

A Problem-Solving Approach to Navigating Ethical Dilemmas in Multidisciplinary Threat Assessment

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Learning Objectives:

1. Identify steps in the threat assessment process and potential ethical considerations at various stages
2. Distinguish between types and classifications of threats
3. Understand key findings from relevant research and the implications for school psychologists engaged in school-based threat assessment
4. Integrate recommendations and best practice guidelines from prior legal cases and relevant research into comprehensive violence prevention protocols
5. Articulate steps and objectives in the development of a threat assessment protocol
6. Apply a problem-solving framework to identify and resolve ethical dilemmas in the multi-disciplinary threat assessment process

NASP Practice Model – Preventative and Responsive Services

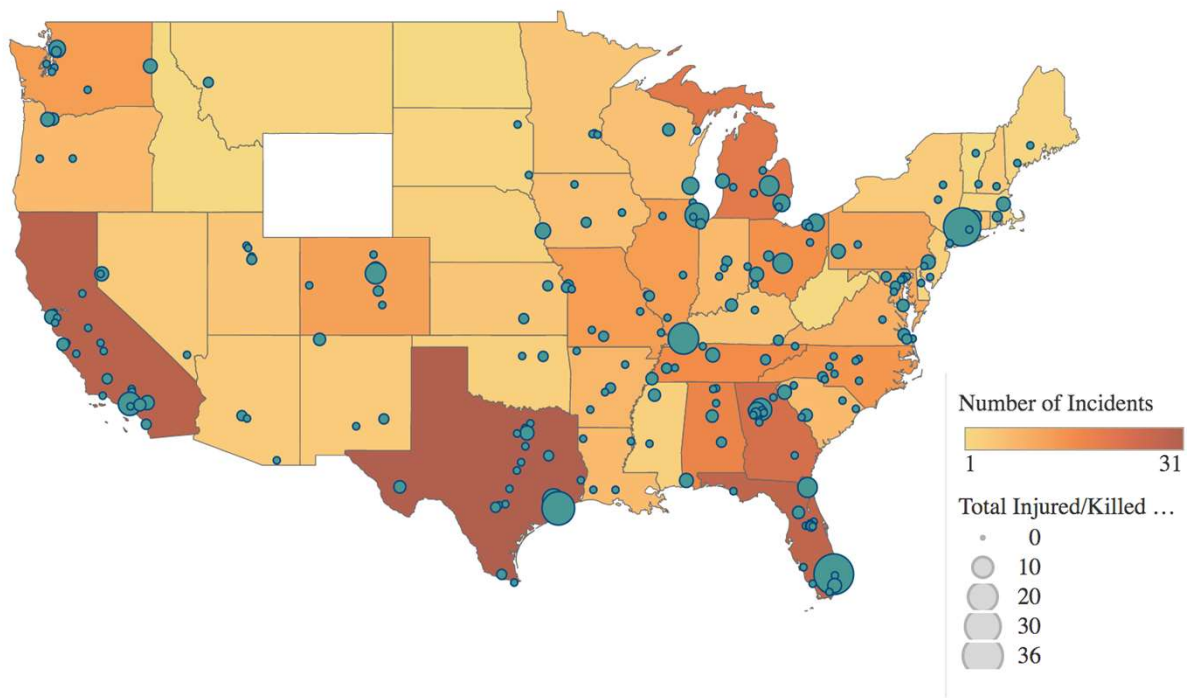
School psychologists participate in school crisis teams and use data-based decision making methods, problem-solving strategies, consultation, collaboration, and direct services in the context of crisis prevention, preparation, response, and recovery

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School-Based Threat Assessment and Management: A Context for Training

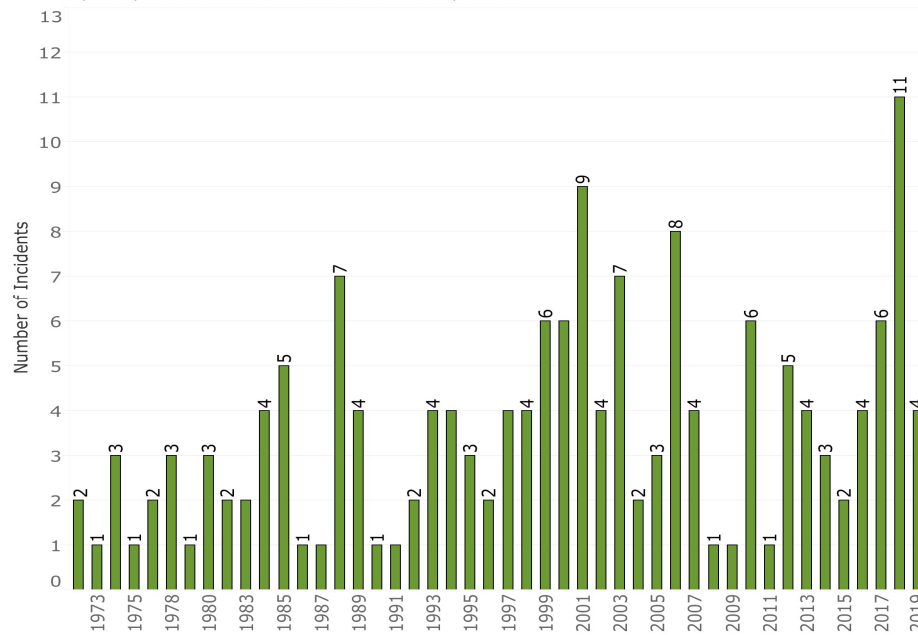
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Incidents in the United States (2010-Present)



Active Shooter Incidents by Year (1970-Present)

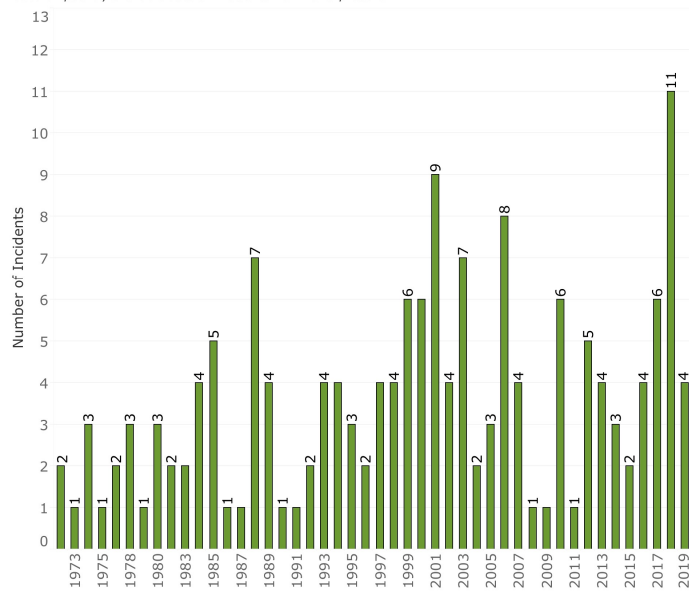
ACTIVE SHOOTER: INCIDENTS BY YEAR
Based on publicly available data on incidents from 1970-present



Active Shooter Incidents by Year (2010-Present)

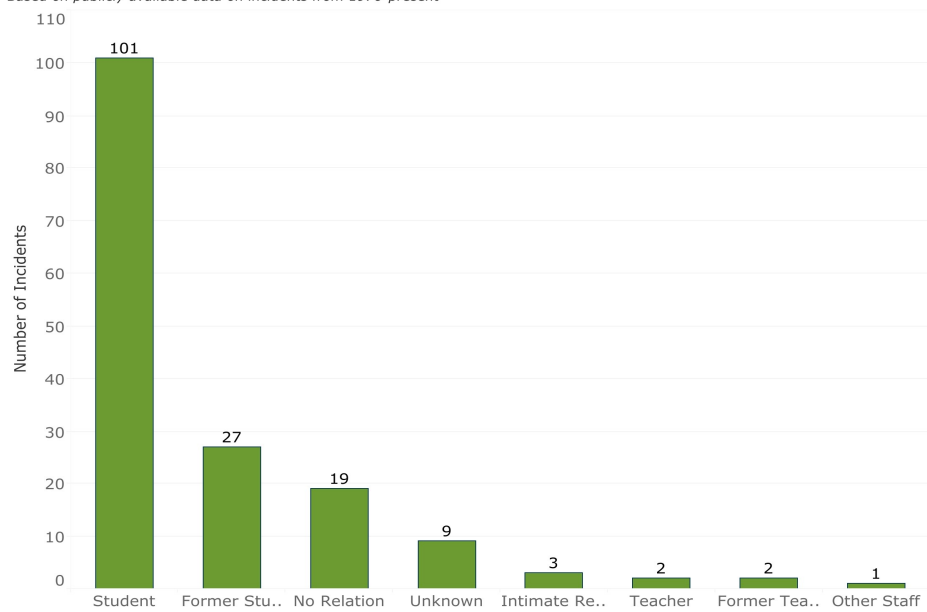
ACTIVE SHOOTER: INCIDENTS BY YEAR

Based on publicly available data on incidents from 1970-present



Active Shooter Incidents: Shooter's Affiliation with School

ACTIVE SHOOTER: SHOOTER'S AFFILIATION WITH SCHOOL
Based on publicly available data on incidents from 1970-present



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Legal Cases:

Pace v Talley (2006)

A school did not violate a student's constitutional right to privacy by reporting an alleged threat to law enforcement without providing the student a chance to respond to the allegation

Boim v Fulton County SD (2007)

A school district in Georgia did not violate a student's right to free speech when suspending her from school when a written narrative was discovered on school property that described her shooting her math teacher

Francisco T. vs. the People, CA Solano County (2011)

A student had no First Amendment defense to making threats to a teacher and principal; a true-threat analysis consists of more than just the actual language spoken; threat analysis focuses heavily on context; any threatening gestures, physical behavior and other aggressive action will be factored into the equation in court.

Colorado Senate Bill 15-213 (Claire Davis School Safety Act)

Allows school districts and charters to be held liable if they fail to exercise reasonable care in protecting students, faculty or staff from reasonably foreseeable acts of violence that occur within school facilities and during school-sponsored activities.

Ethical Problem Solving Time

A student disclosed to me that she has considered bringing her parent's gun to school to take care of the bullies that have been harassing her since last year. I feel I should report this to someone but I do not want to put my license at risk by violating confidentiality. After, we have been told many times that Tarasoff does not apply in Texas. What do I do??

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Texas Safety Action Report

- Section [611.004\(a\)\(2\)](#) of the Health and Safety Code says:
- "A professional may disclose confidential information...to medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or there is a probability of immediate mental or emotional injury to the patient..."

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FBI Recommendations on School Violence Prevention

1. Create a multi-disciplinary team to develop a threat assessment and management protocol
2. Identify specific roles for school personnel
3. Clarify the role of law enforcement personnel
4. Conduct threat assessments when students threaten violence or when behaviors indicate concerns for violent behavior
5. Implement comprehensive threat management plans and monitor risk over time

Best Practice Guidelines

At the systems' level:

- Form a school security and safety committee
- Form multidisciplinary threat-assessment teams and implement threat assessment protocols
- Develop a checklist of necessary activities within the threat assessment process (searches, interviews, record review, etc.)
- Define roles and responsibilities within the threat assessment team
- Provide regular (annual) training to staff and students on reporting procedures
- Provide regular training to staff on school threat assessment procedures and practices
- Identify procedures for information sharing within the school
- Identify procedures for sharing information between schools and community agencies and providers

At the individual level:

- Ensure that all steps in the process are completed
- Implement protocols with fidelity
- Include required participants in the threat assessment meetings
- Identify who should serve as “communication vortex” (recommend 2-3 people) for information
- Consult on cases of medium and high level threats
- Document steps taken, referrals made, etc.
- Develop a plan for monitoring fidelity to the intervention plan and the outcomes of interventions
- Develop plan for on-going communication with parents, students, teachers, and community providers

Multi-Disciplinary School-Based Threat Assessment

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Multidisciplinary, School-Based Threat Assessment:

- A multidisciplinary team working collaboratively to evaluate and respond to threats to school safety
- One component of a comprehensive school safety plan
- Procedures and protocols for responding to threats based on research of targeted school violence incidents at school
- Utilizing data gathered from an assessment to develop comprehensive safety plans to mitigate risk factors
- A process separate from assessments of suicide risk, sexualized behavior, and gang-related behavior
- Inquiry and assessment designed to answer 11 key questions*

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11 Key Questions:

1. What are the person's motives/goals?
2. Have there been any communications suggesting ideas or intent to attack?
3. Has the person shown any inappropriate interest in school attacks/attackers, weapons, incidents of mass violence?
4. Has the person engaged in attack-like behavior?
5. Does the person have the capacity to carry out an act of targeted violence?
6. Is the person experiencing hopelessness, desperation, and/or despair?
7. Does the person have a trusting relationship with at least one responsible adult?
8. Does the person see violence as an acceptable, desirable – or the only – way to solve a problem?
9. Are the person's conversations and "story" consistent with his/her actions?
10. Are other people concerned about the person's potential for violence?
11. What circumstances might affect the likelihood the person will engage in violence/resort to violence?

(U.S. Secret Service and U.S. Department of Education *Guide to Managing Threatening Situations and Creating Safe School Climates*, 2002)

School Based Threat Assessment is *not*:

- A method for determining disciplinary consequences
- A model designed to predict behavior
- Reliable for evaluating behaviors that are motivated by gang involvement, monetary gain, drug/alcohol use, or sexual gratification
- A manifestation determination

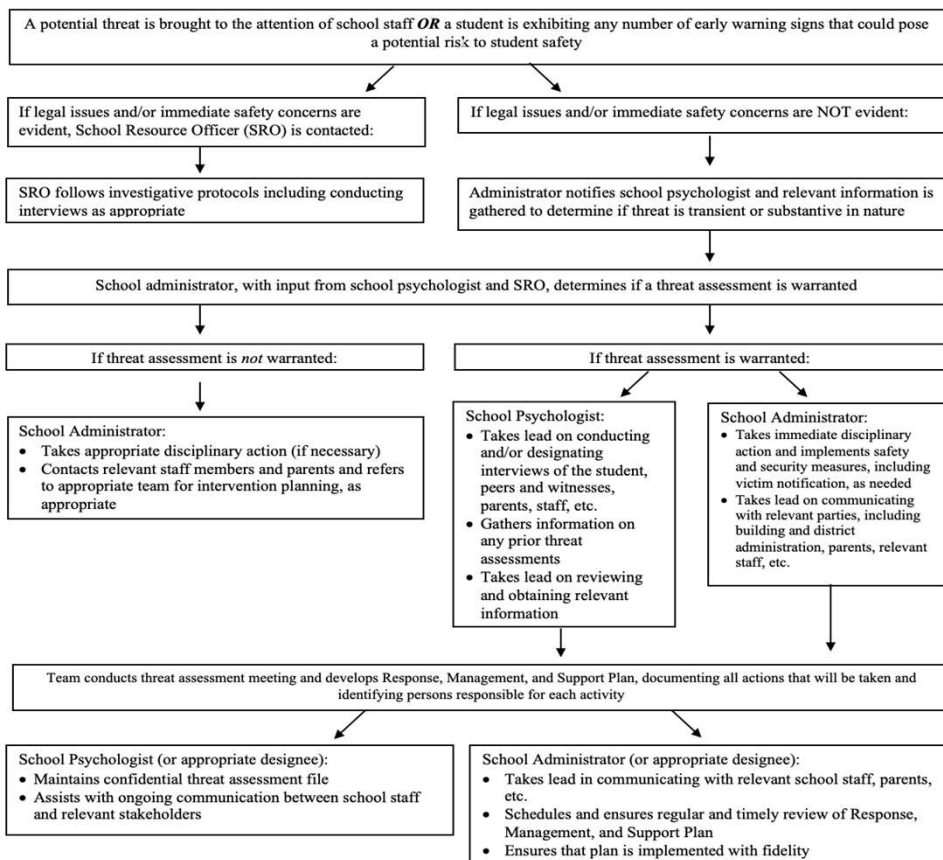
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The School-Based Team

- School Administrator*
- School Psychologist*
- School Resource Officer*
- School Counselor
- School Social Worker
- Teacher and/or SpEd Case Manager
- Others?

**Indicates a recommended required team member*

The Threat Assessment Process



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Ethical Problem Solving Time

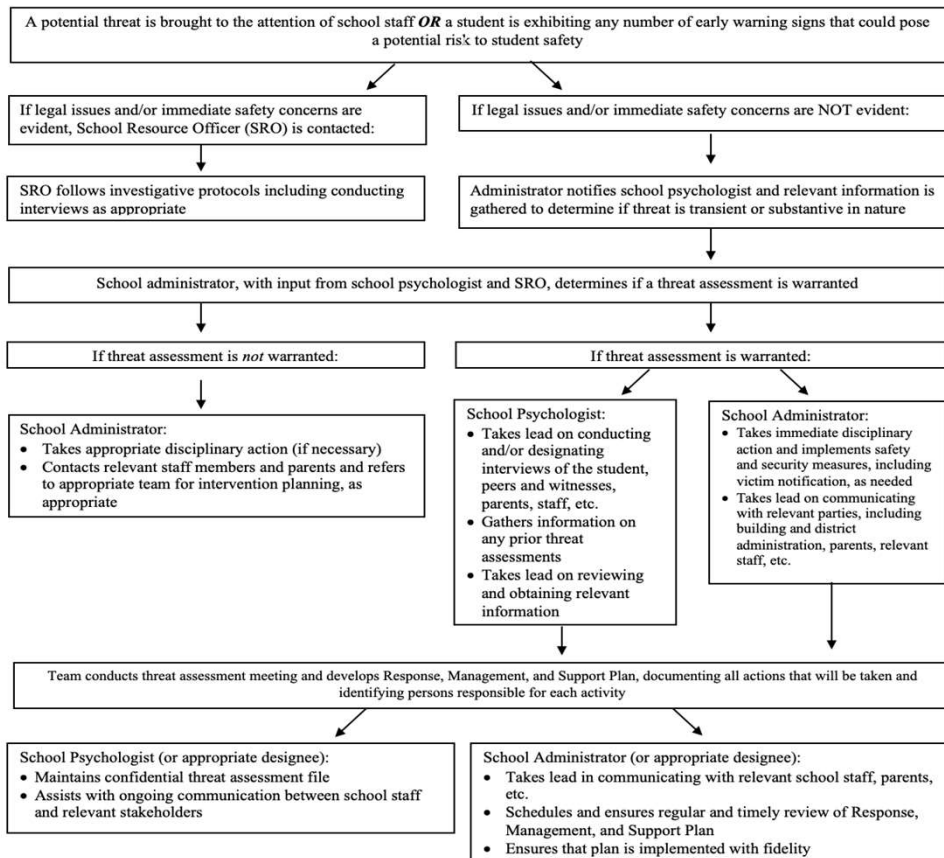
I have been engaging in a lot of professional development learning how to use best practices in conducting threat assessments and I think I have a handle on the process. However, one area keeps tripping me up: maintaining a confidential file. I always understood that there is no such thing in a school setting and that any written notes that identify a student are part of the educational record and therefore, available to parents. How can I keep these records confidential?

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Identifying, Evaluating, and Classifying Threats

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The Threat Assessment Process



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Identifying Threats When They Occur: What Constitutes a Threat?

- Expression indicating an intent to harm someone
 - Verbal
 - Written
 - Artistic
 - Symbolic (gestures)
- Pattern of escalating behaviors suggesting violence may be possible
- Weapon possession
 - Presumed to be a threat unless circumstances clearly indicate otherwise

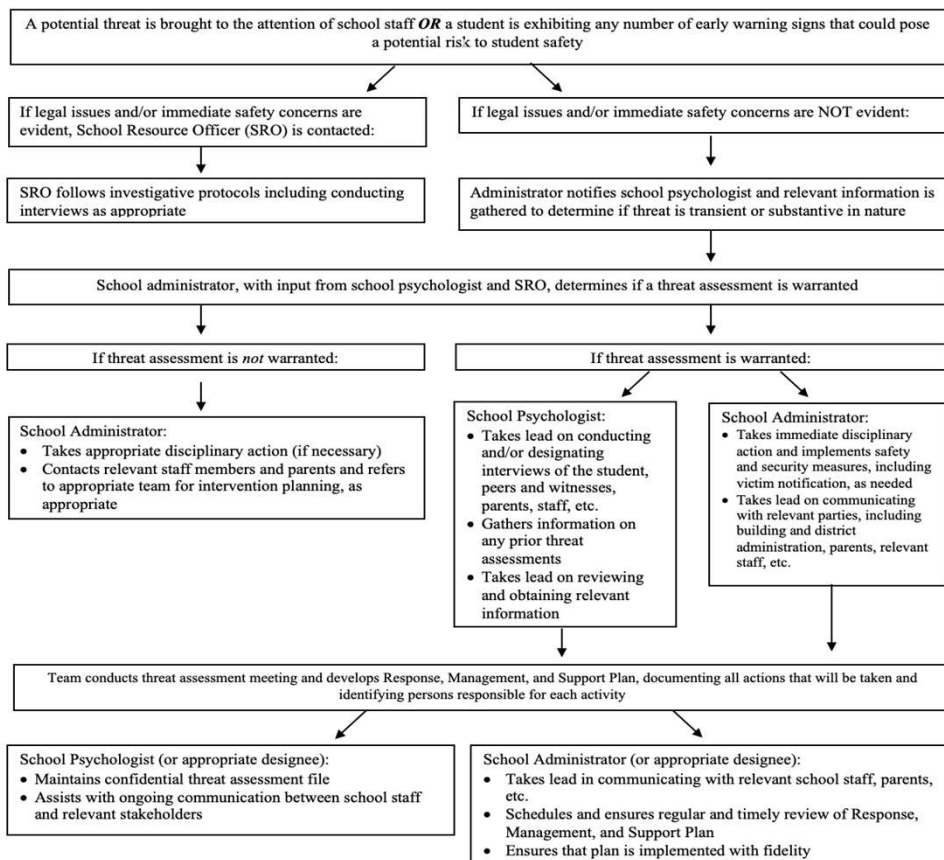
Evaluating Threats

Types of Threats

- **Direct Threat**
 - Statement of clear, explicit intent to harm
- **Indirect Threat**
 - Violence is implied or phrased tentatively
- **Conditional Threat**
 - Made contingent on set of circumstances
- **Veiled Threat**
 - Vague and subject to interpretation

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The Threat Assessment Process



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Evaluating Threats (cont.)

Threat Classifications

- Transient Threats
 - Express temporary feelings of anger/frustration
 - Usually easily resolved
 - Threat ceases to exist after issue is addressed
 - No intent to act on or carry out the threat
 - May be unrealistic or implausible
- Substantive Threats
 - Express an intent to harm someone
 - Some risk that the threat or behavior will be acted upon
 - May require protective action or law enforcement intervention
 - Key indicators
 - Identified victim(s)
 - Specific, plausible details
 - Evidence of planning
 - Physical evidence (written plan, hit list, etc.)
 - Evidence of rehearsing (acquiring weapons, surveillance, etc.)

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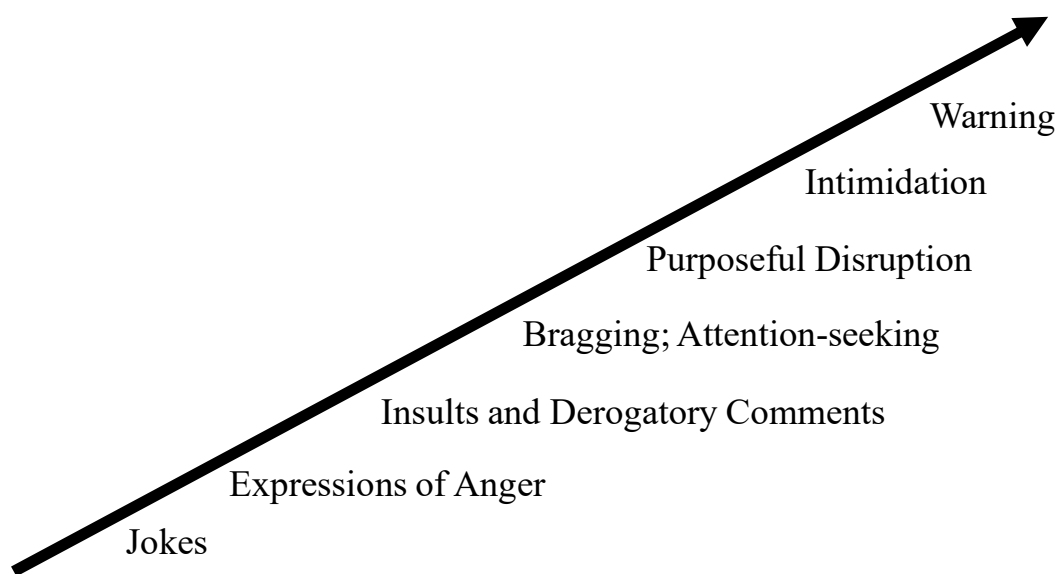
What Warrants Threat Assessment?

- Threats vs. Threatening Behavior
 - Not all communicated threats are substantive threats
 - Threats that require disciplinary action do not always pose a threat to safety
 - Making a threat is not the same of posing a threat
 - A student doesn't have to communicate a threat to pose a threat to safety

Not All Threats Are Created Equal

- Verbal threats may not be considered serious if there is no intent to act
- Likewise, a threat need not be overtly communicated for one to exist
- Thus it is important to consider our response to all types of threatening behaviors, not just to threats of violence
- There is a difference between *making* a threat and *posing* a threat

Continuum of Threats



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Case Examples:

1. A student creates a computer generated image of a teacher with a target on his chest.
2. A student writes and turns in a story for a school assignment describing, in graphic detail, the murder of a classmate who reportedly turned down a romantic advance.
3. After a confrontation with an administrator, a student is found using a school district computer to search for websites and online postings in order to purchase a handgun
4. A student says, "You're dead, man. I mean it. You're going to [expletive] pay," to another student in a crowded hallway.
5. A student writes and saves a letter to the school's server in which he expresses hatred for his teachers and parents and indicates that the world would be better off without his parents, his teachers, or himself in it.

Case Example:

Well, since I am not welcome in Borora,
I should go on a shooting rampage.
By doing this I kill 713 members of my
school and also 21 of the staff members.
After this I decide my life is not worth living
so Borora should be destroyed.

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Ethical Problem Solving Time

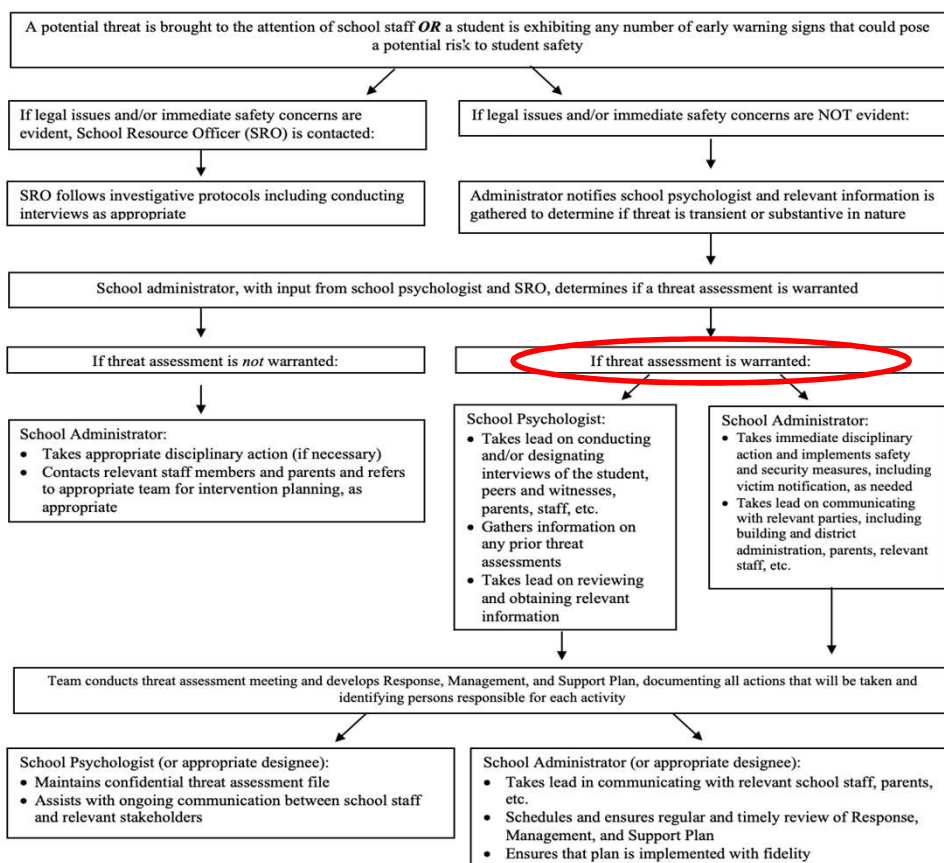
My school received a report that a student posted a threatening message on a social media page, threatening to "blow up" the school after they were removed from the school's debate team due to violating team rules. We don't have a multidisciplinary threat assessment team or established protocols for responding to threats. The principal says that the student cannot come back to school until I complete a threat assessment and determine that the student is "safe to return to school".

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Assessing Threats: Key Findings

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The Threat Assessment Process



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U.S. Secret Service Report: 10 Key Findings

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Key Finding #1: There is no accurate profile.

- Attackers differed in a variety of ways:
 - Family background
 - Social group
 - Academic/disciplinary history
- Implications for Schools
 - Profiles are not effective
 - May lead to false predictions
 - Generate stereotypes
- Implications for Assessment
 - Gather information from a variety of sources
 - Take all threats/threatening behavior seriously

Key Finding #2: Many attackers felt bullied or persecuted by others

- **Implications for Schools**

- Take bullying seriously
- Create a safe school climate and a culture of acceptance
- Empower students to report bullying

- **Implications for Assessment**

- Determine if there is a history of bullying (Perpetrator? Victim? Or both?)

Key Finding #3: Most demonstrated poor coping strategies in response to loss or personal failure

- Many attackers had experienced a significant loss prior to the attack
- Many had considered suicide
- **Implications for Schools**
 - Monitor students who are suicidal
 - Monitor students known to be depressed
- **Implications for Assessment**
 - Evaluate for depression, hopelessness, or despair
 - Assess for suicide
 - Assess coping skills and problem-solving skills
 - Look for forward thinking

Key Finding #4: Incidents of targeted violence are rarely sudden, impulsive acts.

- Most attacks were pre-planned
- Revenge was a motive in more than half of all cases
- **Implications for Schools**
 - Attacks are typically result from a pattern of thinking and behavior
- **Implications for Assessment**
 - Determine if student is motivated by revenge, justice-seeking, or fairness
 - Assess for a history of holding grudges or rigid thinking
 - Consider behavioral history and tendencies

Key Finding #5: Ideas or plans were communicated to others

- Most attackers communicated their intent to one or more people
- Implications for Schools
 - Students are an important source of prevention
 - Train students and teachers how to report threats
 - Strive for a climate that promotes trust and communication between students and teachers
 - Consider software or resources to monitor written/online activity
- Implications for Assessment
 - Gather information from a variety of sources (interviews, record review, etc.)

Key Finding #6: Most attackers did not directly threaten their targets

- Implications for Schools

- Behaviors, not just direct verbal/written threats, may result in the need for assessment
- Train staff to identify and report concerning behaviors

- Implications for Assessment

- Develop a plan for assessing threatening behaviors when risk factors are evident
- Gather information from a variety of sources

Key Finding #7: Most demonstrated behaviors that were concerning to others

- Most attackers had a history of behaviors that suggested a need for intervention prior to the attack
- **Implications for Schools**
 - Provide annual training in early warning signs
 - Train staff and students how and when to report concerns
 - Respond to concerns in a timely manner
- **Implications for Assessment**
 - Assessment should include historical information, review of previous assessments and interventions, and developmental histories

Key Finding #8: In many cases, others were involved in some capacity

- In a number of cases other students played some role in the attack
- Implications for Schools
 - Evaluate the school climate and culture
 - Create intentional opportunities for relationship-building between students and staff
 - Be aware of the impact of peer pressure on students' behavior
- Implications for Assessment
 - Interview teachers, students, and parents
 - Involve others who may have information about the student's activities
 - Consider role of social media

Key Finding #9: Most attackers had access to and had some experience with weapons prior to the attack

- Implications for Schools

- Pay attention to the use of weapons and how students communicate about weapons

- Implications for Assessment

- Ask about access to weapons (and assume that just about anyone has access to a weapon)
 - Consider the need to initiate searches of home, locker, car, etc. when appropriate
 - Interview and involve parents in assessment and safety planning

Key Finding #10: Most attacks were stopped by means other than law enforcement.

- **Implications for Schools**

- Develop procedures for responding to threats and threatening behaviors
- Coordinate activities with law enforcement
- Train staff and students in crisis prevention and intervention procedures

- **NASP/NASRO Guidance on Active Shooter Drills**

Ethical Problem Solving Time

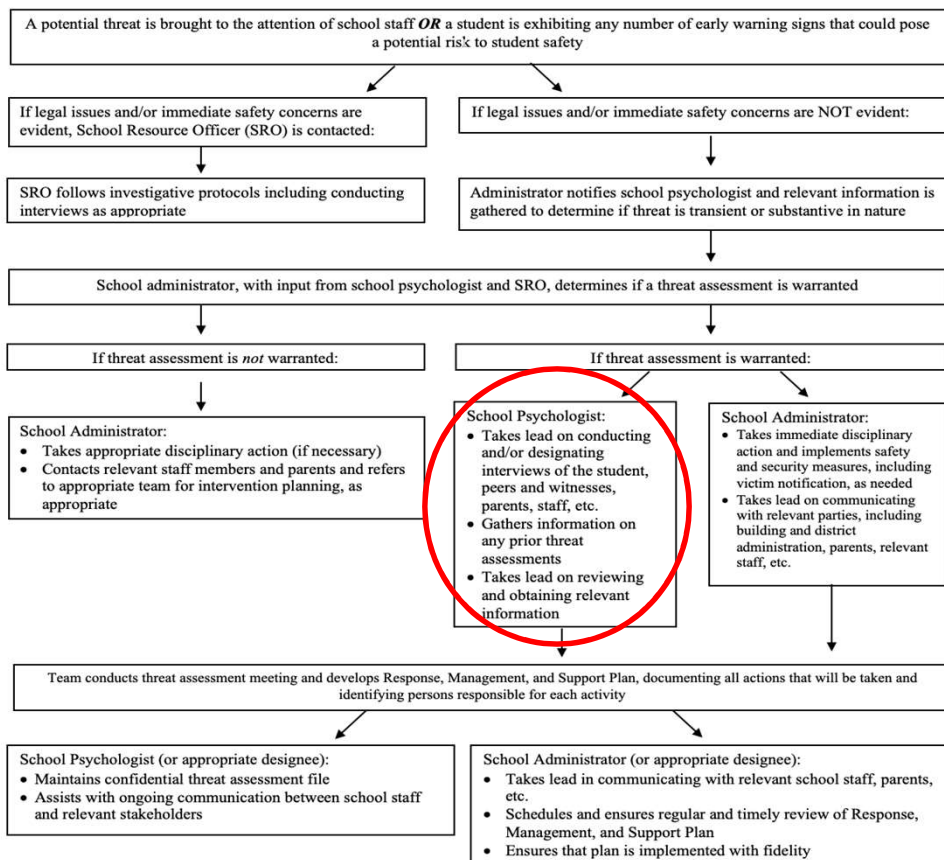
My building principal is responsible for developing our school's safety plan as related to preparing for a armed intruder. We have been working together collaboratively throughout this process, up to now. She is insisting that our school will engage in a realistic, active shooter drill, complete with fake weapons that make realistic sounds and smells. I want no part of this, but my principal has said that if I don't participate, I will be written up for insubordination. Help!

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Conducting Assessments

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The Threat Assessment Process



Consider the Following Information:

- Discipline Records
- Academic Records
- Special education records
- Medical records
- Mental health evaluations
- Law Enforcement Records
- Interviews
- What else?

The File Review:

- Academic history
- Disciplinary referrals: type and history
- Attendance history
- History of interventions or assessments: academic, behavioral, mental health, etc.
- Comments from teachers
- History of parent involvement
- Frequent moves

Interview with Teachers, Students, and Other Professionals

- What was reported and by whom?
 - Report threats verbatim
 - Interview relevant witnesses
- Inquire about context of the threat or behavior of concern
- Inquire about classroom behavior, including recent behaviors of concern or changes in behavior
- Inquire about connection to school, peers, and adults
- Inquire about responses to frustrations, failures and interpersonal conflict

The Student Interview:

- Inquire about the threat itself
- Assess risk factors
- Assess resiliency factors
- Provide an opportunity for the student to tell their side
- Confidentiality is not promised
- Informed consent still applies
- Assess for safety to self/others
 - Assess for suicide risk

Questions to ask during a student interview:

1. Identify possible stressors.
2. Identify thoughts of revenge.
3. Identify experiences with/attitudes toward weapons.
4. Explore history of/attitudes toward violence.
5. Identify signs of depression, helplessness, and/or hopelessness.
6. Identify suicidal ideation.
7. Identify homicidal ideation.
8. Explore motivations for violence.
9. Identify additional psychiatric disorders.
10. Identify possible helping resources.

Adapted from Borum (2000); Fein and Vossekuil (1998), Vossekuil et al. (2000).

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The Parent Interview:

- Parent disclosure
- Assess for risk factors
- Assess for resiliency factors
- Inquire about student's history (academic, behavioral, emotional, etc.)
- Inquire about student's interests, activities and social relationships
- Inquire about available resources (and willingness to access them)
- Ask about familial stressors
- Willingness to participate in safety planning
 - Access to weapons
 - Supervision

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Questions for Parents, Staff, Family and Friends:

1. For family and/or friends:
 - Has the student at risk told you of any ideas or plan to commit a violent act against the school?
 - Against any specific person(s)? If so, describe these ideas/plans.
 - Has he or she taken any steps to act on these ideas/plans?
2. For school staff, family and/or friends:
 - How organized is the student at risk?
 - How capable do you think he/she is of acting on his/her ideas?
 - How concerned do you think staff and family should be about the safety of the target(s)?

Adapted from Borum (2000); Fein and Vossekuil (1998), Vossekuil et al. (2000).

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Possible Indicators of Violent Potential: Behavior

- History of violent, destructive behavior
 - Cruelty to animals
 - Destruction of property
- History of intimidating behaviors
 - Bullying
 - Harassment
- Substance abuse/misuse
- Fascination with and experience with weapons
- Fascination with violent media (music, movies, video games, etc.)
 - Act as an accelerant
- Declining interest in activities and pro-social interactions
- Decline in school performance

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Possible Indicators of Violent Potential: Traits and Tendencies

- Low frustration tolerance
- Poor coping and conflict resolution skills
 - Poor anger management skills
- Perceived history of personal injustices
- Obsessions/paranoia
- Abdication of personal responsibility
- Feelings of persecution and alienation
- Lack of connectedness to pro-social peers/adults
 - Personal identification with others who are violent
- Violent-action imperative

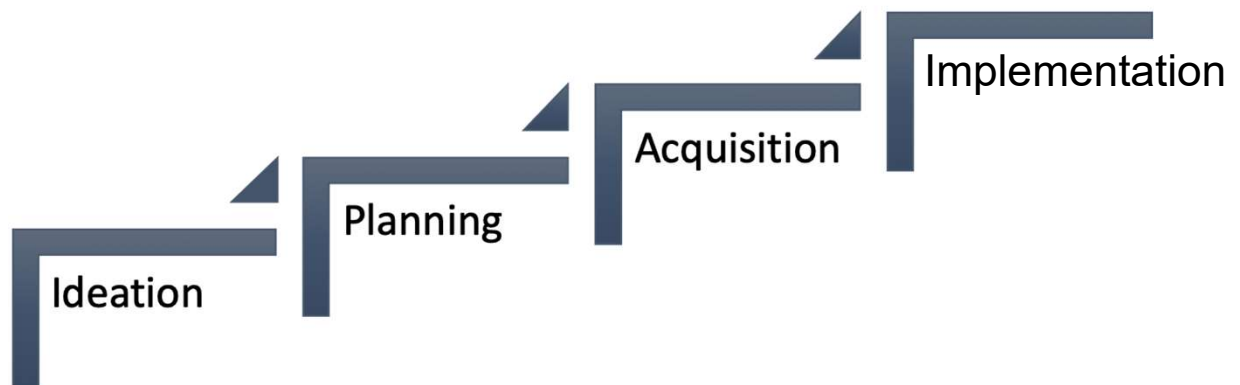
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Critical Risk Factors

- Violent Indicators Plus:
 - Sudden changes in attitude or behavior
 - Increase in frequency/intensity of concerning behavior
 - Multiple warning signs or risk factors, particularly when resistant to intervention
 - Evidence of boundary testing
 - Non-compliance with treatment or medication
 - Indicators paired with written or artistic material of concern
 - Indicators paired with concerns presented by peers/teachers
 - “Leakage”
 - Telling, warning or recruiting others
 - Communication of potential violent intent through social media or school assignments or interpersonal communication
 - Weapon-seeking
 - Actual or perceived personal loss

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Pathway to Violence



Evaluating Risk Levels

Consider:

- Time
- Opportunity
- Ability
- Desire
- Stimulus

Nicoletti, J (2007) *Managing Threats in Schools*; Nicoletti, J. & Spencer-Thomas, S. (2002) *Violence goes to school*. Bloomington, IN: National Educational Service..

Levels of Concern

- Low
 - Vague, indirect threat
 - Threat seems unlikely or implausible
 - Unlikely to be acted upon
 - Typically transient in nature
- Medium
 - More direct and concrete in nature
 - Some planning may have occurred
 - Feasibility of carrying out the plan is more likely
- High
 - Threat is direct, specific, and plausible
 - Details are available; planning is evident
 - Victim/target is usually identified
 - Typically transient in nature

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Ethical Problem Solving Time

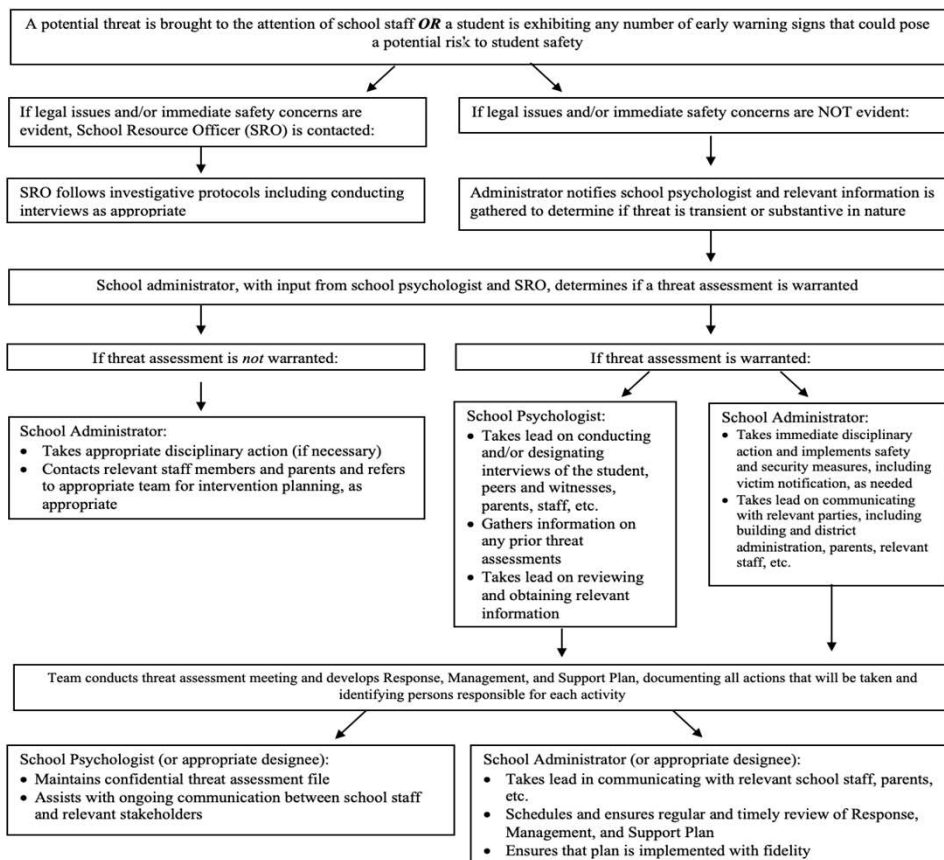
A student told some friends that they want to bring a gun to school to shoot someone who is dating their ex-girlfriend. The students reported this to the assistant principal. As part of a comprehensive multi-disciplinary threat assessment protocol, the school psychologist (me) is expected to interview the student of concern. I have been providing counseling services to the student as a related service in the IEP and I know the student and family well.

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Threat Management

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The Threat Assessment Process



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Linking Assessment to Intervention

- Assessment should be linked to risk factors identified in the assessment
- Involves coordination between home, school, and possibly community agencies
- Intervention may include:
 - Monitoring and supervision
 - Skill development
 - Relationship building
 - Training for parents/teachers
- Build on strengths and protective factors

Linking Assessment to Intervention (cont.)

- Assessment should always result in an intervention
- Data from the assessment should drive the selection of interventions (type)
- Level of threat should determine the level of intervention (intensity)
- Risk factors identified in the assessment should be addressed in the intervention plan
- Build on resiliency factors and strengths

Skill Development & Relationship Building

- School-based prevention & intervention programs
- Direct teaching of skills (anger management, conflict resolution, social skills)
- Direct academic and behavioral support
- Changes of placement to access additional resources
- FBA/BIP
- Community-based interventions and supports
- Participation in school activities/clubs
- Mentoring
- Family resources
- Related services as appropriate (for students eligible for under 504 or IDEA)

Kanan & Lee, 2005

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Monitoring Measures

- Check-in/check-out
- Random checks
- Monitor attendance
- Modify schedules (reduce free, unsupervised time)
- “No contact” agreements
- Community agency involvement
- Communication between staff, parents, and others
- Probation, parole, tracker, ankle monitors
- Review student’s response to monitoring
- Fade monitoring as appropriate

Kanan & Lee, 2005

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Discipline Considerations

- Suspension
- Expulsion
- Detention
- Apologies
- Behavior contracts
- Removing privileges
- Use of policies: willful disobedience, insubordination, expulsion review process
- Ticketing, charges, courts, probation
- Incarceration

Kanan & Lee, 2005

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Ethical Problem Solving Time

A student is referred to the threat assessment team after expressing suicidal and homicidal ideation. After conducting a threat assessment, the team determines that the referred student poses little risk to others. Available information indicates significant concerns related to depression, but because the school has limited resources available to address mental health needs, they refer the student to an outside provider without implementing interventions in the school setting.

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Summary

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Thank You!

For questions or additional resources contact:

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