



Active Assailant Interdisciplinary Work Group

Basic Threat Assessment for Threat of Mass Violence

Introduction

A mass shooting is described as “four or more individuals being shot or killed in the same general time and location.” In the past five years, the number of mass shootings in the United States has nearly doubled each year. In 2019, a total of 417 mass shootings took place across the country.¹

According to the August 2019 National Council for Behavioral Health report on Mass Violence in America, “characteristics of individual perpetrators of mass violence cut across demographic, sociologic, cultural, and occupational groups.”² The most common characteristics included the following:

- Male
- Feelings of hopelessness or harboring grievances, often related to personal, work, school, or financial hardships
- Feelings of victimization and sympathizing with others who they perceive to be similarly mistreated
- Indifference to life
- Often die by suicide following the attack
- Frequently plan/prepare for the attack
- May share information about the attack with others (typically not with the intended victims)

The report also indicates that the root causes of problems leading to the perpetration of mass violence include social alienation and social problems, including deficiencies in the educational system, poverty, discrimination, lack of employment opportunities, and access to quality and comprehensive health care, specifically mental health care. Resources to address these issues require more research and may hold the key to early identification of potential perpetrators of mass violence and development of preventative measures and resources to address these underlying causes.

Threat Assessment Overview

A behavioral threat assessment is a collaborative process to identify, assess, and manage the risk of threats of targeted violence posed by an individual or group. Threat assessments take a proactive approach to help identify, mitigate, and manage threats of mass violence, and are an ongoing process with interventions designed to de-escalate the situation. Rather than focusing on the individual’s characteristics, a threat assessment looks at an individual’s risk factors, and where they are on a pathway to violence. Early intervention is crucial to preventing threats of mass violence from turning into acts of mass violence.

Threat assessments require a standardized, innovative, and collaborative approach at all levels, including patrol officers and detectives. A standardized response to threats of mass violence helps to prevent cases from falling through the cracks, with the goal of providing early intervention to a person in crisis.

Some people will never commit an act of mass violence, but in many cases when a mass shooting has occurred, those close to the perpetrator did see warning signs that they may not have recognized or

How to Use this Document:

This document is a template and should be modified to fit the specific needs of each jurisdiction, as appropriate. Highlighted text appears in brackets throughout the document as [Update text] and should be removed and replaced with the appropriate information for your jurisdiction.

¹ Gun Violence Archive, accessed April 2020: <https://www.gunviolencearchive.org/>

² National Council for Behavioral Health: Mass Violence in America: Causes, Impacts, and Solutions, August 2019: <https://www.thenationalcouncil.org/wp-content/uploads/2019/08/Mass-Violence-in-America-8-6-19.pdf?dof=375ateTbd56>



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reported. *When reports of threats of mass violence are made, patrol officers can respond with early intervention to get the individual the help they need, in hopes to prevent potential violence from occurring.* Law enforcement personnel are not expected to be mental health clinicians; however, when investigating threats of mass violence, officers should be safe, use a common-sense approach, and consider the totality of the circumstances. ***Could this threat be carried out?***

A preliminary basic assessment tool to be completed by officers is attached in [Location]. When criteria in the basic threat assessment tool are met, a more detailed advanced threat assessment will be completed by [insert appropriate crisis intervention unit name]. This advanced behavioral threat assessment aims to prevent targeted threats of mass violence incidents by identifying high-risk individuals and working with them to seek voluntary, involuntary, or court-ordered treatment. The investigation will be conducted by the appropriate entity and may result with criminal prosecution if the elements of a crime are satisfied.

What is considered a threat?

A threat is an expression of intent to cause physical harm to someone. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through other means, and is considered to be a threat regardless of whether it is observed by or communicated directly to the intended target or a third party, and regardless of whether the target is aware of the threat. Threats may be direct or indirect.

Determining the level of threat is not an exact science and requires judgement. Two general principles that may prove helpful when determining the level of threat are:

1. Specificity of Content:
 - What is being said or implied?
 - Does the threat include specific details (e.g., who, what, when, where, how)?
 - Generally, the more specific the content of a threat is, the more serious the risk of imminent danger.
2. Plausibility of Context:
 - Is the threat plausible/feasible?
 - Could the threat be realistically carried out by the person making the threat?

Types of Threats

This threat assessment tool uses two levels of threat in order to rapidly triage and classify threats of mass violence.

- **Low Level (Transient) Threat** – Low risk threat that does not express a lasting intent to harm someone. A threat is *transient* only if it can be quickly and easily resolved and no longer exists.
- **Serious (Substantive) Threat** – High risk threat that expresses a continuing intent to assault someone by using a weapon or a threat to kill/inflict severe injury to someone. This also includes a moderate risk threat where an individual/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/potential for future violence or serious harm to self/others, or other concerning behavior that requires intervention. *Moderate risk threats are listed as substantive threats because they require further evaluation and can be triaged to a transient threat by [insert appropriate crisis intervention unit name].*

The graphic below outlines criteria for determining the appropriate threat level.



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Figure 1. Threat Level Criteria

Low Level (Transient) Threat Criteria

- ✓ Poses minimal risk to victim or public safety.
- ✓ Threat is vague and indirect.
- ✓ Threat content suggests the person is unlikely to carry out the threat. *The threat is inconsistent, implausible, or lacks detail.*
- ✓ Threat is a non-genuine expression or intended as a joke/figure of speech.
- ✓ Person exhibits non-sustainable intent to harm, or temporary anger that is resolved.
- ✓ Conflict is resolved and ends with apology, retraction, and clarification.

Serious (Substantive) Threat Criteria

- ✓ Specific, plausible details have been shared. *Victim, time, place, and/or method have been identified.*
- ✓ Threat has been reported over time or relayed to multiple persons.
- ✓ The individual appears to pose a clear/immediate threat of serious violence toward others and requires containment and action to protect identified/vulnerable targets.
- ✓ Threat is reported as a plan or the planning process has taken place.
- ✓ Subject making threat may recruit accomplices or invite an audience.
- ✓ Physical evidence of intent to carry out threat exists. *Are there lists, drawings, and/or a written plan?*
- ✓ Consider the subject's age, history of aggressive behavior, and their capability to carry out their threat.
- ✓ Ensure credibility of subject and witness accounts. *Can this information be verified?*

Note: If you're struggling to determine exactly which level of threat is posed, err on the side of caution. It is better to go with the higher level and be overprepared.

What about schools?

Governor Hogan signed Senate Bill 1265 (Chapter 30), the Maryland Safe to Learn Act, into law on April 10th, 2018. The Act established laws requiring behavioral threat assessment teams in Maryland's K-12 public schools. The Act also required the State to develop a Model Behavioral Threat Assessment Policy, and for each local school system to develop its own policy in accordance with the modal policy.³ The law requires coordination and communication between law enforcement, school officials, mental health professionals and other entities in order to monitor and respond to threats of violence to the school community.

At a school, it is possible that you will be presented with a threat assessment completed by school staff. This assessment should be reviewed and assessed to ensure that the assessment is consistent with the officer's investigation.

According to the school assessment guidelines, a low-risk threat made by a school student will be assessed and may be handled by the school's disciplinary process at the discretion of the school administration. A high-risk threat may also involve a parallel school disciplinary process.

Upon arriving at a school or other location and determining if [Insert appropriate crisis intervention unit name] is needed, the responding officer should call [Insert contact procedures for crisis intervention unit]. A child age 12-17 determined to be capable of giving informed consent by a medical provider may consent to mental and behavioral health treatment without approval of a parent or guardian. In the public school

³ <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/2018-19MDModelAssessmentGuidelines.pdf>.



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setting, school administrators and staff should follow all applicable procedures in the Maryland Code and COMAR for law enforcement engagement with students in the event that the response is required at the school or at a school-sponsored event. The specific incident should be discussed with the [Insert appropriate crisis intervention unit name] Supervisor to determine an appropriate response. The response will depend on numerous factors, including:

- Resources available at the school
- Age of child and whether or not permission is required from the parent or guardian to communicate with the child
- Availability of [Insert appropriate crisis intervention unit name]
- History of child and manifestation of current issue
- Nature of the call

What questions should I ask potential witnesses or individuals?

Questioning Individuals

When conducting a threat assessment, the potential suspect should be asked the following preliminary questions. As with any situation, before the questioning shifts to a custodial interrogation of an individual for a criminal matter, the individual should be advised of their *Miranda* rights. The assessment tool is designed to assist with assessing the situation, and to be used for the next appropriate response. Some suggested questions include:

1. What happened today at [place of incident]?
2. What exactly did you say/do?
3. What did you mean when you said/did that?
4. How do you think (person/group threatened) feels about what you said/did? *Does the subject believe they frightened or intimidated the individual/group?*
5. What was the reason you said/did that? *Is there a prior conflict or history to this threat?*
6. What are you going to do now? *Does the subject intend to carry out the threat?*
7. Are there additional witnesses or relevant information?
8. Do you have a history of violence toward yourself? Others?
9. Are you concerned, or is someone else concerned about your behavior?
10. Do you have access to any firearms or other weapons?
11. Have you received firearms training?
12. How is your relationship with your family?
13. Do you feel you are/were/would be justified using violence?
14. Have you sought out or do you associate with others who share your views?
15. Do you subscribe or view any publications or websites or other social media groups?
16. Do you have any social media profiles/are you active on social media?
17. Do you have a mental health diagnosis or history?
18. Do you use drugs, alcohol, marijuana?



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Questioning Witnesses

This assessment tool is designed to gain information from bystanders who witnessed the threat being made or may have helpful information regarding the subject making the threat. What exactly did [individual making threat] say or do? *Record witnesses' exact key words, if possible.*

1. What do you think they meant when they said/did that?
2. How do you feel about what they said/did? Are you concerned that they might carry out the threat?
Does the witness feel frightened/intimidated?
3. Do you know why they said/did that? *Is there a prior conflict or history behind the threat?*
4. Are there any additional witnesses I should talk with, or other relevant information I should know?
5. How did you learn about the threat?
6. Do you know of any major changes in [individual making threat]'s life? *Family death, breakup, issues at home, school, work, etc.*
7. Do you know how [individual making threat] might be feeling?
8. Has [individual making threat] ever been bullied, or are they a bully?
9. Do you know if [individual making threat] owns or has access to firearms? Do you know where they are stored?



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What observed/known behaviors should I look for?

The individual making the threat likely has or may have the following characteristics:

History of Similar or Concerning Behavior

- ✓ Recently made threats to act out violently
- ✓ Provided evidence of making plans to act violently, or named a specific target
- ✓ History of arrests/convictions for violent acts
- ✓ History of substance abuse
- ✓ Engaged in property damage
- ✓ History of suicide attempts or self-harm
- ✓ History of obsessively following or stalking others
- ✓ History of mental illness or psychiatric disorder diagnosis
- ✓ History of animal cruelty
- ✓ Affiliations with criminal gangs
- ✓ Suicidal ideation, subject says they have no options or there is no way out for them.

Behavioral Characteristics

- ✓ Self-identified contingencies that would provoke an act of violence
- ✓ Brooded over an event in which they were perceived to be unfairly treated
- ✓ Expressed unreasonable feelings of being persecuted by others
- ✓ Experienced a real-life stressor or event
- ✓ Few to no close friends, and appears to be a loner
- ✓ History of being bullied/teased or bullying
- ✓ Little concern for legal/personal consequences
- ✓ Little appropriate empathy or remorse, or does not appear to display those responses
- ✓ Been observed to maintain prolonged stares
- ✓ Expressed signs of agitation (e.g., pacing, clenched fists, etc.)
- ✓ Feelings of depression, hopelessness, despair
- ✓ Reluctance/refusal to communicate
- ✓ A habit of blaming others or refusing to take responsibility

Weapons

- ✓ Fascination with weapons/explosives
- ✓ Knowledgeable about/has used weapons
- ✓ Access to weapons
- ✓ History of bringing weapons to school or work
- ✓ Fascination with, identifies with, or praises other school or workplace violence events

Physical Characteristics

- ✓ Diminished self-care/personal hygiene skills
- ✓ Threatening, loud, and/or disorganized speech
- ✓ Thought insertion (feeling of someone putting thoughts into their head)
- ✓ Auditory, command, or visual hallucinations



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What are we expected to do with all this?

A **Threats of Mass Violence Investigative Checklist** has been developed in order to create a standardized initial approach to investigating targeted threats of mass violence. This checklist should be used as a tool for initial assessment of a threat of mass violence and will act as a resource for responding officers. **[Include the location where the completed checklist should be uploaded/sent with the report?]**

All threats, regardless of the threat level, should be handled systematically. Threat assessment is not an exact science, so when in doubt, act with caution. Officer safety is first and foremost. Considerations for the investigation include:

- Does the individual making the threat meet the criteria for an emergency evaluation and/or extreme risk protective order?
- Has a gun check been completed through the Maryland Gun Center?
- Do notifications need to be made to family, co-workers, potential victims, etc.?
- If the threat is substantive, have the appropriate partner agencies/units been notified?
- Has the incident been noted on a commander's report?
- Have all the reports been routed to the appropriate departmental units?
- Should I consult with a state's attorney regarding potential charges?
- Does the patrol officer or school resource officer agree with an assessment completed by school personnel?
- What notification is required to a minor's parents/guardian?
- Does this pose an imminent risk of harm?
- Are there exigent circumstances?
- Is there a terrorism nexus or homeland security risk?
- Has access to weapons been removed?
- Can this person carry out the threat?
- Are there explosives involved? Should I notify the Fire Marshal's Office?

Threats of Mass Violence Charges

Generally, when considering charging threats of mass violence, a detective should be investigating the case and will confer with the State's Attorney's Office. In some cases, a juvenile may be charged by the School Resource Officer (SRO) or responding patrol officer.

Maryland Criminal Law Threats of Mass Violence Prohibited §3-1001

- (a) **Applicability.** This section applies to a threat made by oral or written communication or electronic means, as defined in §3-805(a) of this title.
- (b) **In general.** A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14-101 of this article, that would place five or more people at substantial risk of death or serious physical injury, as defined in § 3-201 of this title, if the threat were carried out.
- (c) **Violations; penalties.** (1) A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$ 10,000 or both.
(2) In addition to the penalties provided in paragraph (1) of this subsection, a court shall order a person convicted under this section to reimburse the appropriate unit of federal, State, or local government or other person for any expenses and losses incurred in responding to the unlawful threat unless the court states on the record the reasons why reimbursement would be inappropriate.



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- (d) **Venue.** A person who violates this section may be indicted, prosecuted, tried, and convicted in any county where:
- (1) the threat was received;
 - (2) the threat was made; or
 - (3) the consequences of the threat occurred.

Conclusion

This training bulletin attempts to establish standardized best practices while conducting a mass violence threat assessment. The bulletin highlights the importance of gathering information on an individual's background, behaviors, and situational factors; corroborating information from multiple sources; assessing the risk the individual poses for violence; and identifying interventions to mitigate that risk.