

THREAT ASSESSMENT, CRISIS RESPONSE, AND VIOLENCE PREVENTION: EXPECTED CHALLENGES AFTER COLUMBINE AND VIRGINIA TECH

PROCESS OF THREAT ASSESSMENT

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INTRODUCTION

The tragic deaths at Columbine High School on April 20, 1999, shocked educators nationwide and spurred extensive study of how these violent deaths could have occurred, and whether the carefully planned lethal attack that led to them could have been foreseen and prevented. Since then, dozens of other students, at school, colleges, or in their communities but involved in school relationships, have died, including 33 students and faculty members on the campus of Virginia Polytechnic Institute and State University on April 16, 2007.

While educators will concede that there is no certain way that a death at school, or out of school but with school links, can be prevented, the study that has gone into the school violence of the past several decades has resulted in very informed approaches to prevention through threat assessment.

It has to be understood from the beginning that threat assessment and profiling of individuals are not the same thing. Profiling is generally understood to be a process of seeking to identify wrongdoers after an unlawful act has occurred. Threat assessment is a prevention tool, often employed when at least one potentially threatening individual is already identified, to attempt to develop a sense of the likelihood of a future act of violence, when that act may occur, and ways to prevent it.

There is no “checklist” or computer program of which the author is aware that guarantees that based on the number of checkmarks or a numeric score, dangerous individuals will always be identified, non-dangerous individuals will be exonerated, and schools will always be safe. Threat assessment, looking at the “whole student” or other individual, is the process that seems to date to be the most comprehensive and likely to identify dangerous persons and provide tools to prevent future violent acts.

The information which follows is taken largely from the joint study conducted by the United States Secret Service and United States Department of Education entitled *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*,¹ which was initiated as a result of the deaths at Columbine High School. It is by no means the only approach schools should use. The author has used the information from the joint study to assist school districts which are

¹ U.S. Secret Service & U.S. Dep’t of Educ., *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates* (2004).

confronted by threatening situations. The joint study is in the public domain and readily available for school use at the website at the end of this article.

The purpose in relying on the joint study is simple – the extensive inquiry called for in preventing violence through threat assessment is, as a school task, comparatively new, and raises untested legal issues about the study of a student. It is believed that by adhering to a methodology prepared and recommended by the U.S. Department of Education, which enforces a variety of laws governing student rights, this approach will be as much of a “safe harbor” as can be found if challenges are raised when a threat assessment is conducted.

A school attorney can play an important role in the conduct of a threat assessment for several reasons:

- Lawyers are trained and experienced in fact-finding. Whether as investigators, or guiding others in framing questions, suggesting paths to follow and evaluating results and advising on protective measures can add value to the process at several crucial milestones.
- School lawyers often have previously-established relationships with police, prosecutors, and other professionals outside the school community who play a vital part in violence prevention, and can facilitate information sharing and finding solutions.
- School lawyers know the Federal Education Rights Privacy Act and other laws that govern information sharing and can advise on defensible measures when collaborating with others.
- School lawyers are risk managers, and can advise on appropriate measures as threat assessment occurs to prevent and mitigate risks of all sorts.

BASIS OF THREAT ASSESSMENT

According to the joint study by the Secret Service and the U.S. Department of Education in *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*²

[t]he primary purpose of a threat assessment is to prevent targeted violence. The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications and specific circumstances that might suggest that an individual intends to mount an attack and is engaged in planning or preparing for that event.

Six Principles of the Threat Assessment Process

The joint study indicates that “[s]ix principles form the foundation of the threat assessment process”:

² *Id.* at 29.

- Targeted violence is the end result of an understandable, and oftentimes discernible, process of thinking and behavior.
- Targeted violence stems from an interaction among the individual, the situation, the setting, and the target.
- An investigative, skeptical, inquisitive mindset is critical to successful threat assessment.
- Effective threat assessment is based on facts rather than on characteristics or “traits.”
- An “integrated systems approach” should guide threat assessment inquiries and investigations.
- The central question in a threat assessment inquiry or investigation is whether a student *poses* a threat, not whether the student *has made* a threat.

In addition, three elements guide the development and operation of an effective school threat assessment program. These elements are:

- authority to conduct an assessment
- capacity to conduct inquiries and investigations, and
- integrated systems relationships.

Authority to Conduct a Threat Assessment

This is a function of both law governing information gathering and sharing and establishment of a policy with a defined protocol from beginning to end for assessment.

School Policy

The joint study logically suggests that school policy contain at least these elements:

- the purpose and scope of the policy;
- the role of educators and the threat assessment team in relation to the role of law enforcement;
- the identity of, and delegation of authority to, school officials concerning determination that a threat assessment inquiry or investigation should be pursued;
- the definition of the threshold of concern for initiating a threat assessment inquiry or investigation, i.e., a description of the nature and extent of behavior or communication that would trigger a threat assessment inquiry or investigation;
- the description of the types of information that may be gathered during the assessment;
- the designation of the individuals or group of individuals who would be responsible for gathering and analyzing information;
- the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation; and

- the guidelines for home visits and student interviews and searches, or reference to existing policies on these matters.

FERPA and Information Sharing

The joint study takes the position that FERPA's exception to the requirement to maintain confidentiality of education records for disclosure in a health or safety emergency, and complete exception to the definition of education records for records of a school district's law enforcement unit, if one exists, facilitate record sharing. The joint study also notes that information based on school personnel's personal observations not contained in an education record (for example, an overheard threat) is not governed by FERPA.³ Disclosing threats read in student writings, essays, journals, and the like is likely not prohibited under FERPA either, in light of the U.S. Supreme Court's ruling in *Owasso Independent School District v. Falvo*,⁴ permitting students to see and grade other students' individual assignments.

This is underscored in the October 2007, letter from the Secretary of Education and accompanying Guide, *Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools*.⁵ The Guide suggests that a school district without its own legally established police department may designate individuals as the district's "law enforcement unit," such as security staff or administrators; the benefit of designating (and announcing in the district's annual FERPA notice) who a district's law enforcement unit includes is that records maintained for law enforcement purposes, separately from regular student records, may be disclosed to outside agencies for law enforcement and safety purposes.

Capacity to Conduct Inquiries and Investigations

Capacity is largely a function of readiness, based on systematic training of personnel thoughtfully selected to serve on a threat assessment team. Information gathering and assessment procedures for use by the team should be formalized, and team members should be trained together in the process for threat assessment.

Systems Relationships

Personnel from a variety of disciplines and agencies should develop relationships before any threat exists, to understand the tools available to, and the possible limitations upon, each participant in the threat assessment process. The joint study aptly identifies persons who build and maintain these relationships among internal and external agencies and professionals as "boundary spanners," who serve as a formal link or liaison between various systems and meet regularly with them.

³ See *id.* at 36-37.

⁴ 534 U.S. 426 (2002).

⁵ U.S. Dep't of Educ., *Balancing Student Privacy and School Safety: A GUIDE TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT FOR ELEMENTARY AND SECONDARY SCHOOLS* (2007).

Threat Assessment Seeks to Answer Eleven Questions

The joint study posits that a comprehensive threat assessment is designed to answer eleven questions:

1. What are the student's motives and goals?
2. Have there been any communications suggesting ideas or intent to attack?
3. Has the subject shown inappropriate interest in any school attacks or attackers, weapons (including recent acquisition of any weapons), or incidents of mass violence, terrorism, etc.?
4. Has the student engaged in attack-related behaviors, e.g., developing an attack plan, making efforts to acquire or practice with weapons, casing or checking out possible sites and areas for attack, or rehearsing attacks or ambushes?
5. Does the student have the capacity to carry out an act of targeted violence?
6. Is the student experiencing hopelessness, desperation, and/or despair?
7. Does the student have a trusting relationship with at least one responsible adult?
8. Does the student see violence as an acceptable way, or desirable way, or the only way, to solve problems?
9. Is the student's conversation and "story" consistent with his or her actions?
10. Are other people concerned about the student's potential for violence?
11. What circumstances might affect the likelihood of an attack?

Threat Assessment Process as a Continuum – From Inquiry to Investigation to Prevention

Threat assessment *inquiries* and threat assessment *investigations* are two complementary parts of a threat assessment continuum. Under this model of the threat assessment process, evaluation of a threatening situation proceeds from a threat assessment inquiry, carried out by the school threat assessment team, to a threat assessment investigation, carried out by a law enforcement agency, if the initial inquiry determines that there is a valid threat of targeted school violence.

There may be several "right ways" to designate responsibility for conducting a threat assessment. One community or school system may decide to give primary responsibility to specially trained law enforcement professionals. Another may keep responsibility for most threat assessment and management within the school system. Still other communities develop "blended" systems. School, law enforcement, and community leaders should consider the principles of threat assessment, the functions needed for a successful program, and local resources and relationships before deciding what delineation of responsibilities makes the most sense.

The threat assessment process is being presented in this manner as a means of underscoring the proposition that not all situations that become the focus of school threat assessment inquiries will require referral to and follow-up threat assessment investigations by law enforcement officials. For example, some preliminary inquiries by members of the school threat assessment team will find that information about a student was false or unfounded, or that the behavior of the student who is the subject of this inquiry does not present a risk of targeted violence and can be managed by school administrators and other officials on an informal basis. The situations examined in these inquiries do not pose threats to the school, the student body, or the community, and therefore generally would not be referred to law

enforcement agencies. By contrast, threat assessment inquiries that conclude that a valid threat of targeted school violence exists will require referral to law enforcement officials for further investigation and coordination of preventive measures when needed.

Central Distinctions Between Threat Assessment Inquiries and Investigations

The central distinctions between a threat assessment *inquiry* and a threat assessment *investigation* are defined by the management of these two parts of the threat assessment continuum. The primary objective of both a threat assessment inquiry and an investigation is to determine whether a particular student poses a threat of targeted school violence. Both an inquiry and an investigation ask: "Is there information to suggest that this student is on the path to an attack? What is the risk of targeted violence?"

In a threat assessment inquiry, information is gathered at the school and by persons known to the school. If information collected suggests that the student of concern is considering mounting an attack at school, it may be appropriate to refer the situation to law enforcement for an investigation. Also, if information gathered in a threat assessment inquiry suggests that it is likely that a violation of law has occurred, it may be appropriate to refer the situation to law enforcement personnel.

A threat assessment investigation also asks: "Does this student pose a threat of targeted violence?" In addition, investigators may ask: "Has this student violated a law?" With respect to their management, the threat assessment inquiry and the threat assessment investigation differ as follows:

- threat assessment inquiries are initiated and usually conducted and controlled by the school threat assessment team;
- threat assessment investigations are initiated, conducted, and controlled by law enforcement agencies.

The line between a threat assessment inquiry and a threat assessment investigation—the point along the threat assessment continuum at which a school threat assessment team decides that a threatening situation must be referred to a law enforcement agency for investigation—will be determined by the school threat assessment team in consultation with school administrators and law enforcement officials. These determinations, in turn, will be made on a case-by-case basis. Nevertheless, in developing policies and procedures for carrying out a threat assessment inquiry, the threat assessment program should establish a general threshold for initiating inquiries and referring threatening situations to law enforcement agencies.

Threat Assessment Investigation – Step 2 in Prevention

The focus of a threat assessment investigation—the information sought and questions asked—will be similar to that of a threat assessment inquiry. However, the scope of the threat assessment investigation's collection and analysis of information will be broader than in an inquiry, reaching outside the school and across systems within the community.

In carrying out a threat assessment investigation, investigators should explore a student's prior contacts with civil authorities and criminal and juvenile justice officials. These investigators may re-interview, in greater depth, individuals contacted during the threat assessment inquiry, such as a student's family members; fellow students and friends; neighbors; and employers. Investigators will focus particularly on attack-related behaviors exhibited by the student, including efforts to acquire, buy, or gain access to weapons.

Investigators also may request the permission of the student or his or her parents to search a student's computer, room, home, car, or workspace. In some cases, investigators may seek search warrants. Investigators should evaluate information gathered during a threat assessment investigation to seek to answer the 11 key questions identified in the above discussion of procedures for conducting a threat assessment inquiry.

These professionals may include law enforcement officers, mental health service providers, social workers, physicians, and others knowledgeable about stalking, domestic violence, and workplace violence. The knowledge, experience, and insights of these professionals may help the threat assessment investigator in evaluating and organizing information concerning situations that involve the threat of targeted school violence.

In addition, as investigators proceed with a threat assessment investigation, they continuously should ask themselves the following questions:

- Does the information collected prompt more concern or less concern about the possibility that the student is moving on a path toward a school attack?
- What information might prompt less concern?
- What information might heighten concern?
- What options exist for intervening in the behavior of the student or redirecting the student away from ideas of or plans for a school attack?
- Should potential targets be contacted, warned, and/or protected?

As with a threat assessment inquiry, it is critical that investigators document and keep a record of the information that they gather and evaluate in carrying out a school threat assessment investigation. A well-documented record provides baseline information about a student's thinking and actions at a certain point in time. This information can be useful if the student comes to authorities' attention again, or if at some point in the future investigators need to determine whether the subject has changed patterns of thinking and behavior. Also, should a threatening situation result in civil or criminal action against a student or others, a carefully documented investigative file will be an important asset in demonstrating that a threat assessment investigation was conducted properly and in compliance with applicable laws, policies, and procedures.

THREAT ASSESSMENT INQUIRY

This section describes the process for conducting a threat assessment inquiry. It is written to enable the school's threat assessment team to synthesize information gathered through fact-finding. The next section is designed to be used in interviewing or obtaining facts and leads from sources the team identifies which may provide important information. The information developed during the inquiry will inform the threat assessment team's analysis of a potentially threatening situation and provide the basis for deciding whether that situation should be referred to a law enforcement agency for a threat assessment investigation.

In the event that a threatening situation is referred to a law enforcement agency, the information gathered and analyzed by the threat assessment team during the threat assessment inquiry will be forwarded to the investigative law enforcement agency. That information will provide direction to police officials' more in-depth examination of the behaviors and communications of the student of concern.

When Should A Threat Assessment Inquiry Be Initiated?

When information about a student's behavior and communications passes an agreed-upon threshold of concern, school officials should initiate a threat assessment inquiry. *Upon receiving information concerning a potentially threatening situation, the threat assessment team must first consider: "How much time do we have?"* An inquiry should be initiated immediately (within hours of notification) in any situation of concern.

If information concerning a threatening situation suggests that violence is imminent—for example, a student has acquired a weapon and is on his or her way to the school with the intention of shooting another student—that matter of course should be referred immediately to police.

When information is received concerning a potentially threatening situation, the safety of the school and the community is the priority consideration. The threat assessment team therefore should consider how to handle a student of concern while an inquiry or investigation is being conducted. In making decisions about how to handle a student pending the outcome of a threat assessment inquiry or investigation, care should be exercised to ensure that a student of concern is not treated inappropriately, since any allegations regarding the behavior or perceived dangerousness of the student may be unfounded.

What Information Should be Sought in an Inquiry?

Once a decision has been made to conduct an inquiry, the threat assessment team should develop an information plan. A school threat assessment inquiry should seek information in five areas:

Facts that Drew Attention to the Student, the Situation, and Possibly the Targets

The first area of inquiry concerns how the student came to the attention of school officials.

- What behaviors and/or communications were reported, and by whom?

- What was the situation?
- Who, if anyone, witnessed the reported behavior of concern?
- What was the context for the reported behavior, i.e., what else was going on at the time of the reported behavior?

Individuals who report information about possible threatening situations may have multiple motives, one of which could be distraction of school officials from a real plan for violence. Alleged accounts of behaviors may be inaccurate and may be subjective interpretations of events. Careful attention to the facts—with corroboration wherever possible—will help determine whether the situation warrants scrutiny.

Information about the Student

Three kinds of general information about a student should be gathered: identifiers, background information, and information about the student's current life situation and circumstances.

Identifying information:

- name;
- physical description;
- date of birth; and
- identification numbers (e.g., social security number, student ID, etc.).

Background information:

- residences;
- family/home situation;
- academic performance;
- social networks;
- history of relationships and conflicts;
- history of harassing others or of being harassed by others;
- history of violence toward self and others;
- history of having been a victim of violence or bullying;

- known attitudes toward violence;
- criminal behavior;
- mental health/substance abuse history;
- access to and use of weapons; and
- history of grievances and grudges.

Current life information:

- present stability of living and home situations;
- nature and quality of current relationships and personal support;
- recent losses or losses of status (shame, humiliation, recent breakup or loss of significant relationship);
- current grievances or grudges;
- perceptions of being treated unfairly;
- known difficulty coping with a stressful event;
- any "downward" progression in social, academic, behavioral, or psychological functioning;
- recent hopelessness, desperation, and/or despair, including suicidal thoughts, gestures, actions, or attempts; and
- pending crises or change in circumstances.
- Of particular note is whether the student has any trusting relationships with adults who are emotionally available to him or her, or whether the student is known to be consistently respectful to any adult.

If there is an adult who is "connected" to the student, that adult may have useful information about the student's thinking and behavior. In addition, such an adult may be able to help the student if he or she appears to be on a path toward mounting a targeted school attack.

Information about "Attack-related" Behaviors

Examination of the thinking and behaviors of school shooters suggests that most attacks are preceded by discernible behaviors, as the student plans or prepares for the attack. These behaviors are referred to as attack-related behaviors.

Behaviors that should raise concern about potential violence include:

- ideas or plans about injuring himself or herself or attacking a school or persons at school;
- communications or writings that suggest that the student has an unusual or worrisome interest in school attacks;
- comments that express or imply the student is considering mounting an attack at school;
- recent weapon-seeking behavior, especially if weapon-seeking is linked to ideas about attack or expressions about interest in attack;
- communications or writings suggesting the student condones or is considering violence to redress a grievance or solve a problem; and
- rehearsals of attacks or ambushes.

Motives

Motives for actual school attacks have included:

- revenge for a perceived injury or grievance;
- yearning for attention, recognition, or notoriety;
- a wish to solve a problem otherwise seen as unbearable; and
- a desire to die or be killed.

Knowledge of the motives of a student of concern may help the threat assessment team in evaluating the risk of targeted violence. Understanding the circumstances that may have prompted a student to consider attacking others may permit authorities to direct the student away from violence.

For example, a student who feels he or she has been treated wrongly and unfairly by a teacher or an administrator and who is thinking about "revenge" may be offered or taught non-violent ways to address his or her concerns and problems. Mediation; personal support; clarification about the disciplinary process; education about how to write a letter of concern to authorities who might intervene in the student's problems; or other dispute resolution efforts might turn that student away from a potentially violent course of action. A student who is suicidal and who wants to get "even" with his or her bullies before ending his or her life may be provided mental health services and support. ***In addition, school administrators should intervene on this student's behalf to stop the bullying.***

Students make threats and engage in other risky behaviors for a range of reasons. Many threatening statements and actions do not reflect the student's actual movement on a path to attack. Adolescents occasionally say and do "outrageous" things, so a single utterance or action should not be seen as determinative in a threat assessment. Note that all comments and behaviors should be understood in their context: the words "get him" may have very different meanings at a football game when linemen are chasing the quarterback than in a hallway after a student has been bullied and tormented.

Target Selection

Most school shooters identified their targets to friends and fellow students before advancing the attack. Almost half of school shooters had more than one target.

- Threat assessors should consider whether and how a potential attacker's interest in a target may shift to another target over time.
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- Information about a student's targets may provide clues to the student's motives, planning, and attack-related behaviors.
- Information about the student's motives also may reveal whether there are additional targets.

What are Sources of Information for the Inquiry?

School Information

A school threat assessment inquiry should begin with what is known about the student from records, teacher interviews, and other information easily accessed at the school and from school officials. In utilizing information from school records in a threat assessment inquiry, the threat assessment team must follow school policies and relevant laws regarding information-sharing, in particular the Family Educational Rights and Privacy Act,⁶ its corresponding federal regulations,⁷ and any related state laws.

Answers to the following questions may be drawn from information at school:

- Is the student well known to any adult at the school? If so, who?
- Has the student come to educators' or others' attention for any behavior of concern? If so, what? (e-mail, website, posters, papers, rule-breaking, violence, harassment, adjustment problems, depression or despair, acting-out behavior, etc.)
- Has the student experienced serious difficulties or been in distress?
- Does the student shares worries, frustrations, and/or sorrows with anyone?

⁶ 20 U.S.C. § 1232g (2008).

⁷ 34 C.F.R. pt. 99 (2008).

- Is there information indicating the student has considered ending his or her life?
- Has the student been a victim and/or an initiator of hostile, harassing, or bullying behavior directed toward other students, teachers, or other staff?
- Is the student known to have an interest in weapons? If so, has he or she made efforts to acquire or use weapons? Does the student live in a home in which there are weapons (whether or not the weapons are believed or known to be secured)?

Collateral School Interviews

Students and adults who know the student who is the subject of the threat assessment inquiry should be asked about communications or other behaviors that may indicate the student of concern's ideas or intent. The focus of these interviews should be factual:

- What was said? To whom?
- What was written? To whom?
- What was done?
- When and where did this occur?
- Who else observed this behavior?
- Did the student say why he or she acted as he or she did?
- Bystanders, observers, and other people who were there when the student engaged in threatening behaviors or made threatening statements should be queried about whether any of these behaviors or statements concerned or worried them.
- These individuals should be asked about changes in the student's attitudes and behaviors.
- Likewise, they should be asked if they have become increasingly concerned about the student's behavior or state of mind.

However, individuals interviewed generally should not be asked to characterize the student or interpret meanings of communications that the student may have made. Statements such as "I think he's really dangerous" or "he said it with a smile, so I knew that he must be joking" may not be accurate characterizations of the student's intent, and therefore are unlikely to be useful to the threat assessment team in carrying out a threat assessment inquiry.

Parent/Guardian Interview

The parents or guardians of the student of concern usually should be interviewed. Parents may be protective of their child. They may be frightened and/or embarrassed about the inquiry and the possibility that their child may be contemplating a violent act. The threat assessment team therefore should make it clear to the student's parents or guardians that the objective of the threat assessment inquiry is not only to help prevent targeted school violence and diminish the chance that the student and possibly others would be harmed, but also to protect and help their child.

The threat assessment team should seek the help of the student's parents in understanding the student's actions and interests, recognizing that parents may or may not know much about their child's thinking and behavior.

- Questions should focus on the student's behaviors and communications, especially those that might be attack-related.
- The student's interest in weapons should be explored, as well as his or her access to weapons at home.

It may be useful for a member of the threat assessment team to visit and observe the student of concern's home. The threat assessment team should have policies and procedures in place, officially adopted by whatever means the school district requires, regarding home visits.

Interviews with a Student of Concern

Interviews with a student of concern oftentimes are critical in a threat assessment inquiry. School administrators and law enforcement officials and their respective legal counsels should follow existing policies, or develop policies regarding interviews with students of concern. Issues that should be considered include:

- If and when to notify parents/guardians of an interview;
- Whether or when to invite parents/guardians to be present during an interview;
- Whether and how to use information from an interview for criminal justice proceedings; and
- Whether and when legal representation should be allowed, offered, or provided.

State and local laws differ with respect to requirements regarding these questions.

In some instances, the threat assessment team may determine that important information might be obtained through a search of a student's person or property, or the property of another individual to which the student has access. The search of a student in any context is a sensitive and legally complex issue that should be examined thoroughly by school administrators and their legal counsel and addressed in policies and procedures governing the conduct of a threat assessment inquiry. The primary purpose of a student interview is to learn about the student's thinking, motives, and behavior. The tone of the interview should be professional, neutral, and non-confrontational, rather than accusatory or judgmental.

Before conducting an interview with a student of concern, the threat assessment team should be well acquainted with the facts that brought the student to the attention of school administrators and others. In addition, prior to conducting the student interview, the threat assessment team should have reviewed available information concerning the student's background, interests, and behaviors. Background information can inform the threat assessment team's approach to and questioning of the student. 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 student is forthcoming and straightforward. Generally, a student should be asked directly about his or her intentions. Often, adolescents will respond forthrightly to a direct question.

A student interview conducted during a threat assessment inquiry can elicit important information that permits the threat assessment team to better understand the situation of the student and possible targets. This understanding, in turn, will help the threat assessment team to assess the risk of violence that the student may pose in a given situation. Interviews with a student of concern also can generate leads for further inquiry.

An interview can also send the message to the student that his or her behavior has been noticed and has caused concern. Interviews give students of concern the opportunity to tell their personal stories, to be heard, and to reassess and redirect their behavior away from activities that are of concern. The interview may suggest to a student 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 student of concern can provide valuable information, relying too heavily on that interview as a basis for making judgments about whether that student poses a threat may present problems. The information offered by the student may be incomplete, misleading, or inaccurate. It therefore is important to collect information to corroborate and verify information learned from the student interview.

Potential Target Interview

Individuals who have been identified as potential targets of the student of concern also should be interviewed. 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.

A potential target should be asked about his or her relationship to the student of concern and queried about recent interactions with that student. The interviewer should gather information about grievances and grudges that the student 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.

How should information be organized and analyzed?

- Information gathered in a threat assessment inquiry should be examined for evidence of behavior and conditions that suggest that the student of concern is planning and preparing for an attack. Analysis of this information should, in the end, answer these questions:
- Is the behavior of the student consistent with movement on a pathway toward attack?
- Do the student's current situation and setting incline him or her toward or away from targeted violence?

Answering the 11 Key Questions

Evaluation of information gathered from research and interviews conducted during a threat assessment inquiry should be guided by the following 11 key questions:

What are the Student's Motive(s) and Goals?

- What motivated the student to make the statements or take the actions that caused him or her to come to attention?
- Does the situation or circumstance that led to these statements or actions still exist?
- Does the student have a major grievance or grudge? Against whom?
- What efforts have been made to resolve the problem and what has been the result?
- Does the potential attacker feel that any part of the problem is resolved or see any alternatives?

Have there been any Communications Suggesting Ideas or Intent to Attack?

- What, if anything, has the student communicated to someone else (targets, friends, other students, teachers, family, others) or written in a diary, journal, or Web site concerning his or her ideas and/or intentions?
- Have friends been alerted or "warned away"?

Has the Subject Student Shown Inappropriate Interest in Any of the Following?

- school attacks or attackers;
- weapons (including recent acquisition of any relevant weapon); or
- incidents of mass violence (terrorism, workplace violence, mass murderers).

Has the Student Engaged in Attack-related Behaviors? These Behaviors Might Include:

- developing an attack idea or plan;
- making efforts to acquire or practice with weapons;
- casing, or checking out, possible sites and areas for attack; or
- rehearsing attacks or ambushes.

Does the Student Have the Capacity to Carry Out an Act of Targeted Violence?

- How organized is the student's thinking and behavior?
- Does the student have the means, e.g., access to a weapon, to carry out an attack?

Is the Student Experiencing Hopelessness, Desperation and/or Despair?

- Is there information to suggest that the student is experiencing desperation and/or despair?
- Has the student experienced a recent failure, loss and/or loss of status?
- Is the student known to be having difficulty coping with a stressful event?
- Is the student now, or has the student ever been, suicidal or "accident-prone"?
- Has the student engaged in behavior that suggests that he or she has considered ending his or her life?

Does the Student Have a Trusting Relationship with at Least One Responsible Adult?

- Does the student have at least one relationship with an adult where the student feels that he or she can confide in the adult and believes that the adult will listen without judging or jumping to conclusions? (Students with trusting relationships with adults may be directed away from violence and despair and toward hope.)
- Is the student emotionally connected to, or disconnected from, other students?
- Has the student previously come to someone's attention or raised concern in a way that suggested he or she needs intervention or supportive services?

Does the Student See Violence as an Acceptable, or Desirable, or the Only Way to Solve Problems?

- Does the setting around the student (friends, fellow students, parents, teachers, adults) explicitly or implicitly support or endorse violence as a way of resolving problems or disputes?
- Has the student been "dared" by others to engage in an act of violence?

Is the Student's Conversation and "Story" Consistent with his or her Actions?

- Does information from collateral interviews and from the student's own behavior confirm or dispute what the student says is going on?

Are Other People Concerned About the Student's Potential for Violence?

- Are those who know the student concerned that he or she might take action based on violent ideas or plans?
- Are those who know the student concerned about a specific target?
- Have those who know the student witnessed recent changes or escalations in mood and behavior?

What Circumstances Might Affect the Likelihood of an Attack?

- What factors in the student's life and/or environment might increase or decrease the likelihood that the student will attempt to mount an attack at school?
- What is the response of other persons who know about the student's ideas or plan to mount an attack? In other words, do those who know about the student's ideas actively discourage the student from acting violently, encourage the student to attack, deny the possibility of violence, passively collude with an attack, etc.?

Thoughtful consideration of the answers to the above 11 questions will produce a sound foundation for the threat assessment team's response to the overarching question in a threat assessment inquiry: Does the student of concern pose a threat of targeted violence at school? If the threat assessment team concludes that:

- a. there is enough reliable information to answer the 11 key questions; and
- b. the weight of the information is convincing that the student does not pose a threat of targeted school violence; then
- c. the threat assessment team may conclude the threat assessment inquiry.

The threat assessment team may determine that closure of the inquiry is warranted, but conclude that the student, or previously suggested targets, need help coping with the behavior or problems that initially brought the threatening situation to the attention of authorities. In such situations, the team should work with school administrators and others to ensure that these individuals receive the assistance and continued support that they may need.

For example, if the student who was the focus of the threat assessment inquiry came to the attention of authorities because of behavior or communications that suggested that he or she was contemplating suicide, that student should be offered—and receive—appropriate counseling or other services. Likewise, if the threat assessment team concludes that the student was a victim of false allegations, the team may wish to consider recommending actions to deal with malicious accusers.

Regardless of the outcome of the threat assessment inquiry, the threat assessment team should document carefully the inquiry and any actions taken. This documentation should be carried out in compliance with any applicable school or other relevant policies and legal considerations, and should include a record of the sources of, and content for, all key information considered in the threat assessment as well as the date that the information was acquired. In addition to documenting the facts that provided the basis for the findings in the threat assessment inquiry, it also is important to document the reasoning that led the threat assessment team to its decision in that inquiry. If the team concludes that:

- a. there is insufficient information for the threat assessment team to be reasonably certain that the student does not pose a threat; or
- b. the student appears to be on a path to attack; then
- c. the team should recommend that the matter be referred to the appropriate law enforcement agency for a threat assessment investigation.

THREAT ASSESSMENT INQUIRY

GENERAL QUESTIONNAIRE

This set of questions is designed to be used in interviewing or otherwise obtaining facts and leads from sources the threat assessment team identifies which may provide important information.

1. The Facts that Drew Attention to the Student, the Situation, and Possibly the Targets

The first area of inquiry concerns how the student came to the attention of school officials.

- What behaviors and/or communications were reported, and by whom?
- What was the situation?
- Who, if anyone, witnessed the reported behavior of concern?
- What was the context for the reported behavior, i.e., what else was going on at the time of the reported behavior?

2. Information About the Student

Three kinds of general information about a student should be gathered: identifiers, background information, and information about the student's current life situation and circumstances.

A. Identifying information:

- name;
- physical description;
- date of birth; and
- identification numbers (e.g., social security number, student ID, etc.).

B. Background information:

- residences;
- family/home situation;
- academic performance;
- social networks;

- history of relationships and conflicts;
- history of harassing others or of being harassed by others;
- history of violence toward self and others;
- history of having been a victim of violence or bullying;
- known attitudes toward violence;
- criminal behavior;
- mental health/substance abuse history;
- access to and use of weapons; and
- history of grievances and grudges.

C. Current life information:

- present stability of living and home situations;
 - nature and quality of current relationships and personal support;
 - recent losses or losses of status (shame, humiliation, recent breakup or loss of significant relationship);
 - current grievances or grudges;
 - perceptions of being treated unfairly;
 - known difficulty coping with a stressful event;
 - any "downward" progression in social, academic, behavioral, or psychological functioning;
 - recent hopelessness, desperation, and/or despair, including suicidal thoughts, gestures, actions, or attempts; and
 - pending crises or change in circumstances.
- Of particular note is whether the student has any trusting relationships with adults who are emotionally available to him or her, or whether the student is known to be consistently respectful to any adult.

3. Information About "Attack-related" Behaviors

Behaviors that should raise concern about potential violence include:

- ideas or plans about injuring himself or herself or attacking a school or persons at school;
- communications or writings that suggest that the student has an unusual or worrisome interest in school attacks;
- comments that express or imply the student is considering mounting an attack at school;
- recent weapon-seeking behavior, especially if weapon-seeking is linked to ideas about attack or expressions about interest in attack;
- communications or writings suggesting the student condones or is considering violence to redress a grievance or solve a problem; and
- rehearsals of attacks or ambushes.

4. Motives

Have there been expressions by the student of an interest in:

- revenge for a perceived injury or grievance;
- yearning for attention, recognition, or notoriety;
- a wish to solve a problem otherwise seen as unbearable; and
- a desire to die or be killed.

5. Target Selection

- Whether and how a potential attacker's interest in a target may shift to another target over time.
- Information about a student's targets.

What are Sources of Information for the Inquiry?

1. School Information

- Is the student well known to any adult at the school? If so, who?

- Has the student come to attention for any behavior of concern? If so, what? (e-mail, website, posters, papers, rule-breaking, violence, harassment, adjustment problems, depression or despair, acting-out behavior, etc.)
- Has the student experienced serious difficulties or been in distress?
- Is there anyone with whom the student shares worries, frustrations, and/or sorrows?
- Is there information that the student has considered ending his or her life?
- Has the student been a victim and/or an initiator of hostile, harassing, or bullying behavior directed toward other students, teachers, or other staff?
- Is the student known to have an interest in weapons? If so, has he or she made efforts to acquire or use weapons? Does the student live in a home in which there are weapons (whether or not the weapons are believed or known to be secured)?

2. Collateral School Interviews

- What was said? To whom?
- What was written? To whom?
- What was done?
- When and where did this occur?
- Who else observed this behavior?
- Did the student say why he or she acted as he or she did?
- Have bystanders, observers, and other people who were there when the student engaged in threatening behaviors or made threatening statements been queried about whether any of these behaviors or statements concerned or worried them? How did they answer?
- Were these individuals asked about changes in the student's attitudes and behaviors? How did they answer?
- Likewise, were they asked if they have become increasingly concerned about the student's behavior or state of mind? How did they answer?

TOOLS AVAILABLE TO EDUCATORS TO ADDRESS THREATENING BEHAVIOR

	Student Not Eligible for IDEA or § 504	IDEA or § 504 Eligible Student
Student who <i>has not yet</i> offended-not violated school rules or the law	Traditional School and Classroom Management Techniques: Heightened Attention and Surveillance, counseling, Parental Interface, Engagement in School Activities	Do Functional Behavioral Assessment (FBA) and Add or Modify Behavioral Intervention Plan (BIP); Do IEP or § 504 Plan Modification to More Restrictive Placement
Student who <i>has</i> offended-violated school rules or the law	School Discipline: Suspension, Expulsion, or Other Disciplinary Measures; Referral to Police, Prosecution	Police Referral; Possible 10 day Suspension; Interim Alternative Educational Setting up to 45 Days (weapons, drugs, serious bodily injury); Manifestation Determination, Possible Suspension/Expulsion with Continued FAPE, IEP, or § 504 Plan Modification to More Restrictive Placement; May need FBA, BIP

USEFUL RESOURCES FOR EDUCATORS AND SCHOOL ATTORNEYS ON THREAT ASSESSMENT

U.S. SECRET SERVICE & U.S. DEP'T OF EDUC., *THREAT ASSESSMENT IN SCHOOLS: A GUIDE TO MANAGING THREATENING SITUATIONS AND TO CREATING SAFE SCHOOL CLIMATES* (2004), *available at* <http://www.ed.gov/admins/lead/safety/threatassessmentguide.pdf>.

U.S. SECRET SERVICE & U.S. DEP'T OF EDUC., *THE FINAL REPORT AND FINDINGS OF THE SAFE SCHOOL INITIATIVE: IMPLICATIONS FOR THE PREVENTION OF SCHOOL ATTACKS IN THE UNITED STATES* (2004), *available at* <http://www.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

Interactive CD-ROM : U.S. Dep't of Educ., *Safe School and Threat Assessment Experience: Scenarios Exploring the Findings of the Safe School Initiative*.

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FEDERAL BUREAU OF INVESTIGATION, *THE SCHOOL SHOOTER: A THREAT ASSESSMENT PERSPECTIVE* (2001), *available at* <http://www.fbi.gov/publications/school/school2.pdf>.

FEDERAL BUREAU OF INVESTIGATION, *CRIME IN SCHOOLS AND COLLEGES: A STUDY OF OFFENDERS AND ARRESTEES REPORTED VIA NATIONAL INCIDENT-BASED REPORTING SYSTEM DATA* (2007), *available at* <http://www.fbi.gov/ucr/schoolviolence/2007/schoolviolence.pdf>.

JAMES C. HANKS, *SCHOOL VIOLENCE: FROM DISCIPLINE TO DUE PROCESS* (American Bar Association, ed., 2004).

W. Stuart Stuller, *School Violence: What To Do When Red Flags Appear*, INQUIRY & ANALYSIS, July 2007.

FERPA AND PPRA PUBLICATIONS FROM U.S. DEPARTMENT OF EDUCATION FAMILY POLICY COMPLIANCE OFFICE

Letter from LeRoy S. Rooker, Director, Family Compliance Office to Superintendents (Sept. 2007), *available at* <http://www.ed.gov/policy/gen/guid/fpco/pdf/pprasuper.pdf>.

U.S. DEP'T OF EDUC., *BALANCING STUDENT PRIVACY AND SCHOOL SAFETY: A GUIDE TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT FOR ELEMENTARY AND SECONDARY SCHOOLS* (2007), *available at* <http://www.ed.gov/policy/gen/guid/fpco/brochures/elsec.html>.

U.S. Dep't of Educ., *Emergency Management for Schools: Key Resources*, Oct. 30, 2007, <http://www.ed.gov/policy/gen/guid/secletter/071030enc.html>.

