated Code of Maryland* related to behavioral threat assessment teams in Maryland K-12 schools. These changes serve to broaden the legislated purview of school behavior threat assessment teams, and provide schools with a model policy "for the establishment of an assessment team or teams in each local school system." This document is provided as a model policy, procedure, and guidance document for local school system's school behavior threat assessment teams. Legislative mandates require "each local school system to adopt a certain consistent policy on or before September 1, 2019. In accordance with § 7-1507(c) of the Education Article, local school system policies must be consistent with the model policy developed by the Subcabinet of the MCSS. The MCSS model follows the legislative requirements, setting forth a synthesis of best practices or standards of practices in behavioral threat assessment and management in school settings. This document will provide school systems and local schools with a model policy for the establishment of behavior threat assessment teams, including procedures for the assessment of and intervention with ***students, staff, parents, contractors, and non-affiliated individuals on school property*** whose behavior poses a threat to the safety of school staff or students.

This document, and other resources to support school and campus safety, are available at the MCSS website at: http://www.safeschoolsmd.org.

School Safety Legislative Changes in Maryland

The following is a summary of the Maryland Safe to Learn Act's changes to the Annotated *Code of Maryland* related to local school system behavior threat assessment teams and guidance for school systems in implementing these statutory changes.

THE SCOPE OF THE SUBCABINET MODEL ASSESSMENT TEAM POLICY

On or before September 1, 2018, the Subcabinet of the MCSS must develop a model policy for the establishment of an assessment team or teams by each local school system. The model policy includes, but is not limited to, the mechanisms, best practices, procedures, policies, and guides subsequently referenced in **Md. Code Ann., Educ. § 7-1507**(B)(1-8) (2018). The complete text of the Act may be found here: http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_30_sb1265e.pdf.

SCOPE OF LOCAL K-12 SCHOOL SYSTEM BEHAVIOR THREAT ASSESSMENT TEAMS

The model policy, procedures, and guidelines provided in this document are based not only on relevant Maryland statutes, but also upon a synthesis of established research and recognized standards of practice regarding threat assessment and management in school and workplace settings. For example, they are consistent with the process for identifying, assessing, and managing persons who may pose a threat as set forth in "Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence," published by the U.S. Department of Homeland Security, United States Secret Service (National Threat Assessment Center, July 2018), and "A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013," published by the U.S. Department of Justice, FBI (June 2018). Findings about the pre-attack behaviors validated use of a fact-based threat assessment process relying primarily on an appraisal of behaviors, rather than traits, as the basis for determining the nature and degree of any safety concerns, and for developing a strategic approach to reducing risk and improving the safety and well-being of the school community.

Although communicated/expressed threats of violence require assessment, the Maryland model emphasizes the identification and assessment of a broader range of concerning behaviors, including but not limited to communicated/expressed threats. It includes identifying and responding to behaviors of concern that may pose a threat to the safety of an individual attending or working in a public school. The model also emphasizes that effective threat assessment can best occur in school climates of safety, respect, and emotional support – environments in which students, teachers, administrators (and, where appropriate, parents/guardians) pay attention to the social and emotional, as well as academic, needs of students and staff; and have access to assistance for addressing and resolving underlying problems.

On or before September 1, 2019, each local school system is required to adopt a model policy, consistent with the policy developed by the Subcabinet, for the establishment of behavior threat assessment teams whose functions include (but are not limited to), the development of a process for regular assessment and intervention, including mechanisms for identifying, assessing, and intervening with *individuals* whose behavior may pose a threat to the safety of the school or to an individual attending or working in a public school. Each local school system's assessment team policy and model of best practices must be consistent with the Subcabinet's model policy to enhance awareness of potential or developing threatening behaviors exhibited not only by students, but from a broad range of persons who might convey or indicate the intent to pose a danger to the school or an individual attending or working in a public school. Understanding that it is not only students who may pose a threat of harm to a school, but a range of others while they are on school grounds including (but not limited to):

- Students: current and former (and potentially prospective)

- Employees: current and former (and potentially prospective)

- Parents/guardians/relatives and friends of students

- Persons who are (or have been) in relationships with faculty, staff, or students

- Contractors, vendors, or other visitors

- Unaffiliated persons

SCHOOL ASSESSMENT TEAMS: ACCESS TO INFORMATION

Threat assessment teams established by local school systems under the Maryland Safe to Learn Act of 2018, must review certain information in order to conduct the assessments. The Family Education Rights Privacy Act (FERPA)(20 U.S.C. §1232g, 34 C.F.R. Part 99), the Health Insurance Portability and Accountability Act (HIPAA)(42 U.S.C. §1320d, 45 CFR Part 162) , the Individuals with Disabilities Education Act (IDEA)(20 U.S.C. §1400 (2004)), and the Maryland Public Information Act (Md. Code Ann., General Provisions Article §4-101 through § 4-601) generally protect the information reviewed by the threat assessment teams from disclosure. Local school systems should consult with counsel regarding the applicability of the provisions of relevant State and federal law to the information collected or otherwise ascertained while conducting a threat assessment.

Additional information on these provisions are available as follows:

FERPA: https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html
HIPAA: https://www.hhs.gov/hipaa/index.html
IDEA: https://www2.ed.gov/policy/gen/guid/ptac/pdf/idea-ferpa.pdf
Maryland Public Information Act: http://www.marylandattorneygeneral.gov/Pages/OpenGov/pia.aspx

MODEL POLICY, PROCEDURES, AND GUIDELINES

While a comprehensive approach to school safety focuses on any individual who might pose a threat to the safety of school staff or students, it is expected that the majority of cases identified will involve students engaging in (or perceived to be engaging in) threatening behaviors. To that end, the following procedures and guidelines also reflect a review and synthesis of procedures currently in use in many Maryland public schools. Local school systems may (when dealing with students who might be engaging in threatening behavior) use tools designed to assess threats posed by students.

For example, a model that has served as a model for numerous assessment guideline policies across the country is based on the University of Virginia's "Student Threat Assessment Guidelines" developed by the Youth Violence Project of the Curry School of Education at the University of Virginia. This model has been empirically studied and evaluated (e.g., Cornell, Allen, & Fan, 2012; Cornell, Gregory, & Fan, 2011; Cornell, Sheras, Gregory, & Fan, 2009). In 2013, the model was added to the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Registry of Evidence-based Programs and Practices (NREPP). The model was derived from threat assessment principles and adapted for use in assessing students who engaged in threatening communications and behaviors in schools. The "Student Threat Assessment Guidelines" specify a series of decision steps and related criteria for evaluation and offer an alternative to zero tolerance practices in addressing student threats. The Maryland Model set forth in this policy is informed by multiple policies, procedures, and best practices deployed throughout the United States in an effort to ensure a safe school community, including the Virginia model, the Salem-Keizer System (STAS), Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines (2nd ed. 2016), and the most recent reports from the United States Secret Service ("Enhancing School Safety Using a Threat Assessment Model") and Federal Bureau of Investigation ("A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013"). References and links to these and other publications are provided in the resource section of this document.

STRUCTURE AND FUNCTION OF THREAT ASSESSMENT TEAMS

Establishment of the Team(s)

The superintendent shall establish, within a local school system, a threat assessment team or teams. In determining the number of threat assessment teams appropriate to a jurisdiction, the superintendent shall consider multiple factors, including, but not limited to: available resources, history of threats and behavioral risk within the jurisdiction, number of schools, demographics, and geography. Each school within a jurisdiction is not required to have its own assessment team. The assessment teams shall coordinate among school officials and law enforcement, mental health, and other appropriate entities to monitor and respond to information about behavior, statements, or plans that may pose a threat of violence at a school or a school function.

A particular threat assessment team may serve one or more schools as determined by the superintendent. A threat assessment team must include individuals with expertise in student counseling (e.g., a school counselor, a school psychologist and/or school social worker), education instruction (e.g., a teacher or administrator with instructional experience), school administration (e.g., a principal or other senior administrator from the school(s) covered by the team and human resources professionals), and law enforcement (typically a school resource officer). Although not required by statute, a best practice should include consulting with an individual with expertise in human resources, or other staff when applicable. Other school staff (or community resources) may serve as regular members on the team, or be consulted during the threat assessment process, as appropriate, and as determined by the statutorily required members of the assessment team. However, it is not recommended to have parents or students participate either directly or as consultants in the threat assessment process.

Mental Health Services Coordinator

By September 1, 2018, each local school systems must appoint a mental health services coordinator to serve the school system. The mental health services coordinator is responsible for coordinating existing mental health services and referral procedures for mental health services. The mental health services coordinator should work in collaboration with the local departments of health and social services, and other local resources providing mental health services to refer students for treatment. External funding for mental health and wraparound services should be maximized. The mental health services coordinators shall develop plans for delivering behavioral health and wraparound services to students exhibiting behaviors of concern.

Structure of the Team(s)

Threat assessment team(s) should have a designated team leader, typically a principal for the school(s) team or senior administrator for the school system team. Team members shall work collaboratively with each other, with other school staff, and (as appropriate) with community resources to support the purposes of the team and the safety of the school and its students and staff. The threat assessment team leader may designate a subset of team members to triage cases reported to the team. All team members shall be trained to effectively triage cases. This triage process serves to screen cases and determine their appropriateness for review and/or action by the full team. If the team elects to implement a triage process, at least two members of the team will review initial reports of concern to determine if existing resources and mechanisms are sufficient to address those concerns, or whether the full team should further assess and manage the situation. All triaged cases must be shared with all members of the assessment team.

Unless it is not feasible to do so, all team members should be involved with the assessment and intervention of individuals whose behavior poses a threat to the safety of school staff or students. Team members shall actively, lawfully, and ethically communicate with each other; with school administrators; and with other school staff who have a need to know particular information to support the safety and well-being of the school, its students and its staff.

In fulfilling statutory responsibilities, threat assessment teams shall:
1. Provide guidance to students and staff regarding recognition of threatening behavior that may represent a threat by conducting presentations, broadly disseminating relevant information, and ensuring access to consultation from threat assessment teams;
2. Clearly identify members of the school community to whom threatening behavior should be reported;
3. Implement local school system policies in an effective manner for the assessment of and intervention with individuals whose behavior poses (or may pose) a threat to the safety of school staff or students, including (where appropriate) referrals to community services boards or health care providers for evaluation or treatment.

School System-Level Oversight Team

If established by the superintendent, a school system-level oversight team shall oversee and provide support for school threat assessment teams. The team shall include a senior school system administrator (e.g., Assistant Superintendent for Administration) and senior school system administrators in school safety, in student services and/or school-based mental health services, human resources, and other school system staff as needed. The school system-level oversight team may consult with local law enforcement, community mental health providers, and departments of social services as needed. The school system level oversight team shall provide oversight to school level threat assessment teams; maintain processes for effective information sharing between the school system and community mental health and law enforcement agencies; assess the effectiveness of the threat assessment process throughout the school system; and recommend changes to policies and procedures, as needed, to maintain an effective threat assessment process reflecting known best practices.

Other Duties of Assessment Team

Each assessment team shall:
1. Provide guidance to students and staff regarding recognition of threatening behavior that may represent a threat to the community, school, or self;
2. Identify members of the school community to whom threatening behavior should be reported; and
3. Implement local school system policies for the assessment of and intervention with individuals whose behavior poses a threat to the safety of school staff or students.
4. In cases where determined to be appropriate, assessment teams shall follow established procedures for referrals for evaluation or treatment.
5. Regardless of threat assessment activities, disciplinary action and referral to law enforcement are to occur as required by local school system policies and regulations, the *Maryland Code*, and COMAR.

Reporting Requirements

Upon a preliminary determination that a ***student*** poses a threat of violence or physical harm, the threat assessment team shall immediately report its determination to the superintendent or designee, as well as to the principal at the student's school. The superintendent may opt to have more than one designee to best serve the needs of the local school system. Following notification, the principal shall immediately

attempt to notify the student's parent or legal guardian. Members of the threat assessment team may request and obtain criminal history record information, where deemed appropriate. The assessment team shall also have access to any student education and health records in possession of the school in order to perform its functions.

Nothing in this policy shall preclude school system personnel from acting immediately to address an imminent threat. Nothing in this policy shall preclude the threat assessment team from notifying the superintendent (or designee) of any individual (other than a student) who poses a threat of violence or physical harm to self or others. Upon a preliminary determination by the threat assessment team that an *individual* poses a threat of violence to self and / or to others in the school or school building or at a school campus event, the law enforcement member of the threat assessment team may request and obtain criminal history record information to further evaluate and assess the situation, where deemed appropriate.

No member of a threat assessment team shall re-disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team in order to carry out its prescribed activities. The threat assessment team may *not* maintain an individual's criminal history record obtained to carry outs its functions, nor may they make copies of it. Criminal history information may *not* be placed in a student's educational file or otherwise maintained as a student education record as defined by FERPA, 34 CFR §99.3.

Each assessment team established pursuant to Md. Code, Ed. § 7-1507(c) shall report quantitative data on its activities according to regulations promulgated by the Subcabinet of the Maryland Center for School Safety, or as otherwise required under Maryland law.

MODEL PROCEDURES FOR LOCAL SCHOOL SYSTEM ASSESSMENT PROGRAMS

PURPOSE

The purpose of this document is to establish procedures for the assessment and intervention with students, staff, and other non-affiliated individuals whose behaviors pose a threat to the safety of the school environment.

DEFINITIONS

- A **threat** is an expression of an intent to cause physical harm to someone. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through any other means; and is considered a threat regardless of whether it is observed by or communicated directly to the target of the threat or observed by or communicated to a third party; and regardless of whether the target of the threat is aware of the threat. Threats may be direct ("I am going to beat you up.") or indirect ("I'm going to get him.").

- A **threat assessment** is a comprehensive process emphasizing an appraisal of observed (or reasonably observable) behaviors to identify potentially dangerous or violent situations, to assess them, and to manage/address them.

- A **low risk threat,** or is one in which it is determined that the individual/situation does not appear to pose a threat of serious harm to self/others, and any exhibited issues/concerns can

be resolved easily. A low risk threat may be handled by the ordinary school disciplinary process at the discretion of the school administration.

- A **moderate risk threat** is one in which the person/situation does not appear to pose a threat of serious harm to self/others, at this time; but exhibits behaviors that indicate a continuing intent and potential for future violence or serious harm to self/others; and/or exhibits other concerning behavior that requires intervention. A moderate risk threat may also involve a parallel school disciplinary process.

- A **high risk threat** is one in which the person/situation appears to pose a threat of serious harm, exhibiting behaviors that indicate both a continuing intent to harm and efforts to acquire the capacity to carry out the plan; and may also exhibit other concerning behavior that requires intervention. A high risk threat may also involve a parallel school disciplinary process.

- An **imminent threat** exists when the person/situation appears to pose a clear and immediate threat of serious violence toward others that requires containment and action to protect identified or identifiable target(s); and may also exhibit other concerning behavior that require intervention.

- A **behavioral threat assessment** is a structured group process used to identify, assess, and manage the risk of threats of targeted violence posed by an individual or group.

- A **non-affiliated person** is a person who is not an employee, student, contractor, family member or friend of a student or staff.

STUDENTS WITH DISABILITIES

A representative with expertise in special education should be included as a member of the threat assessment team when faced with a threat made by, or directed towards, a student(s) receiving special education services. A determination that a person with a disability poses a threat may not be based on generalizations or stereotypes about the effects of a particular disability and must be based on an individualized assessment, based on reasonable judgment relying on current medical evidence or on the best available objective evidence, to determine: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

PROCEDURES

1. Identifying and Reporting Threats

When an individual makes a threat or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation, the **Behavioral Threat Assessment Policy** shall be followed. The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe and secure school environment, to protect and support potential victims, and to provide assistance, as needed, to the individual being assessed. Regardless of threat assessment activities, disciplinary action and referral to law enforcement must occur when required by school system policy or as otherwise established in Maryland law or regulations. All school system employees, volunteers, and contractors should report immediately to the designated school administrator any expression of intent to harm another person, concerning communications, or concerning behaviors that suggest an individual may intend to commit an act of violence.

Anyone who believes that a person or situation poses an imminent threat of serious violence that requires containment should notify school security and/or law enforcement in accordance with local school system policies on critical incident response. The school administrator shall immediately report any act noted above that may constitute a criminal offense to the parents and/or guardians of any minor student who is alleged to have committed the act and shall report that the incident has been reported to local law enforcement. The school administrator shall inform the parents and/or guardians that they may contact local law enforcement for further information, if they so desire. In addition, the school administrator may report other threats to local law enforcement agencies as determined to be necessary and appropriate by the administrator.

2.   Assessing Threats

When a threat is reported, the school administrator and/or threat assessment team leader shall initiate an initial inquiry/triage and, in consultation with the threat assessment team, make a determination of the seriousness of the threat as expeditiously as possible in accordance with the **Behavioral Threat Assessment Policy**.

Upon notification of threatening behavior or communications, the school administrator, threat assessment team, or triage team shall determine if an imminent threat is believed to exist. If the individual appears to pose an imminent threat of serious violence to themselves or to others in the school, the administrator or assessment team shall notify law enforcement in accordance with local school system policies on critical incident response.

NOTE: In accordance with the Maryland State Department of Education's "Emergency Planning Guidelines for Local School Systems and Schools" (October 2017), school responses may include actions such as evacuation, lockdown, and shelter-in-place.

If there is no imminent threat present, or once such an imminent threat is contained, the threat assessment team leader shall ensure that the situation is screened/triaged to determine if the full threat assessment team needs to be involved. This triage may include (as necessary and appropriate):

A. Review of the threatening behavior or communication.

B. Review of school and other records for any prior history or interventions with the individual(s) involved.

C. Conducting timely and thorough interviews (as necessary) of the person(s) who reported the threat, the recipient(s) or target(s) of the threat, other witnesses who have knowledge of the threat, and where reasonable, the individual(s) who allegedly engaged in the threatening behavior or communication. The purpose of the interviews is to evaluate the individual's threat in context, so that the meaning of the threat and intent of the individual can be determined.

If it is determined that the threat is not identifiable or a low threat of violence or harm to self or others, and the threat assessment team determines that no further assessment, intervention, or monitoring is required at the time to prevent violence:

A. The threat assessment team leader shall ensure that the incident and review is adequately documented consistent with local school system processes, forms and procedures. The threat assessment team shall maintain the documentation in accordance with local school system policy, or as otherwise required by State law.

B. If the individual (about whom the report was made) does not pose a threat but could benefit from or is in need of some additional assistance, the threat assessment team leader shall ensure that the individual is referred to the appropriate school or community-based resources.

C. If the individual (about whom the report was made) has an IEP or 504 Plan, a Functional Behavioral Assessment (FBA) should be conducted. Based upon the FBA, a Behavior Intervention Plan (BIP) should be developed, if warranted.

If it cannot be determined with a reasonable degree of confidence that the alleged threat is a not a threat, or is a low risk threat, then a more in-depth assessment is to be undertaken by the threat assessment team to determine the nature and degree of any safety concerns and to develop strategies to prevent violence and reduce risk, as necessary. The assessment may include but not be limited to, reviews of records; interviews and consultations with staff, students or community who know the individual; and interviews of the individual and the target/recipient of the threat(s).

Based on the information collected, the school threat assessment team shall determine strategies to mitigate the threat and provide intervention and assistance to those involved, as needed.

Upon a determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the superintendent or designee. The superintendent or designee shall immediately attempt to notify the student's parent or legal guardian.

In instances where the threat is deemed moderate risk or high risk, or requires further intervention to prevent violence or serious harm, the school administrator *shall* notify the parent and/or guardian of any student who is the target/recipient of a threat as well as the parent and/or guardian of any student who made the threat.

In cases involving unsubstantiated/low risk threats, the school administrator *may* notify the parent and/or guardian of any student who is the target/recipient of a threat and/or shall notify the parent and/or guardian of any student who made the threat.

3. Intervening, Monitoring, and Resolving Threats

If it is determined that an individual poses a threat of violence, the threat assessment team shall develop, implement, and monitor an individualized plan to intervene with, address and reduce the threat. The threat assessment team shall maintain documentation in accordance with school system policy.

The threat assessment team shall assist individual(s) within the school who engaged in threatening behavior or communication, and any impacted staff or students, in accessing appropriate school and community-based resources for support and/or further intervention.

For each case, a member of the threat assessment team shall be designated as a case manager to monitor the status of the individual(s) of concern (in that case) and to notify the threat assessment team of any change in status, response to intervention/referrals, or additional information that would be cause for a re-assessment and changes in intervention strategies. Updates regarding the case are to be documented in accordance with school system policy. These updates are to be submitted regularly (e.g., at least every 30 days) until the case is resolved and is no longer assessed to pose a threat to the school or its staff or students.

Resolution and closure of the case is to be documented in accordance with school system policy.

THREATS OF VIOLENCE ACCOMPANIED BY THREATS OF SELF-HARM

When a threat assessment team is investigating someone who is threatening to harm others, the threat assessment team shall also screen for risk of self-harm and suicidal ideation. Threats of self-harm or suicide unaccompanied by threats of harm to others should be promptly evaluated pursuant to existing local school system protocols on suicide prevention and intervention. The threat assessment team shall work collaboratively with other entities involved in the case.

See also:

- Local School System Student Conduct Policies (specify those dealing with threat/intimidation)

- Local School System Suicide Prevention Policies and Procedures

- Local School System Critical Incident Response Policies and Procedures

SCHOOL THREAT ASSESSMENT GUIDELINES

Threat assessment is to be viewed as one component of an overall strategy to reduce school violence and implemented within the larger context of strategies to ensure schools are safe and secure environments. The principle objective of school violence-reduction strategies should be to create cultures and climates of safety, respect, and emotional support for the school community. Within policies and procedures, local school systems should foster positive mechanisms for individuals to report or advise of concerns in a supportive environment.

Examples of other school safety strategies include:

- Effective communication among and between school staff, students, and parents/guardians of students

- School climate assessments

- Emphasis on school connectedness

- Establishing safe and sound practices and student etiquette during school bus transit

- Bullying prevention and intervention

- School-law enforcement partnerships including school resource officers

- Collaborative relationships with mental health, social services, and other community-based resources

- Planning and preparation to deal with, respond to, and recover from potential crises

- Security of all local school system facilities

PRINCIPLES OF THREAT ASSESSMENT

Threat assessment is a systematic process that is designed to:

1) Identify individual(s)/situation(s) whose behavior(s) causes concern for violence

2) Gather additional relevant information in a lawful and ethical manner

3) Assess the individual(s)/situation(s) in context based on all information available

4) Manage the individual(s)/situation(s) to prevent violence and mitigate impact of harm

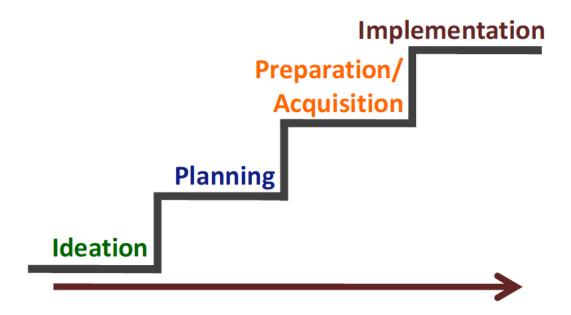Threat Assessment is NOT an adversarial process.

Assumptions

Assumptions reflected in the guidelines are informed by findings of the *Safe School Initiative,* as well as other research about targeted violence occurring in, or related to educational settings. Among key findings:

• Incidents of targeted violence at school/workplaces are rarely sudden, impulsive acts.

• In addition to students, others also engage in targeted violence in schools, including administrators, teachers, other staff, parent/guardians of students, contractors, people in relationships with staff or students, and even people with no connection to the school.

• Prior to most incidents of targeted violence, other people knew about the individual's idea and/or plan to attack.

• Most individuals who perpetrated violence engaged in some behavior, prior to the incident that caused others to have serious concerns about their behavior and/or well-being.

• Many individuals who perpetrated violence had significant difficulties with losses or failures. Many were suicidal.

• Many felt bullied, persecuted, or injured by others prior to engaging in violence.

• In many cases, others (e.g., staff, students, peers, family members, etc.) were involved in some way, such as helping with plans or preparation for violence, encouraging violence, or failing to report (or take other steps) to prevent violence.

• Most individuals who perpetrated violence did not threaten their targets directly prior to engaging in violence.

• Violence is a dynamic process. No one is either always dangerous or never dangerous. Rather, the risk for violence is an interaction between the individual, the situation, circumstances, provocations and inhibitory factors that are present.

The fact that most individuals engaged in pre-incident planning and preparation, and frequently shared their intentions, plans and preparations with others, suggests that the information (about targeted violence) is likely to be uncovered through a sound threat assessment process.

Targeted violence is the end result of a process of thinking and behavior that begins with an idea (i.e., to use violence to address a real or perceived grievance), progresses to development of a plan, moves on to preparation (e.g. acquiring the means (e.g., weapons, training, capacity, access) to carry out the plan), and culminates in an attack. A graphic representation of the "Pathway to Violence" process is shown in Figure 1.

Figure 1: The Pathway to Violence

The steps along this path indicate opportunities to observe, identify and intervene with threatening and/or aberrant behaviors that cause concern for violence by, or the well-being of, the individual. Frequently, information about an individual's ideas, plans and preparations for violence can be observed before violence can occur. However, information is likely to be scattered and fragmented. For example, a teacher may see a certain set of behaviors of an individual in her class, a coach observes other behaviors or expressed thoughts by the individual, a school resource officer has other concerns, and a school administrator is aware of certain conduct violations. The challenge, and the key, is to act quickly upon initial reports of concern, gather other pieces of the puzzle, and assemble them to determine what picture emerges.

Principles

The appraisal of risk in a threat assessment focuses on actions/behaviors, communications, and specific circumstances that might suggest that an individual intends to engage in violence and is planning or preparing for that event. The threat assessment process is centered upon an analysis of the known (or reasonably knowable) behavior(s) in a given situation.

Several core principles that form the foundation of the threat assessment process include:

The central question in a threat assessment inquiry is whether an individual poses a threat (i.e., is building the capability to cause harm), not just whether the person has made a threat (directly expressed intent to harm). According to the 2004 research report jointly issued by the U.S. Secret Service and U.S. Department of Education, entitled "Threat assessment in schools: A guide to managing threatening situations and to creating safe school climates," fewer than 20 percent of violent perpetrators of targeted violence in schools communicated a direct or conditional threat to their target before the violence. In the majority of incidents of targeted violence, perpetrators did not directly threaten their targets, but they did communicate their intent and/or plans to others before the violence. This indirect expression or third party communication of intent to cause harm is often referred to as "leakage". Individuals who are found to *pose* threats (i.e., engaged in violence) frequently *do not make* threats to their targets. The absence of a direct threat should not, by itself, cause a team to conclude that a subject does not pose a threat or danger to others.

2. **Targeted violence is the end result of an understandable, and often discernible, process of thinking and behavior, often referred to as the Pathway to Violence as noted above and referenced in Figure 1.** Individuals who have committed targeted violence did not "just snap," but engaged in a process of thought and escalation of action over days, weeks, months, and even years.

3. **Targeted violence stems from an interaction among the <u>S</u>ubject(s), <u>T</u>arget(s), <u>E</u>nvironment and <u>P</u>recipitating Incidents.** Identifying, preventing and intervening with acts of violence requires a focus on these four components and their interaction. A focus on the *Subject/individual* of concern should provide insight into how the individual perceives and deals with conditions, often stressful, in his or her life and the intensity of effort they direct toward planning and preparation for violence. A focus on the *Target* examines choices and coping strategies they are using or responding with that may increase or decrease their risk for harm. A focus on the *Environment* examines school/workplace climate and systemic issues that contribute to the risk of violence, or do not discourage it. Finally, a focus on *Precipitating* events should examine critical stressors or events such as bullying, personal losses, enforcement actions, or even threat assessment team interventions, that may increase or decrease the risk for violence.

4. **An investigative, skeptical, inquisitive mindset is critical to successful threat assessment.** Those who carry out threat assessment must strive to be both accurate and fair, continuing throughout the assessment process both to gather pieces of information and to fit the pieces into a larger picture and to gain understanding of the context and situation.

5. **Effective assessment is based upon facts and observations of behavior, rather than on characteristics, traits or profiles. Perpetrator "profiles" do not provide a reliable basis for making judgments of the threat posed by a particular individual.**

6. **An "integrated systems approach", coordinating between local agencies and service systems within the school and the community (e.g., mental health services, law enforcement) should guide threat assessment and management processes.**

Relationships with agencies and service systems within the school (e.g., school psychologist, school social worker, school-based mental health clinicians, administrators, disciplinary officers, human resources, etc.,) and community (e.g., mental health, juvenile justice, child welfare, law enforcement) are critical to identifying, assessing, and managing individuals who are on a path to carrying out an act of targeted violence.

IDENTIFYING AND REPORTING THREATS

All school system employees, volunteers, and contractors are required to report immediately to the school administrator or designee any expression of intent to harm another person, concerning communications, or concerning behaviors that suggest an individual may intend to commit an act of targeted violence.

The school threat assessment team shall strive to make the reporting process both understandable and highly accessible and to discourage a "code of silence" that may be a barrier to reporting. Faculty and staff, students, volunteers, and other members of the school community need to know:

- their role and responsibility to report concerns;

- what to report;

- where and how to report it;

- that reports are wanted and will be acted upon appropriately.

Members of the school community should be encouraged on an ongoing basis to report any threatening communication or troubling behavior and be reminded that reporting is an act of caring and not "snitching" or "tattling."

Anyone who believes that a person or situation poses a clear and immediate threat of violence that requires containment should notify school security and law enforcement in accordance with school system policies on critical incident response.

CLASSIFYING THREATS

Key Questions

The following are examples of key areas of questioning to help assess the situation. Note that this is not intended as an exhaustive or complete list of areas of inquiry. Additional questions may be asked for clarification and/or to probe more deeply to fully understand the circumstances.

Before conducting an interview with an individual of concern, threat assessment team members are best served by being well acquainted with the facts that brought the individual to the attention of school administrators and others. In addition, team members should review available information concerning the individual's background, interests, and behaviors.

Interview with threat recipient(s)/target(s) and witness(es): Individuals who have been identified as potential targets of the subject of concern should also be interviewed, where possible, along with any persons who witnessed the concerning behavior. The threat assessment team should inform the subject of the interview that the primary purpose of that interview is to gather information about a possible situation of concern and, where possible, prevent harm to staff or students.

A potential target should be asked about their relationship to the subject of concern and queried about recent interactions with that subject. The interviewer should gather information about grievances and grudges that the subject of concern may hold against a target or against others. Interviews with potential targets should be conducted with special sensitivity. Care must be taken to gather information without unduly alarming a

potential target. If the threat assessment team believes that there may be a risk of violence to an identified target, that target should be offered assistance and support for their safety.

The assessment process facilitates increased and revised understanding of issues over time. That is, when new information is made available to the team during or after the initial assessment, the team should review the new information and re-evaluate the threat accordingly. The team will want to maintain contact with the target/recipient to obtain information about any further behaviors of concern, improvements in the situation or other relevant developments.

Review of records/consultation with staff members who know the individual best: Background information can inform the threat assessment team's approach to and questioning of the individual. This information may help the threat assessment team determine whether the student poses a threat to particular targets. In addition, knowledge of background information concerning the student prior to the interview may help the threat assessment team judge whether the individual is forthcoming and straightforward. Some areas for background information from records and consultation with adults in school who know the subject best include:

- Recent (and perhaps historical) work or school performance history

- Disciplinary or personnel actions

- Prior threat assessment team contacts

- Other social and emotional interventions

- Law enforcement or security contacts at school and in the community

- Other relevant background information

- Presence of known problems in the life of the individual

- Current or historical grievances that may be related to the behavior of concern

- Online searches: internet, social media, email, etc.

  NOTE: Additional consent may be required to obtain information from the records referenced above in compliance with applicable State and / or federal law

Interview with Students or Staff of Concern: Generally, an individual who is part of the school (staff or student) should be asked directly about his or her actions and intentions. Many subjects will respond forthrightly to direct questions approached in a non-judgmental manner. An interview conducted during a threat assessment inquiry can elicit important information that permits the threat assessment team to better understand the situation of the individual and possible targets. This understanding, in turn, will help the threat assessment team to assess the risk of violence that the individual may pose in a given situation. Interviews with the individual of concern also can generate leads for further inquiry.

An interview can also send the message to the individual that his or her behavior has been noticed and has caused concern. Interviews give individuals of concern the opportunity to tell their perspectives, background and intent; to be heard and experience support/empathy where appropriate; and to reassess and redirect their behavior away from activities that are of concern. The interview may suggest to a subject

who has mixed feelings about attacking, that there are people who are interested in his or her welfare, and that there are better, more effective ways to deal with problems or with specific people.

Although an interview with a subject of concern can provide valuable information, relying too heavily (or solely) on that interview as a basis for making judgments about whether that student poses a threat is likely to present problems. The information offered by the subject may be incomplete, misleading, or inaccurate. It therefore is important to collect information to corroborate and verify information learned from the interview.

Interviews, or attempts to conduct an interview should be documented according to local school system policies for record-keeping.

Assessing Potential Threatening Behavior

Information gathered in a threat assessment inquiry should be examined for evidence of behavior and conditions that suggest that the individual of concern is planning and preparing for an act of violence or to cause harm to self or others. Based on a review of the totality of the information available, the threat assessment team should seek to answer the following questions:

1. **What are the individual's motive(s) and goals? / What first brought him/her to someone's attention?**

   - Does the individual have a major grievance or grudge? Against whom?

   - Does the situation or circumstance that led to these statements or actions still exist?

   - What efforts have been made to resolve the problem and what has been the result?

   - Does the individual feel that any part of the problem is resolved or see any alternatives?

   - Has the individual previously come to someone's attention or raised concern in a way that suggested he or she needs intervention or supportive services?

2. **Have there been any communications suggesting ideas, intent, planning or preparation for violence?**

   - What, if anything, has the individual communicated to someone else (targets, friends, co-workers, others) or written in a diary, journal, email, or Web site concerning his or her grievances, ideas and/or intentions?

   - Do the communications provide insight about ideation, planning, preparation, timing, grievances, etc.?

   - Has anyone been alerted, pre-informed, or otherwise made privy to an intended act of violence?

3. **Has the individual shown any inappropriate interest in, fascination, and/or identification with other incidents of mass or targeted violence (e.g., terrorism, rampage violence, school/workplace shootings, mass murderers):**

   - Previous perpetrators of targeted violence

- Grievances of perpetrators

- Weapons / tactics of perpetrators

- Effect or notoriety of perpetrators

4. **Does the individual have (or are they developing) the capacity to carry out an act of targeted violence?**

    - How organized is the individual's thinking and behavior?

    - Does the individual have the means, methods, opportunities or proximity (e.g., access to a weapon) to carry out an attack?

    - Does the individual have a known history of violence?

    - Are they trying to get the means to carry out an attack?

    - Have they developed the will and ability to cause harm?

    - Are they practicing or rehearsing for the violence?

    - What is the "intensity of effort" expended in attempting to develop the capability?

    - Has the individual expressed homicidal ideation or attempted homicide?

5. **Is the individual experiencing hopelessness, desperation, and/or despair?**

    - Is there information to suggest that the individual is feeling desperation and/or despair?

    - Has the individual experienced a recent failure, loss and/or loss of status?

    - Is the individual having significant difficulty coping with a stressful event?

    - Has the individual expressed suicidal ideation or attempted suicide?

6. **Does the individual have a positive, trusting, sustained relationship with at least one responsible person?**

    - Does the individual have at least one friend, colleague, family member, or other person that he or she trusts and can rely upon for support, guidance or assistance?

    - Is that trusted person someone that would work collaboratively with the team for the well-being of the individual of concern?

    - Is the individual emotionally connected to other people or becoming more socially isolated?

    - Has the individual experienced a loss of a trusted individual, or is a relationship with a trusted individual in jeopardy?

7. **Does the individual see violence as an acceptable, desirable – or the only – way to solve a problem?**

    - Does the individual still perceive alternatives to violence to address their grievances?

    - Does the individual's environment (friends, colleagues, family members, others) explicitly or implicitly support or endorse violence as a way of resolving problems or disputes?

    - Has the individual been "dared" by others to engage in an act of violence?

    - Has the individual expressed sentiments of finality or desperation to address grievances?

8. **Are the individual's conversation and "story" consistent with his or her actions?**

    - Does information from collateral interviews and from the individual's own behavior confirm or dispute what the individual says is going on and how they are dealing with it?

    - Is there corroboration across sources or are the individual's statements at odds with their actions?

9. **Are other people concerned about the individual's potential for violence?**

    - Are others familiar with the individual concerned that he or she might take action based on violent ideas or plans?

    - Are those familiar with the individual concerned about a specific target?

    - Are other people around the individual expressing fear, or engaging in protective actions (e.g. distancing, avoiding, minimizing conflict, etc.)

10. **What circumstances might affect the likelihood of an escalation to violent behavior?**

    - What events or situations in the individual's life (currently or in the near future) may increase or decrease the likelihood that the individual will engage in violent behavior?

    - Are threat assessment team interventions escalating, de-escalating, or having no effect on movement toward violence?

    - What is the response of others who know about the individual's ideas or plans?

        a. Actively discourage subject from acting violently,

        b. Encourage the subject to attack,

        c. Deny the possibility of violence,

        d. Colluding with, or passively supporting an attack, etc.?

Thoughtful consideration of the answers to the above key questions will produce a sound foundation for the threat assessment team's response to the overarching question in a threat assessment inquiry:

Does the individual of concern pose a threat of targeted violence toward the school or its staff or students?

Classifying Threats to Determine Response Strategies

The threat assessment is designed to identify and assess risks in a deliberate and thorough manner. In determining response strategies to mitigate the risk and to provide assistance, as needed, it is helpful to classify threats by level. Based on the information collected, the threat assessment team may classify threats using the following basic criteria:

Threat Levels	Criteria
Low risk threat	Individual/situation does not appear to pose a threat of violence or serious harm to self/others, and any exhibited issues/concerns can be resolved easily.
Moderate risk threat	Person/situation does not appear to pose a threat of violence, or serious harm to self/others, at this time; but exhibits behaviors that indicate a continuing intent and potential for future violence or serious harm to self/others; and/or exhibits other concerning behavior that requires intervention.
High risk threat	A high risk threat is one in which the person/situation appears to pose a threat of violence, exhibiting behaviors that indicate both a continuing intent to harm and efforts to acquire the capacity to carry out the plan; and may also exhibit other concerning behavior that requires intervention.
Imminent threat	The person/situation appears to pose a clear and immediate threat of serious violence towards others that requires containment and action to protect identified or identifiable target(s); and may also exhibit other concerning behavior that requires intervention.

Documentation

Effective threat assessment and management efforts are accompanied by thorough documentation that demonstrates the team's good faith efforts to identify, investigate, assess, and manage threatening situations. The team can remember this with the acronym **FORT**: Engage in actions and accompanying documentation that demonstrates that the team was:

F: **FAIR** – sought to understand situations and give individuals an opportunity to be heard and understood

O: **OBJECTIVE** – sought information based on facts and observations of the case and not speculation or bias

R: **REASONABLE** – engaged in responses that were effective and proportionate to the situation, and

T: **TIMELY** – quickly and responsively addresses reports of threatening behavior

Source: © G. Deisinger (1996)

RESPONDING TO AND MANAGING THREATENING SITUATIONS

Effective case management integrates interventions, where appropriate and feasible, across the (relevant) domains:

S   De-escalate, contain, or control the **subject** who may take violent action;

T   Decrease vulnerabilities of the **target**;

E   Modify physical and cultural **environment** and systems to discourage escalation; and,

P   Prepare for and mitigate against **precipitating events** that may trigger adverse reactions. If it is determined that the student poses a threat of violence, the threat assessment team shall develop, implement, and monitor an individualized plan to intervene and reduce the threat.

Source: © G. Deisinger & M. Randazzo, SIGMA Threat Management Associates (2008).

Develop an individualized case management plan based on information gathered through the assessment. The plan must be fact-based and person/situation-specific. Keep in mind that engagement with (i.e., direct communication, empathy, support, and confrontation) can be very helpful with an individual of concern from within school communities, even when dealing with someone who is very angry. The more isolated they become the more difficult it is to assess, intervene with and monitor their response to interventions. Of course, personalities and worldviews matter, so sometimes teams have to carefully consider who will be the point of contact with the individual of concern, not only in terms of their personality, but also their skills and willingness to support the goals of the threat management process. Generally speaking, it is best to use the least intrusive interventions strategies that are likely to be effective with the situation at hand.

Subject-based strategies or interventions

Schools regularly use many of the following examples of interventions or strategies to address inappropriate behavior including, but not limited to, threatening behavior. The focus is on interventions that de-escalate, contain, control, redirect the subject away from plans and preparation for violence; and toward engaging with others, problem solving, adapting, and improving their coping skills and well-being. Examples of subject-based strategies or interventions include, but are not limited to:

- Maintain channel of communication and engagement (with subject) to:

    - Gather information,

    - Build rapport and relationship

    - Decrease isolation

    - De-escalate volatile reactions

    - Provide feedback & mentoring

    - Monitor reactions to grievances, interventions and precipitating events.

- Problem solving about legitimate grievances;

- Referral for assistance or support services;

    - Academic assistance or accommodations

    - Social skills training

    - Behavioral contracting

    - Modifications of student classroom assignment or schedule

    - Modification of work schedule or assignments

    - Alternative schooling/homeschooling

    - Involvement in extracurricular activities

    - Performance improvement plans

    - Peer coaching/mentoring

- Counseling/mental health services;

    - Check-in/check-out with school counseling staff

    - Outpatient counseling/mental health care.

    - Emergency psychiatric evaluation

- Disciplinary measures;

    - Subject confrontation or warning;

    - Administrative orders for no contact or communication

    - Parental involvement

    - In school detention /after-school detention

    - Suspension

    - Removal and alternative placement / non-public placement

    - Law enforcement involvement

    - Court issued protective orders

    - Diversion programs

The selected intervention strategies should be the ones with the greatest potential for addressing short-term crises as well as longer-term preventive power. While holding students and staff accountable for their actions, school administrators must be fair and reasonable in disciplinary responses. A broad range of corrective disciplinary actions may be employed including admonition and counseling, behavioral contracts, after-school or in-school detention, and suspension of student privileges for a specified period. These disciplinary responses may be combined with other actions such as parent conferences, modifications of student classroom assignment or schedule, and referrals to in-school and community-based programs such as mediation and community service.

It is important for threat assessment teams to recognize that even fair and reasonable discipline can be perceived as another grievance to which the subject may react. In such cases, the disciplinary response could lead to escalation in threatening behavior. The most punitive responses may or may not prevent acts of violence. Suspension, or other removal from the school environment *can* create the risk of triggering either an immediate or a delayed violent response unless such actions are coupled with containment and support. A student who is suspended may conclude: "I have lost everything. I have only a short time to act. I will give them what they deserve." In addition, a student who is suspended is often under less supervision than if he or she were to remain in a school setting.

That is not a reason to withhold appropriate and fair consequences for inappropriate behavior, but rather when the situation arises, for threat assessment teams to have considered and planned for those responses. Administrative leave, suspension, expulsion, or termination options that focus solely on accountability and controlling the person do not address the ongoing challenges of:

1. Moving the person away from thoughts & plans of, and capacity for, violence and/or disruption;

2. Connecting the person to resources (where needed);

3. Mitigating organizational/systemic factors;

4. Monitoring person when they are no longer connected to an organization.

Use separation strategies with intentionality, awareness of limitations, and anticipation of consequences.

Although detaining a subject may be necessary in a particular situation, without careful attention to the need for confinement, weapons removal, or interpersonal intervention, that action may be insufficient to prevent violence at school or otherwise protect a target. Similarly, referring a subject to the mental health system, without seeing that referral in the context of an overall monitoring/management plan, may not be sufficient to prevent violence. Singular interventions tend to not be sufficient to address complex and ongoing situations.

Target-Based Case Management Strategies

In addition to interventions focused on addressing the behavior of the individual(s) of concern, effective threat management teams also attempt to minimize risk and negative impact on identified or identifiable targets and seek to maintain contact (where appropriate) to help monitor the actions and impact of the subject of concern. Examples of target-based case management strategies include (but are not limited to):

- Coaching regarding personal safety approaches in dealing with the individual of concern:

  1. Clear statements to the individual:

     a. Relationship/contact is unwanted

     b. Stop all contact and/or communication

  2. Avoid subsequent contact/response

  3. Document all further contacts

  4. Do not engage emotionally, monitor "buttons" getting pushed

- Minimize publicly available information

  1. Scrub internet information

  2. Check privacy settings on social media applications

- Maintain awareness of surroundings

- Vary routine

- Develop contingency plans for escape, shelter, support

- Encourage use of support systems

  1. Counseling/mental services

  2. Victim assistance programs

Environmental / Systemic Case Management Strategies

In addition to addressing, where necessary interventions with the subject of concern and target, effective teams also take a holistic view of the situation, monitoring for underlying systemic causes that may be contributing not just to a given case, but perhaps to a range of cases over time. This level of intervention is about group and sub-group behavior, not just that of the subject of concern or target. Strategies may include:

- Address systemic, policy or procedural problems that may serve as precipitating events across cases

- Bullying prevention / intervention programs

- Enhance school/workplace climate – build and support a caring community

- Intervene with associates that support or encourage violent behavior

- Enhance conflict management skills of sub-groups

- Identify and address gaps in awareness of reporting and intervention options

- Identify and address gaps in threat assessment & management process

Monitoring for the Impact of Precipitating Events on Case Management

The threat assessment team members recognize that cases do not occur in a vacuum and that life continues while they are assessing and intervening with a given case. The team maintains an ongoing, longitudinal approach to anticipating, monitoring for, and (to the extent possible) manage the impact of potential precipitating events such as:

- Loss impacting the individual

  1. Job or income;

  2. Status;

  3. Significant other/relationship;

  4. Health;

  5. Rejection / Ostracization;

- Injustice;

- Implementation of administrative notices / court orders;

- Violation of administrative notices / court order

- Anniversary events, e.g.:

  1. Date of beginning of relationship

2. Date of end of relationship

3. Date served with court orders/separation documents

4. Birthdays

5. Holidays

• Contagion effect of other high profile or locally significant acts of violence

BUILDING CONSISTENCY BETWEEN THREAT ASSESSMENT AND MANAGEMENT

Based on an individualized assessment of the risk or priority of the case, teams will engage case management strategies that are sufficient, fair and reasonable to address the concerns identified. For each general threat level there is a minimal level of response or case management that is appropriate. Keep in mind that these are general guidelines to prompt consideration of a starting point in developing a case management strategy. A given case may have a fact pattern that necessitates deviation from the general guidelines. Where that is the case, teams should deliberate, reach consensus upon action steps, and document the facts or circumstances that factored into their case management planning. Following are examples of options and considerations for case management for the various levels of threat.

Examples of Low Risk Threat Responses

The response to a low risk threat depends on the context of the threat, whether the threat requires some form of disciplinary action, and what is necessary to resolve the situation. Some low threat cases are generated from a misunderstanding of what was communicated, something taken out of context, or a statement made in the heat of the moment but with not actions to indicate intent to cause harm. Many low risk threats are resolved with a clarification, explanation, retraction and/or an apology – all of which (in conjunction with the absence of any other behaviors of concern) indicates that the threat is non-existent or minimal, and is over. School administrators should generally consider the following:

• Since low risk threats by definition do not appear to pose a threat and can be easily resolved, action to protect the person(s) to whom the threat was directed should not be necessary. When the person to whom the threat was directed is a student, his/her parents or guardian may be notified, at the discretion of the threat assessment team or school administration. If parents of a threatened student are notified, they should be contacted promptly and reassured that the threat has been resolved. Parents of the student engaging in the low risk threatening behavior may also be notified so they are aware of the situation and that it has been resolved.

• Some low risk threats may be subject to disciplinary action based on school system policy. The parent or guardian of the subject student is to be notified of the incident and of the disciplinary action taken. All relevant disciplinary due processes should be followed.

• When the threat assessment team determines a threat to be low risk, the case may be resolved entirely with no further action or resolved with referral to appropriate school or community-based resources. When subjects are referred for resources or services, a member of the threat assessment team may be designated to monitor the subject's reactions for a short period of time, and that the referral was made effectively.

- If new information comes to the attention of the team, re-assess and update the case management plan.

Examples of Moderate Risk Threat Responses

A moderate risk threat will typically result in notifying the intended target(s) of the threat and taking precautions to protect them, taking steps to monitor and supervise the subject, and taking disciplinary action in accordance with existing discipline policy. The threat assessment team will also work to address the conflict or problem that led to the threat. Examples of strategies that may be employed include but are not limited to:

- Take precautions to protect potential victims. Precautions typically include:

  1. Provide direct supervision so the subject cannot carry out the threat while at school, at school functions, or on the bus.

  2. Caution the subject who made the threat about the consequences of carrying out the threat.

  3. Where the subject is a student, contact the student subject's parents to assume responsibility for supervision of the student and to enlist their support in preventing the student from carrying out the threat.

  4. Notify the intended target(s) and (if they are students) their parents. The intended target(s) (and, where appropriate) their parents, must be notified of the seriousness of the threat, the identity of the subject who made the threat, and what actions are being taken to support the safety of the target and the school as a whole.

  5. Consult with the school resource officer or other local law enforcement to assist in monitoring and supervising the subject as well as determining the need, if any, for law enforcement action.

- Follow applicable disciplinary procedure in accordance with the local school system's conduct policy.

- Where appropriate, refer the subject for counseling, conflict mediation, or other interventions to reduce the threat of violence and to address the underlying conflict or issues that led to the threat. The school administrator should involve school-based professionals (such as the school psychologist, counselor, or social worker) or community based professionals (e.g., Employee Assistance Program, community mental health services, etc.) who can provide assistance and appropriate intervention.

- Where mental health issues are reasonably believed to be causing or contributing to violence risk, a mental health risk assessment *may* be conducted, following parameters for the mental health risk assessment as outlined in the section below regarding high risk threats.

- If the threat of violence may potentially be related to a disability, the matter should be reviewed by the local school system's appropriate assessment team for child find review consistent with the provisions set forth in 20 U.S.C. §1412(a)(3); 30 CFR Part 300.

Examples of High Risk Threat Responses

Threatening behaviors indicating the intent, planning, or preparation to cause serious bodily injury or death (e.g., to rape, physically assault and inflict serious injury, kill, or use weapons against others requires the immediate involvement of the threat assessment team. When the threat is determined to be high risk, the threat assessment team must:

- Notify law enforcement to contain the threat and consult with School Safety and Security.

- Take immediate precautions to protect potential victims:

    1. Provide direct supervision so the subject cannot carry out the threat while at school, at school programs, or on the bus.

    2. Caution the subject who made the threat about the consequences of carrying out the threat.

    3. Where the subject is a student, contact the subject student's parents and enlist their support in preventing the student from carrying out the threat; either law enforcement or the student's parents should assume responsibility for supervising the student.

    4. Notify the intended target(s) and (if they are students) their parents. The intended target(s) (and, where appropriate) their parents, must be notified of the seriousness of the threat, the identity of the subject who made the threat, and what actions are being taken to support the safety of the target and the school as a whole.

- Follow applicable disciplinary procedure in accordance with conduct policy.

- Where mental health or disability issues are reasonably believed to be causing or contributing to a risk of violence, the threat assessment team may consider a referral for an independent assessment by a qualified medical/psychological professional. The professional conducting the evaluation should not have a treatment relationship with the subject. An independent assessment should be based on a review of all available information including, but not limited to, interview of the subject by the professional. The medical/psychological professional conducting the independent assessment must provide a written report of the evaluation back to the local school system. The written report from the independent assessment must identify the problem or conflict that prompted the threat and recommend strategies to address the problem and to reduce the risk of violence. If warranted under the circumstances and based upon the evaluation, the student may need to be referred for a special education or Section 504 evaluation.

    1. The school administrator or disciplinary hearing officer will determine the conditions of re-admission to the school environment that may include the requirement to cooperate in a mental health evaluation. If the subject is a student, the parents are to be notified of all of the requirements and any failure to comply. A readmission meeting must be held prior to the subjects return to school/work.

    2. Every effort will be made by the threat assessment team members to obtain any required signed permission for release and exchange of information with mental health provider(s), if any, and where appropriate, local law enforcement agencies.

    3. Following the initial triage and/or assessment, the threat assessment team shall convene to complete and implement a written safety plan to address the immediate steps taken to prevent

the threat from being carried out and a plan for further action before the subject is permitted to return to the school or be placed in an alternative educational environment. The safety plan should include the following items:

  a. Conditions under which the subject may return to school/work;

  b. Social and emotional interventions to support the student;

  c. Develop an ongoing support and monitoring strategy to assess changes in risk and update the safety plan over time; and

  d. Identify the person(s) who are responsible for monitoring and verifying that the safety plan recommendations are being followed.

- The threat assessment team may recommend that a student be excluded from the school / school activities during the threat assessment process when the assessment team determines it is necessary to maintain a safe school environment.   The local school system is required to provide the student with educational services while excluded from the school during the assessment process.

Imminent Threat Responses

An imminent threat exists when the person/situation appears to pose a clear and immediate threat of serious violence toward others. Such threats require immediate containment and action to protect identified target(s) and referral to law enforcement and consultation with school security. Following immediate containment and action to protect identified target(s), these threats require the involvement of the threat assessment team for the purpose of conducting/coordinating appropriate mental health assessment and developing a safety plan.

Procedures for notification of the superintendent or designee, senior local school system administrator, and parents of a student subject and/or intended target student(s) that are set forth for high risk threats are to be followed.

- Where mental health or disability issues are reasonably believed to be causing or contributing to a risk of violence, the threat assessment team may consider a referral for an independent assessment by a qualified medical/psychological professional. The professional conducting the evaluation should not have a treatment relationship with the subject. An independent assessment should be based on a review of all available information including, but not limited to, interview of the subject by the professional. The medical/psychological professional conducting the independent assessment must provide a written report of the evaluation back to the local school system. The written report from the independent assessment must identify the problem or conflict that prompted the threat and recommend strategies to address the problem and to reduce the risk of violence. If warranted under the circumstances and based upon the evaluation, the student may need to be referred for a special education or Section 504 evaluation.

1. The school administrator or disciplinary hearing officer will determine the conditions of re-admission to school/work that may include the requirement to cooperate in a mental health evaluation. If the subject is a student, the parents are to be notified of all requirements and consequences of any failure to comply. A readmission meeting must be held prior to the subject's return to school/work.

2. Threat assessment team members will obtain any required signed permission for the release and exchange of information with mental health provider(s), if any, and where appropriate, local law enforcement agencies.

3. After receiving the mental health evaluation report, the threat assessment team shall convene to complete and implement a written safety plan to address the immediate steps taken to prevent the threat from being carried out and a plan for further action before the subject is permitted to return to school or an alternative educational environment. The safety plan should include:

   a. conditions under which the subject may return to school/work;

   b. interventions, such as counseling or medication, that are needed to reduce risk;

   c. scheduled follow-up contact with the subject (and parent if subject is a student) to assess changes in risk and update the safety plan over time, until the perceived threat is resolved; and

   d. person(s) who are responsible for monitoring and verifying that the safety plan recommendations are being followed.

• A student should only be removed if the threatening behaviors engaged in by the subject are a violation of the relevant Code of Conduct /school system policy, and when all applicable disciplinary procedures are followed. However, in the event that the school administration or threat assessment team believes that the subject poses a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided in 28 CFR § 35.104 and 28 CFR §35.160, the imminent threat standard may be utilized. In applying the imminent threat standard, the school administrator should also consult with the school system's Director of Special Education, and, where available, legal counsel. Once the threat has been contained and de-escalated, if the assessment team determines that the student continues to pose a significant risk to the health or safety of others, the school should follow the applicable procedures set forth in COMAR 13A.08.03.06 for placement in an interim alternative educational setting.

• In utilizing the imminent threat standard where a subject has a disability, it is important to note that a determination that a person with a disability poses a direct threat may not be based on generalizations or stereotypes about the effects of a particular disability and must be based on an individualized assessment, based on reasonable judgment relying on current medical evidence or on the best available objective evidence, to determine: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

WORKPLACE THREAT ASSESSMENT

Workplace violence is a complex and widespread issue that in recent years has received increased attention from law enforcement, mental health, and human resources professionals. Reports of disgruntled employees or former employees returning to their places of employment with a gun and killing co-workers is one form of workplace violence. Another type, representing approximately 24 percent of workplace violence, is related to personal relationships where an individual gains access to a workplace and commits a crime targeting an employee who is a current or former intimate partner.

The National Institute for Occupational Safety and Health defines workplace violence as violent acts, including physical assaults and threats of assaults, directed toward persons at work or on duty (NIOSH, 2001). Workplace violence ranges from offensive or threatening language to homicide. It may include domestic violence, sexual violence, including sexual harassment or sexual assault, dating violence, and stalking.

Workplace violence often results in serious injuries that may result in disabilities requiring ongoing care. Workplace violence may also result in life threatening injuries and even death.

The Centers for Disease Control, Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health categorize workplace violence to four types based on the relationship among victims, perpetrators, and work settings.

- Type I incidents involve offenders who have no relationship with either the victims or the workplaces.

- Type II incidents involve offenders who receive services from the school.

- Type III incidents involve current or former employees acting out toward their present or past places of employment.

- Type IV incidents involve domestic disputes between an employee and a perpetrator that spill over into the workplace.

Type I incidents are largely addressed in current local school system policies and procedures that limit access to schools and prescribe responses to intruders and other criminal acts by non-students and non-employees. All school systems address Type II acts in student codes of conduct.

Types III and IV are least frequently addressed in local school system policies. When compared with models for student threat assessment, non-student threat assessment policy models and protocols for identification and intervention in schools are far less well developed.

As noted above, the Maryland Safe to Learn Act of 2018 now requires each local school system to "adopt policies for the establishment of assessment teams that is consistent with the model policy developed by the Subcabinet." It requires that the local school system policies include "a process for regular assessment and intervention, including diversion and de-escalation, if an individual exhibits behavior that may pose a threat to the safety of another individual attending or working in a public school." Md. Code, Ed. §7-1507(c). This inclusion of protection of and assessing threats from individuals who both attend or work in public schools is consistent with long-standing research and literature on workplace violence prevention and intervention. Many local school systems may already address non-student threats in policies and procedures.

Two examples of non-student threats that were previously not regularly addressed in local school system policies involved threatening behavior exhibited by 1) school system employees, and 2) persons who are (or have been) involved in abusive relationships with school system employees (or students) and exhibit violence that spills over into the school/workplace. Under the Maryland Safe to Learn Act, and when the school could reasonably know of the concerns, these examples would be included under the purview of school threat assessment teams.

The following page provides a sample policy and procedure specifically regarding domestic violence occurring in (or impacting on) the school or workplace. Local school systems are not required to

implement these particular policies or procedures. They are provided as a resource for consideration, and to draw attention to concerns about domestic violence impacting workplace safety.

SAMPLE POLICY FOR ASSESSING WORKPLACE-RELATED THREATS OF DOMESTIC VIOLENCE

Assessment of Workplace-related Threats of Domestic Violence

- A formal process for assessing workplace-related threats of domestic violence shall be established and implemented by the local school system's Department of Human Resources in collaboration with the Office of School Safety and Security, and in conjunction with school system mental health resources, and law enforcement, as needed.

- A Threat Assessment and Management Team shall be established and include human resources, security, and employee assistance, and, as appropriate, mental health and law enforcement representatives. The school system attorney is to serve as an advisor to the Threat Assessment and Management Team.

- The local school system's Department of Human Resources, in collaboration with the Office of School Safety and Security, shall implement protocols to educate all employees on the policies requiring the reporting of all workplace-related threats of domestic violence, understand the problem-solving purposes of threat assessment, and know how to report threats. Methods of reporting shall include at least one method for anonymous reporting.

- The Threat Assessment and Management Team is responsible for assessing all workplace-related threats of domestic violence and determining what steps are necessary to prevent violent acts from being carried out. This team will coordinate resources both within and outside of the school system, as appropriate.

- Employees who have secured any protective or restraining order that lists the workplace as a protected area are required to inform the Office of School Safety promptly of such orders. Employees who have not secured such orders but have safety concerns with regard to intimate partner violence are strongly encouraged to report their concerns to the Office of School Safety so that appropriate safety measures can be put in place. Employees can be assured that the local school system will not retaliate against employees making such reports and will support victims of intimate partner violence by making workplace safety plans, providing referrals to Employee Assistance and other appropriate community resources, and permitting time off for addressing the threats of violence. No employee shall be subject to retaliation or retribution of any kind for reporting a suspected incident of workplace violence.

- The local school system recognizes and respects an employee's right to privacy and need for confidentiality. Therefore, the local school system shall maintain the confidentiality of an employee's disclosure to the extent permitted by law. When information must be disclosed to protect the safety of individuals in the workplace, the breadth and content of the information disclosed will be limited to that reasonably necessary to protect the employees and others. The local school system shall make every effort to provide advance notice to the employee of any disclosure required by law or to protect persons in the workplace.

- The Threat Assessment and Management Team shall document the nature of threats known and safety measures taken and assistance provided to employee victims.

SAMPLE PROCEDURES FOR ASSESSING AND RESPONDING TO WORKPLACE-RELATED THREATS OF DOMESTIC VIOLENCE

PURPOSE

To establish procedures for assessing and responding to workplace-related threats of domestic violence in order to maintain a safe environment for victims of violence, fellow employees, and students.

DEFINITIONS

- **Domestic violence** as defined by Maryland law is the occurrence of one or more of the following between family or household members:

1. Assault
2. An act that places a person in fear of imminent serious bodily harm
3. An act that causes serious bodily harm
4. Rape or sexual offense
5. Attempted rape or sexual offense
6. Stalking
7. False imprisonment, such as interference with freedom, physically keeping you from leaving your home, or kidnapping you.

Domestic violence includes, but is not limited to, physical or sexual violence, emotional and/or psychological intimidation, verbal abuse, stalking, economic control, harassment, physical intimidation, or injury.

- **Threat assessment** is a fact-based investigative approach that evaluates whether an individual's behavior poses a risk to their safety or the safety of others. The appraisal of risk in a given situation focuses on an individual's actions, communications, and specific circumstances that might suggest that an individual intends to commit a violent act and/or is engaged in planning or preparing for that event.

- A **workplace safety plan** is a strategy developed in collaboration with the victim to implement workplace safety options including, but not limited to, handling of court protection orders; procedures for alerting security personnel; temporary or permanent adjustment of work schedules and locations; change in parking places; and requests for escorts to and from the workplace location.

PROCEDURES

1. Identifying and Reporting Threats

Unlike most other types of violence, victims of intimate partner violence commonly will try to conceal their abuse. However, the local school system has an overriding responsibility to respond to and take action to prevent violence that threatens school safety. Employees who have secured any protective or restraining order that lists the workplace as a protected area should promptly inform the local school system's school safety coordinator of such orders.

Employees who have not secured protective or restraining orders but have safety concerns with regard to intimate partner violence are strongly encouraged to report their concerns to the school safety coordinator so that appropriate safety measures can be put in place. Local school system employees should report to the local school system's school safety coordinator any threats of domestic violence that they witness or of which they have personal knowledge.

Employees can be assured that local school systems will not retaliate against employees making good faith reports regarding intimate partner or relationship violence. Local school systems will support victims of intimate partner and relationship violence by making workplace safety plans, providing referrals to Employee Assistance Programs (EAP) and other appropriate community resources, and permitting time off for addressing the threats of violence.

The local school system's Department of Human Resources, in collaboration with the school safety coordinator shall implement procedures to ensure that all employees are aware of policies requiring the reporting of all workplace-related threats of domestic violence, understand the problem-solving purposes of threat assessment, and know how to report threats. Training for members of the Threat Assessment and Management Team shall include, but is not limited to:

1. Dynamics of intimate partner violence
2. Methods of responding to reports of workplace threats arising from abusive relationships
3. Circumstances requiring reporting to law enforcement
4. Employer legal obligations to victims of intimate partner violence and related employee privacy issues
5. Key elements of a workplace safety plan

Awareness training for co-workers shall include but not be limited to:

1. Warning signs that an employee may be involved in a violent relationship;

2. Circumstances that appear to be tied to an abusive relationship that should be reported to the Threat Assessment and Management Team; and

3. Community, EAP, and other outside resources that can assist employees in addressing intimate partner violence including legal, psychological, and financial resources.

2. Threat Assessment

- All incidents and acts constituting a violation of law or applicable protective order will be reported immediately to law enforcement.

- The Threat Assessment and Management Team shall determine whether intimate partner violence poses a risk to the workplace and determine what steps are necessary to prevent violent acts from being carried out. The assessment of risk should include inquiry about whether:

   1. a relationship has recently been broken off. This is important because the most dangerous time in an abusive relationship typically occurs when the abused partner tries to separate from an abuser;

   2. the abuser has made threats and, if so, how specific and credible are they;

3. the abused employee has sought or been granted a court order of protection and whether the abuser has violated an order in the past;

4. the abuser has a history of violence or other criminal activity;

5. the abuser has access to weapons or has recently acquired one;

6. there is a pattern of stalking behavior; and

7. the abuser has physically or sexually assaulted the employee.

3. Response to Threats

The Threat Assessment and Management Team will coordinate resources both within and outside of the school system, as appropriate, to put in place a workplace safety plan. Security measures that may be established include, but are not limited to:

1. steps to limit the abuser's access to the workplace;

2. moving the abused employee's work space to a more protected, less vulnerable area;

3. providing a parking space close to building entrance or providing a security escort;

4. removing the employee's name from office telephone directories, changing his or her workplace e-mail address, or screening his or her calls;

5. requiring the employee to keep members of the team informed as to any contacts with and threatening actions of the abuser outside the workplace; and

6. referral to appropriate legal, financial, and counseling resources

4. Monitoring Response Effectiveness and Documentation

The Threat Assessment and Management Team shall maintain thorough documentation including all information gathered during incident management and ongoing monitoring, and all security measures taken as well as copies of all restraining, protective, or judicial orders relevant to the specific situation.

The Threat Assessment and Management Team will assess the effectiveness of its actions and, as needed, revise policies, procedures, and training. Policies, procedures, and training needs are to be reviewed annually in advance of the beginning of the school year.

See also:

Local School System policies on employee conduct and reporting of intimate partner violence
Local School System policies on critical incident response and emergency management

RESOURCES

RELATED READING ON SCHOOL / CAMPUS THREAT ASSESSMENT

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RELATED RESOURCES – SCHOOL SAFETY

Maryland Center For School Safety
http://www.safeschoolsmd.org

Maryland State Department of Education
http://marylandpublicschools.org

National Center on Safe Supportive Learning Environments (NCSSLE)
http://safesupportiveschools.ed.gov/index.php?id=01

Virginia Center for School and Campus Safety
http://www.dcjs.virginia.gov/virginia-center-school-and-campus-safety/k-12/resources

Youth Violence Project of the Curry School of Education, University of Virginia
http://curry.virginia.edu/research/labs/youth-violence-project

The Johns Hopkins Center for the Prevention of Youth Violence (JHCPYV)
https://www.jhsph.edu/research/centers-and-institutes/center-for-prevention-of-youth-violence/index.html

U.S. Department of Education Guidance on IDEA
https://studentprivacy.ed.gov/sites/default/files/resource_document/file/idea-confidentiality-requirements-faq_0.pdf

The Salem - Keizer System (STAS)
http://www.studentthreatassessment.org/

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U.S. Department of Labor, Occupational Safety & Health Administration. Workplace Violence Checklist: https://www.osha.gov/SLTC/etools/hospital/hazards/workplaceviolence/checklist.html

RELATED RESOURCES – WORKPLACE SAFETY

Association of Threat Assessment Professionals – www.atapworldwide.org

The Association of Threat Assessment Professionals (ATAP) is a non-profit organization comprised of law enforcement, prosecutors, mental health professionals, corporate security experts, probation and parole personnel, and others involved in the area of threat and violence risk assessment. The purpose of ATAP is to afford its members a professional and educational environment to exchange ideas and strategies to address such issues as stalking, threats, and homeland security. The Association's website includes a Resource Library, Conference presentation materials, and information about membership and events.

National Resource Center on Domestic Violence – www.nrcdv.org

The Center is an independent, non-profit organization that serves as a comprehensive source of information for those wanting to educate themselves and help others on the many issues related to domestic violence.

National Resource Center on Workplace Responses – www.workplacesrespond.org

Funded by the U.S. Department of Justice, Office on Violence Against Women, the Center offers Internet-based information for those interested in providing effective workplace responses to victims of domestic violence, sexual violence, dating violence, and stalking. The site contains a workplace policy creation tool offering choices of model language.

Stalking Resource Center, National Center for Victims of Crime – www.victimsofcrime.org/src

The Center works to enhance the ability of professionals, organizations, and systems to respond effectively to stalking by providing training, technical assistance, and resource materials for professionals working with and responding to stalking.

U.S. Department of Labor, Occupational Safety & Health Administration -- https://www.osha.gov/SLTC/workplaceviolence/

An overview of the extent of violence in the workplace, methods for developing workplace violence prevention plans, and training resources.