Violence Assessment and Intervention: The Practitioner’s Handbook

by

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and
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Preface

Welcome to our guide. We are writing this book for you, the practitioner who is faced on a regular basis with receiving calls from frightened people who want you to keep them safe. It doesn’t matter whether you are a mental health practitioner, a security or human resources professional, an attorney, police, probation or parole officer, or a risk evaluator in the mental health field; when you receive that call you realize you do not have the luxury of having perfect information, but you may still need to act now. This book is for you.

Between the two of us, we have handled these phone calls for more than 40 years in a variety of contexts. This includes experience in federal and municipal law enforcement, and as consultants to federal and state agencies, as well as private and public corporations. We continue to handle them on a daily basis as part of our practice. Although this book’s primary focus is anchored in North American laws and nuances, both of us have worked and continue to work internationally. From this experience, we have learned that core assessment and resolution principles, being behaviorally based, are universal, regardless of culture or geography.

We have structured the book into three main sections for the purpose of addressing different approaches to the material and to provide us an opportunity to show different aspects of the entire process. The first section, titled Fusion, will show the process and flow of our violence assessment model from the perspective of the initial call or “notice event” and the essential steps to initially quantify the situation as well as make the first decisions concerning proper and immediate response. We will show that it is in managing this “notice event” and understanding its place in the continuum of the behavior (what has come before and what may come after), success or failure of the resolution can be found. You may find this section reflects the most similarity with what you do every day; it will serve as an overview for the entire guide.

Section two, Assessment, has been structured to provide information concerning the essential informational components and processes required to provide a thorough and accurate assessment. The chapters in this section cover information gathering, victimology and formulas for assessment. In
the appendices of these chapters are practical tools developed by the authors and others for use in guiding the assessment process, speeding information gathering and providing actuarial frameworks for information analysis. We have not attempted to provide a detailed log of every available instrument or tool that we might have used or believe may prove to be valuable to you, because our intent is not to make judgments. We simply want to provide you with practical information we know to be useful and effective based on our day-to-day work.

In section three, Case Management, we cover organizational influences, security issues and the laws related to violence assessment. In this section we not only want to cover the obvious issues, but to provide a perspective that might allow you to go beyond your current perception of these elements and acquire new appreciation and understanding of how these areas can provide better case outcomes.

For the professionals reading this guide, we have attempted to provide references to the literature, when applicable. However, we do not intend this guide to be a detailed academic work that attempts to reflect the breadth of literature available for assessing potential violent behavior. We want this book to provide practical, proven ideas and tools for case evaluation and management. If you come away with at least one new idea, tool or practical solution to an assessment or intervention problem, we have accomplished our goal.

We would also hope that reading and using this guide will motivate you to share your knowledge with others, whenever and however you can. Only in the sharing of practical, effective methods of violence assessment and intervention can we continue to increase the safety of the people we are all responsible for protecting.

We hope that you enjoy our handbook and continue to be interested in improving the safety of the communities you serve.
Acknowledgments

Someone once said that knowledge, in the end, is really about acknowledgment. I would concur; it is about acknowledging that my skill and ability aren’t as much about what I know, but what others knew and helped me to learn … even when they might have been completely unaware of their instruction. Unfortunately, I know that once I begin listing those to whom I am eternally grateful, I will overlook many others. Ah, the perils of authorship! So here is my partial list of acknowledgements:

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My co-author, Jim Cawood, without whose intelligent insights, challenging beliefs, logical disagreements and patience to focus my “spinning-wheel-of-knowledge” I would never have finished this book.

And finally, my wife Valene, whose unconditional love and support gave me the comfort and reassurance to keep going … despite my frequent claims of being too busy.

— Michael H. Corcoran

This book could not have been possible without the efforts of a great many people. We would both like to acknowledge those people for helping us reach this point of our careers and helping this book emerge from our minds and collective experience.

I would like to first acknowledge my wife, who has worked with me for the last 17 years and has continually provided her encouragement, expertise
and feedback. Thanks to my father and mother for showing me in their own ways that curiosity and finding your own way in the world are lifelong pursuits that are enjoyable and essential parts of a life worth living. Thanks to Steve McIntire, who was in at the beginning of the work and is a brother to grow with. Thanks to various colleagues who have taught, encouraged and collaborated along the way — Dr. Steve White, Dr. Jolee Brunton, the late Phil Hyde and Dr. Chris Hatcher, Bill Zimmerman, Steve Weston, Jeff Dunn, Dr. Glenn Lipson, Wayne Maxey, Dr. J. Reid Meloy, Kate Killeen, Lois Benes, Dr. Kris Mohandie, Dr. Mike Gelles, Dr. Stephen Hart, David Bruce, Jodi Juskie, Bill Fitchett, Jr., Barb Martinez, Kathy Schnake, Paul DuBois, Tony Beard, Gary Reynolds, Pat Lenzi, Dave Wysuph, Ron Pennington and a myriad of others who cannot be named here. Special thanks to Ryann Haw for her excellent research efforts — she will be a bright new light in psychology. Last, but certainly not least, thanks to my coauthor, Dr. Mike Corcoran, for working through this project with me, and to our editors for their interest, trust, patience and guidance.

— James S. Cawood
Authors

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Dr. Corcoran has taught classes on how to recognize, confront and control suicidal and mentally ill substance abusers or combative populations at various colleges, law enforcement academies and Fortune 500 companies across the country. He has established protocols for evaluating and dealing with personnel; either pre- or post hiring to avoid conflict, assess the potential of violence and to determine truthfulness. He has also assisted in designing, implementing, training and advising hostage or crisis negotiation teams for local law enforcement agencies and private concerns.

One of the original founding members and a national board member of the Association of Threat Assessment Professionals, Dr. Corcoran has helped write policies and procedures and consult on these workplace violence issues for the Police Officers Research Association of California, the International Association of Chiefs of Police, the Department of Justice, the American Red Cross and numerous other such organizations across the country. He frequently travels across America to lecture and conduct training seminars for businesses and school districts on the elements of workplace violence, including identifying and handling the potentially violent subject.

James S. Cawood, CPP is president of Factor One which is a California-based corporation specializing in violence assessment, security consulting and investigations. He has worked in the area of violence assessment and prevention, security analysis and incident resolution for the last 18 years, with a total security career spanning more than 20 years. He has successfully assessed and managed more than 1800 violence-related cases for federal and state government agencies, public and private corporations and other business entities throughout the United States. Mr. Cawood has also provided
consultation and training to these same types of organizations on the design and implementation of threat assessment and incident response protocols. This included participation in the development of the P.O.S.T. (Peace Officers Standards and Training) telecourse on workplace violence for California and Arizona law enforcement, as well as participation in the development of a threat assessment protocol by the California District Attorney’s Association for use in training judges, district attorneys and others in the California justice system. He also has served as an expert witness in dozens of cases involving questions concerning investigative and security issues, including threat assessment and violence in the workplace.

Mr. Cawood has served as the president of the Northern California Chapter of the Association of Threat Assessment Professionals; on the American Society of Industrial Security Foundation Board, where he was secretary; as the chairman of the Board of the California Association of Licensed Investigators; he also has served as chairman of their legislative committee.

Mr. Cawood is a graduate of the University of California at Berkeley and has served on the faculties of Golden Gate University, in its Security Management degree program; and the University of California, Santa Cruz extension, teaching Threat Management. He is a Certified Protection Professional, Certified Security Professional, Certified Professional Investigator, Certified Fraud Examiner and Diplomate, American Board of Forensic Examiners. He has written articles and book chapters for various professional publications including Security Management magazine, the Protection of Assets Manual, the Accident Prevention Manual for Business & Industry — Security Management; Safety, Health and Asset Protection: Management Essentials, 2nd Edition; and The Psychology of Stalking: Clinical and Forensic Perspective.
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Section I

Introduction
Fusion

The Call

Every case begins with a “call.” An assessment professional could be notified by phone, radio, e-mail, memo or letter. The people on the other end of such communications may be emotional, factual or in shock. But they have decided you need to know what is going on in a situation involving the potential for ongoing or future violence. Therefore, the first step you must take is to narrow your focus to that particular communication to the exclusion of all other business.

Practically, this will be the most difficult step you need to take. In today’s working world, with all its demands and distractions, it is very difficult to focus on one issue. However, in the area of violence assessment, we have found that only by redirecting our attention to that one “notice event” do we begin the process of engaging all of our senses and knowledge for the purpose of violence assessment. Your ability in putting yourself into this mode, of trying to put yourself into the mind of the communicator, will determine your success in the immediate understanding of the situation for proper assessment of the event and decisions concerning the immediate next steps. This is true, not only because violence assessment requires your attempt to place yourself into the world of any communicators, but also because the communicators must immediately feel they have a connection with you. Your undivided attention validates that connection for communicators and allows them to communicate more subtle and intimate clues that might provide essential information for successful management of the situation. It is not critical for you to have the experience and ability of a trained professional to accomplish this connection, because just trying to understand is generally perceived by others as more attention than they are used to receiving anyway.

Think of how you have felt when calling colleagues on the phone to talk about something of importance and have heard them clicking away on their computer. Similarly, remember the frustration felt when calling colleagues on their cell phone and having them continually disengage from the conversation to interact with others in their immediate environment. Recall how distracting this was and how negative emotions might have been stimulated even though these communications probably were not life threatening.

During initial contacts several important elements should be noted. If the notice event is verbal, were communicators direct or indirect witnesses
to the notice event and what is their immediate concern? What is their current emotional level of engagement? Are they communicating clearly or in a confused fashion? What is your immediate impression concerning their ability to follow direction? If the communication is written, many of these same impressions will have to be monitored. But your ability to know whether the individual will follow directions will have to be reserved for direct contact.

Each of these pieces of information is important because they provide immediate means to allow you to guide the process. If the individual is not a direct witness to the notice event, you will need to note this immediately and begin to collect the names of others who have been or could have been direct witnesses to the event. If the calling individuals are direct witnesses, they may provide you with valuable information concerning the incident itself as well as the context in which the event occurred.

The significance of whether communicators are direct or indirect witnesses is not just found in understanding the clear context of the act as discussed above, but also in determining whether they can serve as witnesses in any following actions that might involve law enforcement or the courts. Clearly, direct witnesses of actions are going to be of greatest value in an investigatory, disciplinary or prosecutorial situation. There may be times when hearsay testimony (testimony from third parties) may be admissible due to exceptions to the hearsay rule, but that will depend on the location of your jurisdiction and will need to be discussed with legal counsel.

After we determine whether they are direct or indirect witnesses, we consider their apparent level of emotional engagement. This is to determine the accuracy of their accounts. The more emotionally elevated communicators are, the less likely the first report of the events will be accurate. When elevated emotion is combined with second- and third-hand reports or possibly tainted by perceptions of “payback,” the more important it will be to quickly seek direct witnesses to obtain more accurate information. Everyone has experienced the phenomenon of telling a story to other people, their passing it on to another and so on, until the final story repeated bears little resemblance to the original tale. This demonstrates the problem of significant distortion of vital information that takes place in the transmission of information. Bad information leads to bad assessments leads to bad interventions.

Coupled with this, you must also consider the power that outside sources, such as an organization, may have on an individual reporting this information. Is there a culture that might cause undue pressure one way or another when chronicling potential problem behaviors? Or are there ulterior motives influencing the account?

In monitoring the clarity of the communication, you are assessing whether the individuals communicating with you are doing so on more of a cognitive level as opposed to the emotional. It has long been recognized
(Goldman, 1995; Ekman, 2003) in this area that it is virtually impossible to be processing both emotionally and cognitively at the same time. Hence, if it is possible to convince communicators to report the event on the more factual or "thinking" level, the complications of emotional interference will be greatly reduced. Or, if the direct witness can be queried on the factual level, the information obtained will be more reliable for these same reasons.

The consideration as to whether individuals can take direction provides two valuable pieces of information. First, if you can engage them cognitively and they comply, you have the ability to decrease their emotional engagement and thus increase the likelihood of their accurately communicating both with you and others. From a practical perspective, individuals who are incapable of taking directions cannot be effectively utilized to gather additional information or be a part of the initial response that may need to occur. It can be disastrous to give clear direction of what will need to be done immediately upon the receipt of the communication without having ascertained whether the individuals are capable of doing what they need to do. In most of these situations, you are going to be receiving the notification from a source that may be just across town, but possibly is across the country, so it will be necessary to rely—at least in the initial stage of the case — on other people to act for you in accomplishing initial tasks (see Chapter 3 Appendix, the Witness Interview Form).

Notification

After you have done your initial information gathering, the next question to be answered is who needs to be notified of this situation who doesn’t already know. The most obvious question in some cases is whether 911 should be called. This question goes to the heart of the immediacy of the needed response. If the answer is yes, then you should have already gathered the necessary information to provide answers to the questions the emergency operator will ask. Also, you should then have the ability to activate an evacuation plan for those individuals who are at risk for immediate physical harm. This could involve one person or an entire office, building or campus, depending on the circumstances. Even if it is necessary to call 911 and evacuate personnel, it is important to understand that the assessment process is not over. It is being placed on suspension while the more immediate physical risk is addressed. If subjects are diverted, arrested or even killed, the assessment process will still need to continue after those actions have occurred. If the individuals are diverted, the continued assessment will be important considering the if, when and where they might reengage in potentially violent behavior. If arrested, the same questions need to be addressed after they are released. In the case of death, there may still be exposure or risk associated with allies, friends or family members of the individuals, as
well as the need for post-incident assessment for the protection of the threatened organization or individuals from a liability perspective.

In the vast majority of cases, when you received the notification, you will determine that a 911 call is not necessary. You will have sufficient time to conduct other information-gathering activities as well as notify other necessary personnel who will usually provide additional skills to the process and may include more senior human resources, security staff, legal counsel, senior management or administration and resources outside the immediate organization. The consideration in terms of priority of notification will need to be established ahead of time as a part of the development of an incident management plan in each organization. In our experience, the priority of notification is made on a case-by-case basis, depending on who has the most direct link to the behavioral or situational information needed as the assessment evolves. Most often, this means the initial notification will be made with human resource and security people, who usually have the most direct access to individuals and information in each organization (see Figure 1.1).

**Assessment**

After the initial immediate decision has been made as to whether the situation calls for a 911 response, the strategy of assessment becomes the compiling of as much behavioral and situational information as can be found. While actually still in the early stages of the assessment process, gathering necessary information at this point is crucial to a clear understanding of the potentials of violence or danger to others. For example, communicators may initially be anonymous or want to remain anonymous, as they are concerned about potential retaliation by the instigator.

Based upon our collective experience, we have come to the conclusion all violent behavior is caused by the need to establish control. Hence, we can identify three elements and their relationship to each other to understand motivational factors of violence both in the current situation and as projected into future possible situations:

1. The individuals have reached the point where they desperately need to establish control.
2. There is a target or targets for their actions that, when acted against, will provide the individuals that needed sense of control.
3. They believe the environment in which they are acting allows them to commit the act.

By understanding each of these elements, we have the keys of intervening, mitigating or preventing the violent act.
If threat assessment professionals understand the instigators’ perception pertaining to the need for control, they can influence this perception directly or indirectly. Direct influence can be delivered through establishing a rapport with instigators if there is the opportunity to contact them personally. If direct contact is not possible, for reasons of logistics or concerns of case consequences, the professional can have an indirect influence over the insti-

Figure 1.1 Incident flow chart.
gators’ situational perception by controlling the actions that are taken around
the instigators by family members, law enforcement, legal action and therapeu-
tic intervention. The goal is to alter the instigators’ motivation so that
they can “discover” nonviolent ways to establish or reestablish their lost sense
of control.

By understanding the instigators’ target population, professionals can
divert individuals to a different target population or remove the access to the
target population. The aim is to create the perception that the individuals
would not be successful in their attempt by increasing the security to make
access to the target more difficult, or altering the activities in the environment
to decrease the perceived ability for successful connection with the target.
Each of these elements must be understood (individual, target, environment)
to successfully understand the behavior as not only done by the perpetrators
but how it was perceived by the victims and what that intent and perception
will mean in terms of potential future actions.

In this stage of assessment, we should understand that every question
asked and action taken will influence downstream intervention options and
the effectiveness of the intervention. Ultimately, it is not enough just to
determine whether the instigator poses an immediate risk of physical harm
to those who are being protected. There must be intervention to stop them
from taking action, monitoring for any possibility of reengagement and
calming of the protectees or their organization so they can believe they are
safe and can return to their normal activities. Only by accomplishing each
one of these goals can we claim that the process was completely successful.
With that in mind, it is important to always tell the truth to everyone
involved. However, the truth for any specific individuals may not need to
encompass the whole truth of the situation but must be the truth in areas
that are related to them (see Chapter 7, Duty to Warn).

An example of this would be individual witnesses who come forward but
wish to remain anonymous. It is important to be truthful with these indi-
viduals, informing them that, although you understand their desire for ano-
nymity, it is not going to be possible. The best case scenario is to limit the
knowledge of the individuals’ identity to a small group of people (possibly
the incident management team) but they will still ultimately be known by
these people. Even then, it will be important to inform the witnesses that
they could still be exposed, not by you or your colleagues, but through the
perception of the instigators. There have been numerous cases in our expe-
rience where the identity of the witnesses has been successfully held in con-
fidence by the incident management team, but the instigators have
determined the identity of the witnesses on their own. This honest interaction
with each one of the witnesses during the assessment is actually essential to
maintaining the trust and compliance of these individuals with the process

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of assessment, intervention and monitoring. Even though it would appear that educating the witnesses and other parties to the variety of their exposures could scare them and make them less likely to cooperate, our experience has shown exactly the opposite. People do not like being surprised by outcomes. The more transparent professionals can be in educating them to their real exposure, even if it appears to be initially frightening, the more likely they will trust them throughout the entire course of events.

Another example where this is important is when dealing with paranoid thinking. We have learned that the only successful way in dealing with paranoid thinking is to be as open as possible. This can diffuse the natural inclination of individuals who have this outlook, allowing them to be more comfortable participating in both the assessment and resolution of a potentially violent incident. However, if people with this outlook are not treated with openness and honesty, their paranoia will be reinforced and the ensuing mistrust will prevent them from being part of a successful assessment process.

Sources of information for the assessment will be found in individuals who have interacted with the instigator. Records of interaction with individuals (field interviews, police reports, employee evaluations, personnel actions, etc.) who are witnesses to specific incidents and public records (court records, financial records, property records, etc.) are the deepest and most accessible sources of behavioral information. Care should be taken in recognizing that the closer the instigator is to a personal source of information, the greater its potential value, but the higher the risk of exposing the process to the instigator. Also, a close source may provide information skewed by emotions, including ideas of loyalty.

The behavioral information we are seeking involves what an instigator has specifically done, verbally and physically. Specific descriptions of physical behavior and capturing of exact wording can make a tremendous difference in the accuracy of the assessment. There is a significant difference between a person hitting someone in the face with a closed fist versus a slap. There is a significant difference between a person saying, “I would like to hurt you” and “I will hurt you.” Surprisingly, this exact information is often not sought, nor is it appreciated when found. Professionals should constantly strive for that level of exact detail in the information gathering process. We all understand that the best predictor of future behavior is past behavior. Knowing the exact past behavior creates the only true basis for accurate interpretation of the current behavior, thereby allowing for successful projection of future behavioral possibilities.

**Security**

As the assessment process progresses, the security strategy revolves around addressing both immediate and long-term needs. Security is driven by assess-
ment. This means the immediate security needs of each case are indexed on the initial assessment of the exhibited behavior, but a safety margin is always added to anticipate rapidly escalating events. Given that it takes time to gather and deploy security personnel and equipment, the normal security strategy at the onset of a problem will be a rapid identification of current available personnel and equipment and their current placement. When this has been accomplished, the security practitioner will supplement the current assets as needed.

An example of this would be a case involving threats of violence against company personnel from an outside individual. The threats are that the individual is going to come to a location and assault the personnel. The current security configuration at this location is a card-activated access control system, a reception area for visitors controlled by a receptionist and two contract security officers roaming the site. This security configuration is not adequate for stopping a determined individual — with or without a weapon — from entering the building and assaulting staff members. Consequently, the security practitioner will need to augment this configuration as quickly as possible. Since notifying building employees to maintain access control procedures alone will not be effective, the only viable short-term strategy is to supplement the on-site security personnel with others trained to manage emotionally destabilized people who might possibly have weapons. These personnel could come from the contract guard service, from other security companies that have a relationship with the company or from local law enforcement agencies that allow use of their personnel. We suggest that, in this example, a minimum of two trained persons should be added, so they could act as a response team should the individual come to the site. The choice could be made to place them in the reception area, as that is the most likely place for an outside individual to attempt entrance to the facility. The issue of how these personnel, the receptionist and the current contract security personnel will identify the instigator will need to be quickly addressed. If the name of the instigator is known and the level of threat is sufficient, a photo of the instigator might be made available by local law enforcement. However, if the instigator is not known, the behavior of all visitors would have to be monitored in an attempt to identify subjects and respond to them as appropriate for their level of behavior. Confrontation is rarely effective with highly motivated people. Calm, attentive, responsive interaction is the most effective way to manage the widest range of destabilized people.

Due to the cost of this limited short-term solution, the long-term security strategy could revolve around strengthening of the controls in the reception area (e.g., creating an enclosed reception area, modifying sign-in and identification procedures and training reception personnel to better manage and respond to destabilized visitors). The timeline for implementation of this
long-term strategy would be determined by the level of continuing risk, available resources and the commitment of the company to implementing these changes.

One concept needs to be remembered during this time. All security strategies must address the potential for a dynamic incident of violence. This means that static security systems (e.g., locks, alarms, closed circuit television (CCTV) and access procedures) will never by themselves be adequate to address violent behavior. The 101 California St. case in San Francisco and the Columbine High School case are dramatic examples of the failure of static security systems. In both of these incidents, the instigators circumvented or passed through established static security procedures and initiated their acts of violence. In both cases, the instigators killed themselves long before law enforcement was positioned to control the situation. Consequently, security planning needs to address the actual physical barriers needed to stop committed, violent, armed offenders. This process requires new thinking that addresses actual attack behavior and does not assume compliance.

**Legal**

During the initial assessment process, legal counsel serves a vital role in monitoring issues of privacy, confidentiality, organization, individual communications and advice concerning the various legal and liability exposures that the organization and individuals face. This monitoring process provides a level of legal privilege, assistance in managing employment issues, the drafting of legal documents such as cease-and-desist letters and restraining orders, and including communications with local government agencies, community organizations and instigators.

In our experience, though we have worked with competent corporate attorneys, we have found our most successful collaborations have been with employment- or family-law attorneys, either available within the community organization or contracted by the organization. Employment or family law is often involved with potentially violent situations, either directly, because instigators or victims are in a relationship or are employees of the organization, or indirectly, because the actions of the organization may impact the employment of many of the parties involved. Also, these counsels often have experience in dealing with emotional individuals and can bring a level of sensitivity to the legal oversight of the process that is extremely beneficial to the success of the overall process.

The time required for the development of legal documents (i.e., restraining orders, cease-and-desist letters, etc.) or utilization of confidential resources in the beginning stages of assessment strategies may require time to develop and implement. Therefore, the need for rapid engagement of legal counsel is similar to the engagement of security. Hence, the importance of
prior identification of currently available legal personnel and their willingness to be a part of this total process, cannot be overemphasized.

**Interventions and Monitoring**

Once the initial information gathering, assessment, security and legal components have been initiated and a threshold assessment has been completed, consideration of interventions can begin. Before these components are in place, any attempt at intervention has a higher potential for failure, thereby increasing the risk of potential physical harm as well as exposing the assessor and other concerned parties to claims of negligence.

Interventions can include single actions or combinations of actions, direct or indirect, all focused on diverting the instigator from continuing on a trajectory toward violent action. Direct actions could include:

- Instigator interview
- Employer discipline, including termination
- Cease-and-desist letter
- Protective or restraining order
- Law enforcement contact, with or without arrest
- Involuntary commitment in a mental health facility

Indirect actions could include:

- Victim relocation or removal
- Security enhancements
- Interaction with family members, friends or associates
- Counter-surveillance

Optimally, the selection of interventions are matched to the instigator’s perception and motivators, starting with the least intrusive that will effect a desirable change. The presentation of these interventions is most effective when delivered in a “carrot and stick” format. This means that each direct intervention is explained to the instigator as the preferred option and that avoidance of greater consequences can be achieved through compliance. As an example, in a cease-and-desist letter, a request for compliance can also discuss that this letter is not public information and if the instigator chooses to comply with the request to end contact, no knowledge of this situation will become known to others, including future employers. However, should the instigator choose not to comply and if the victim should seek a restraining or protective order, these actions will be available in the public record and could impact the future options of the instigator. This type of approach
maximizes the possibility that instigators will act in their own self interest, which, ultimately, is the strongest motivator for the vast majority of people.

Another example of utilizing instigators’ self-interest would be when an employer is considering their termination. This situation does not allow for much compliance prior to taking the actions, but during the interview with instigators, the assessor can “preview” this possibility with them and explore their potential reactions to this event and alternative responses to inappropriate behavior. These alternatives could include legal action against the employer, success at a future job to prove the employer wrong, or as an opportunity to find an employer that is more appreciative of the instigator’s talents and abilities. Alternatively or in conjunction with this, an employer could decide to terminate and provide a severance package contingent on appropriate behavior. This money would be paid out over a set period of time, in regular installments, based on continued good behavior. However, this option may not be available due to the type of termination (e.g., termination for cause) or because there is concern that it will establish a legal or behavioral precedent. Paying people off for bad behavior can be counterproductive, in that it might lead them to believe that if they continue to act badly they will make more money. So, choosing any of these options or approaches needs to be done with a view to long-term results and in conjunction with both legal and behavioral analysis.

Once an intervention has been initiated, monitoring its results creates an essential feedback loop for continued assessment. Monitoring is the single most neglected process of violence assessment. The assessor or assessment team must create an active or passive monitoring system to feed ongoing information regarding the behavior of the instigator to the assessment process for analysis. This means identifying the people or organizational elements that the instigator will most likely contact and determining how to learn whether they have been contacted and what the nature of the contact is, as quickly as possible. These contacts are behavioral cues that will let the assessor know whether instigators are complying with the boundaries established by the intervention or are escalating their behavior in a harmful direction.

Active monitoring means that the assessor or members of the assessment team actively seek this information from the identified people or organizations on an established schedule (e.g., twice a day, once a day, once a week, etc.). This type of monitoring is used when the assessor believes that the situation is currently of moderate or high risk or the parties acting as “sensor points” for the process will not initiate a notification of behavior on their own.

Passive monitoring means waiting for the sensor parties to contact the assessor, because it is believed that the situation will most likely not escalate quickly enough to require the time and expense of active monitoring.
The reason this process is neglected is that it can be required for months and participants lose track of the need for continued monitoring. This complacency leads to missing behavioral cues that, in retrospect, could have alerted victims to the fact that the instigator was building up to an inappropriate act. Certainly anyone with even a reasonable caseload understands the difficulty of maintaining contact with any individual case. Computers can be very helpful in this area by using personal information managers (PIMs) to help manage case monitoring. Microsoft Outlook, GoldMine, Act and other PIMs have alarm functions that can remind assessors, assessment team members and victims of critical dates, regular monitoring calls and other events that could easily be missed.

Summary

We have covered the essential elements of an assessment and intervention process that can be efficiently used by practitioners responsible for determinations of potential risk for physical violence. This process includes intake, notification, assessment, security, legal, intervention and monitoring elements. The rest of this book will further develop each of these elements and provide practical, usable, defensible methodology for successful violence assessment.
Section II
Part 1

Assessment
Violence Assessment: The Victim’s Role

Introduction

While most of the focus of the assessment process often appears to be dealing with instigators, their backgrounds and processes, it is equally important to understand the active involvement of the victims. In law enforcement, for example, the importance of this concept is brought to bear when victims who report a crime wish to remain anonymous are told nothing can be done in their case because no victim — no crime. In the assessment process, unless there is an understanding of the relationship of victims to instigators, a critical component toward understanding the threat potential as well as possible resolutions will be overlooked. It is the forensic model of understanding the victims’ physical, emotional and psychological components and then correlating them to the instigators’ physical, emotional and psychological elements as they relate to victims within a specific environment that allows the assessor a more narrow range of material for consideration to better determine a threat’s true potential for violence. Progression through this chapter may demonstrate how this understanding often develops and, by assessing each element, a more focused and complete picture can be achieved.

First, there is the obvious relationship (direct, indirect, none at all, or only imagined) between victims and instigators and how this interaction (or lack of it) can either raise or lower the element of risk. It is also important for an assessor to develop an understanding of the perception of this relationship on the part of both instigators and victims, for their perception is the reality that is the motivation behind their behavior. It is important for the assessor to clarify the integral dynamics of the connection between instigators and victims, because, in general terms, the more personal the association, the stronger the potential for violence.

Next there is the relationship of the organization or environment to the victims, as this can motivate responses from an individual that would not otherwise be exhibited or revealed in any other context. How do victims perceive their role within the organization or environment and how are they expected to interact with co-workers, peers, subordinates, etc., and thus instigators? Are there components among these observations that might
enable a necessary change on either the part of the organization or environment or the victims?

The role of the assessor is to clearly define the methodology or motivational factors of victims by recognizing character traits, behaviors and nuances that make up the personality of a specific victim. This might be considered the victim’s own internal organizational structure, which is discussed in more detail in Chapter 5. An assessor who is aware of this internal structure can then determine whether there is the possibility of change when change is indicated, the possibility of agreement and performing recommendations or suggestions where adjustment is indicated, and whether victims can be trusted to not only carry out these “changes” but whether they may circumvent the system for their own reasons or motivations and thus create an even bigger or more convoluted problem to deal with.

Physical Concepts

The first step is exploring the relationship between victims and instigators. Allowing victims to explain the facts they feel are notable in their case is generally the most revealing and, by first exploring this relationship, victims are allowed to explain those issues that are uppermost in their minds before they get lost or muddled in other information. This also develops insight for the assessor into what victims perceive or fail to be aware of that could be a central focus of the problem. Is there a more intimate bond between them than was perhaps otherwise known? Are victims completely unaware of how their association with instigators can produce an adversarial connection or that particular instigators view certain victims’ behavior and methods as attractive or difficult, loving or unsympathetic, beneficial or harmful?

Depending on the physical closeness of victims and instigators and on the level of intimacy they may be experiencing or have experienced, differing expectations of behavior are more likely. One expects a spouse to not have an affair with someone else as there is the ultimate intimate bond between married people. That same expectation does not hold true for someone who was just met, unless one’s own misperception of the meeting causes you to believe you should be able to expect this level of commitment — even if the “meeting” was nothing more than a visual observation of the victim at some distance (which is illuminated in great detail in much of the current literature on stalking). The assessment process leads to determining these differing levels of assessed risk based on the manifested physical relationship as well as the perceived relationship. Through the careful interview and background-accumulation process, the assessor’s task is to make these determinations to not only ascertain the level of the violence potential but to make reasonable yet effective recommendations on how to proceed in handling these cases.
Such recommendations may include suggestions for contacting and dealing with the instigator, or, conversely, why it is not a good idea to do so. They might consist of suggestions for steps to mitigate or prevent future potential problems. Or they may involve the careful planning for continual monitoring, as well as bringing in additional consultants, experts or support personnel (attorney, psychologist, law enforcement, private protection, etc.). This then requires the assessor to ask the necessary questions of the victim to gain this insight and follow that up with other information (interviews, record checks, etc.) for confirmation before designing methodologies of approaching and dealing with the instigator. Care must be exercised, as some of the information provided may be distorted (intentionally or not), embellished or simply untrue. Of utmost importance to the assessment process is the best first-hand information. It then becomes the job of the assessor to dissect and determine which is germane and helpful in the overall process of determining actual violence potential and ways of lessening or preventing it.

For example, it is often reported by victims that they started in their company at the same level as an instigator and, at that time, considered the instigator a friend. The victims indicate they have had the occasion to socialize with the instigator away from the job site, possibly to have a friendly drink at the local pub after work. But then, when victims became supervisors, the relationship between them and instigators began to change as they spent less personal time together and more time where the victims felt they had to delineate problems or expectations of the job to the instigators. The victims now state that they categorize the relationship as purely professional and feel there is little or no friendship left with instigators. The questions should then focus on understanding the process of how the victims believe they now interact with instigators.

If they reveal there was previously a “friendship” but now there is only this business relationship and the instigators seem to have a problem with discipline or correction issues, has this transition been understood or accepted by the instigators? The victims may indicate they feel they have a “corporate” responsibility to expect a certain level of working together between supervisory and line personnel or they may express their own level of expectations or “esteem” from instigators because of their position. But if the instigators still believe in a preestablished relationship, many of the victims’ current actions are only going to frustrate and confuse the instigators. Thus, the assessor must probe this dynamic very thoroughly with the victims to pick up not only real relationship issues, but perceived connections with the victims by the instigators that may be evident initially or discovered later, for these are just as real to the instigators.

The collection of this information begins with the first interview with victims. While cursory data can prove useful for comparison and determining
possible intervention processes with the victims prior to this interview (e.g.,
asking those who have brought you into this process what they know about
the victims and their relationship with the instigators), the actual assessment
of the potential for violence by the instigators will best be realized through
this meeting as the victims seek to explain their situation. Allowing the
victims the opportunity of characterizing their relationship with the instiga-
tors, of explaining how they interact from their perspective and how they
handle this interaction or lack of same, will not only outline potential risks
involved in the association but will allow for dynamic explanations of the
process as seen from the victims’ perspective. Thus, the first interview holds
a key to developing mitigating components to lessen the potential for violence
by the instigator.

Case History
To elaborate on our example and demonstrate this process, let’s look at Jane,
who actually started at ABC Company two weeks after Fred. Both were in
their late 20s, had some prior general work experience and were high school
graduates. Jane was a single mother and 6 months away from finishing her
junior college degree, while Fred had never been married and was a devout,
“I hate school” kind of guy. As was the traditional practice of this organiza-
tion, they were both assigned to the mail room, to allow them to become
acquainted with the total workings of the organization. This also allowed
others to see how they “fit in” with this environment. Jane and Fred did
socialize about once a month for the next year, dropping by the local pub
after work for “one for the road.” There was never any intimate relationship
between the two, they always got along well together, but there were no other
contacts between them during this year.

Jane was soon elevated to an assistant facilities position that required her
to supervise, among other things, the mail room. Soon, she began to see an
opportunity to implement some of her efficiency ideas, but it always seemed
Fred was resistant. Eventually, it became obvious to everyone there was real
tension between these two. Jane, not having had the time to “socialize” with
Fred since her promotion 6 months ago, decided to invite Fred out for a beer
after work one evening to try and “work things out.” A disruption occurred
at the bar between them and Fred was overheard by several co-workers who
were also at this tavern to say to Jane, “You’d better watch your back, sweet-
heart,” as he stormed out. Jane was visibly shaken.

Over the next month, tensions increased at the work site between Jane
and Fred. Fred was overheard by some other co-workers mumbling about
Jane’s being a “bitch” and that she simply doesn’t realize how if it weren’t for
him her safety would be in jeopardy. This comment brings in a request for
a violence assessor’s services, as the company is concerned and not sure what
might be brewing here. The assessor’s interview with Jane reveals corroboration of all this and, when asked about her current interaction with Fred, she says it’s fine. “I guess you would say it’s a bit tenser than it used to be, but I only need to talk to him about his problems with poor performance and lack of cooperation when working with others.” Your questioning should now focus on the chronology and nature of their interactions to determine whether there are any clearer indications of why Fred appears so angry toward Jane.

This questioning has now confirmed that her way of handling this matter appears to be one of avoidance, except for necessary disciplinary matters. The assessor also discovers that, when Fred and Jane last went out, Jane had revealed some personal family issues to Fred. She says this was her attempt at trying to win Fred over by trying to play on his sympathies in the hopes he would become a more responsive employee. But, when Fred reached for her hand at the bar, she quickly pulled away and eventually the conversation became more heated as Fred finally became upset and left.

The assessor also learns Jane has no romantic feelings for Fred, does not think that Fred might have any feelings for her, is not afraid for her safety and just wants Fred to straighten up or she will terminate him. Jane has no idea what Fred means by the comment that “if it weren’t for me her safety would be in jeopardy,” but she does recall running into him a couple of times in the last few months at a supermarket she frequents. She thought this was a little strange, as she knew Fred lived at least 10 miles away from this location, but she never bothered to ask him because he volunteered, “Oh, they have the best cuts of meat here.”

A competent assessor has, by now, explored the victim’s perceptions of the relationship with the instigator. He has also probed the process of their interaction and, because of this, has probably uncovered the crux of the problem, which is that, in his mind, the instigator has developed more than a working relationship with the victim and may be stalking her. Now there exists a much better assessment of the possible violence potential and a lot more information than seen by anyone else on the surface. There is also tremendous information to help determine how to proceed in this matter and what recommendations might mollify the potential for violence. Thus, the important goal for the assessor is getting past the obvious relationship questions and delving deeper into the dynamic of the relationship, at least as it is perceived by the victim.

But what if there is no direct contact? There are the high-profile people who are “admired” from afar and, whenever they are seen by instigators on television or at a public function, the instigators believe that certain words or looks from the victims are directed to them. Letters are then sent to the VIPs and, when there is no immediate response, the letters become more
threatening. On a smaller scale, there are the employees who are “lusted” after by co-workers who happen to see them in the lunch room and have sent several “suggestive” e-mails to the victim telling them how to acknowledge the same feelings. When the directions are not followed, harassment, such as finding the victims’ car tires slashed at their residences or dead mice left on their cars when they are parked in the company parking lot, can occur.

The assessor should first try to narrow the focus of the victims, for they generally are trying to think of everyone or simply feel that almost anyone could be the instigators. While this may be true, the goal is to try to understand the dynamics of the relationship between the victims and the instigators to determine a probable course of behavior as well as the potential for violence. Hence, all attempts at identifying instigators should be exhausted before going to the realm of hypothesis and theories. Certainly, the victims will explain they have gone over and over this in their minds and with others, but to no avail. But the assessor’s experience in dealing with these types of issues as well as bringing a fresh, objective mindset into the equation may prove the deciding factor.

Alas, most of these issues result in a true unknown and the only information is what is in the letter, the e-mails, the telephone calls and the accompanying behaviors (malicious acts, annoying or intimidating activities, etc.). While an understanding of the psychological underpinnings of this information assists dramatically in the assessment process (the letters present an organizational process suggesting an obsessive-compulsive personality disorder, thus emphasizing the need for control; the e-mails clearly demonstrate a breakdown in the perceptions of the boundaries between the instigator and the victim, etc.) and should always be considered for a more integral and valid evaluation (hence the usefulness of a mental health professional trained in this field), the assessor can only consider what is presented. Thus, the content of the material should be painstakingly reviewed.

Look for the passion involved in the writings, as this is the driving force behind higher potentials of violence. Certainly, unrequited love as a stimulus of hostility is as old as mankind. But instigators of greater concern are those who believe their victims are seriously in love with them — and the victim doesn’t even know who they are. Such instigators may express little if any sexual enticement, but articulation of some form of a spiritual union or even an idealized romance should be a red flag. (Hinckley writing to Jodie Foster, for example, indicating he would not kill Ronald Reagan if she would merely spend the rest of her life with him.)

On the other hand, the good news is that these individuals generally have transitory fixations. In other words, they are just as likely as not to move on to another victim. This is why the “passion” of their writing becomes important, because, as the “need” for getting together begins to wane and diminish

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in intensity, the likelihood is that the instigators have found another target. And, while most of these individuals are not violent, those who represent a hindrance toward their targets are at a higher risk.

Case History
Take the case of Mary, who had a loving, passionately sexual live-in relationship with Ronnie for about 2 years. After it became clearly evident that Ronnie had a physical abuse problem, Mary moved out over one weekend. Unfortunately, Mary had met Ronnie at work and, while Ronnie no longer works for the same company, Mary does. Mary has been receiving annoying phone calls at her cubicle at work from Ronnie for the last few days and was recently overheard by her good friend and co-worker to say, “Leave me alone, or I’m calling the police,” as she hung up and immediately began sobbing. Confiding in her co-worker, Mary has now told her story to the supervisor, who immediately calls Human Resources, who immediately calls you.

The assessor should first determine the level of safety and security for the victim as well as the organization before moving forward with any assessment. Is there an immediate threat that needs to be neutralized (Mary says she moved out over the weekend and feels confident Ronnie has no idea where she has moved as it is not with any friend or relative.) Regardless of the personal safety Mary may feel, the fact that Ronnie was a prior employee of this company must be taken into account. For, even if he has not mentioned he would see Mary at work, there is no reason to believe he would not consider this. After all, he would be familiar with the environment and thus not feel that intimidated or uncomfortable at the work site. And, since it is likely he does not know where Mary is now living, he’s sure he can always find her between the hours of 9a.m. and 5p.m. — at work. Hence, initial security precautions should be addressed at the job site before proceeding with the assessment process, which may run the gamut from nothing more than awareness discussed with appropriate personnel to hiring armed security personnel.

Now the assessor should determine the true level of physical contact between the victim and the instigator. This is necessary to reevaluate the initial security concerns as well as to determine the perceived dynamics in order to recognize the violence potential. Again, the assessor’s role is to focus primarily on behaviors and facts the victim can describe about the instigator so a better personality model is interpreted. Most of these concepts are brought to the forefront by following the assessment grid and the witness interview form supplied in Chapter 4. Then, by applying the response grid contained in that same chapter, the best subsequent steps can be determined.

Additionally, ascertaining the exact nature of their current relationship (married, legally separated, divorced, etc.), whether there are children...
involved, any common property they still share or any other reason Ronnie may have to contact Mary or be involved with her should be delved into. These questions help to decide the strength of Ronnie's need to contact Mary. While issues of control are the usual underlying concerns and the highest likelihood of violence occurs where the instigator has been divorced or separated from the victim (Bureau of Justice Statistics, 1992), clarifying peripheral interest may greatly enhance the negotiation of future behaviors with the instigator and, at the same time, point to issues that will allow the victim's to feel reassured that there is the possibility of resolving this matter.

Many times, assessors are asking questions of others that may seem highly personal and revealing. Humans being what they are, these feelings have a tendency to cause the interviewer to be less than candid or to be hesitant to probe as deeply as necessary. If an assessor finds himself unable to utilize these tools or unable to go into or open up topics that appear to bring discomfort or even embarrassment to either himself or the interviewee, then it may be necessary to realistically determine one's level of effectiveness as well as reliability. The assessor's responsibility is to collect all the information as objectively as possible, as it all possibly influences the assessment process. An assessor cannot worry about “feelings.” We have had numerous situations where difficult and even painful interviews have led to initial “concerns” as to what was actually trying to be obtained or determined. Perseverance, in as professional a manner as possible, is essential in these cases, because the liability taken on by the assessor once involved in this practice is ultimately decided by the end result. Without all the facts, without all the information, the end result may finish tragically.

Back to our case with Mary and Ronnie, as it is important to also consider whether there is a violation of law that could require police assistance or intervention. While it is not uncommon for the victim to be reluctant to get law enforcement involved, insistence for reasons of safety and long-term management of the issue should be reinforced. At the same time, it is important to remember that, in certain cases, many law enforcement agencies are now mandated to take immediate steps that may go beyond what is preferable in this case. For example, if Mary tells the police Ronnie hit her, as he has done in the past, and if there is any evidence of this act (Mary still has a welt on her arm), in many jurisdictions, the local police must arrest the suspect, regardless of what the other person may say. In other jurisdictions, this process must go through an “investigative” procedure whereby a detective may first obtain a warrant for the arrest of Ronnie. In either case, the end result is basically the same — a fairly short time between the interview of the victim and the arrest of the suspect. Hence, these issues must also be explored and ultimate decisions must be based on safety for Mary as well as others who may be secondary in this (co-workers, friends, etc.). The assessor
must therefore feel very comfortable in understanding these ramifications so that suggestions are not given that detract from possible alternatives that may be the best avenue to take, despite initial uncomfortable feelings of dealing with outsiders or the wishes of the victim.

Part of this consideration also involves the contemplation of a restraining order. Should the restraining order be just on the victim or should it also encompass others in the workplace (a corporate restraining order)? The assessor must be familiar with these issues, which are explored in Chapter 7, as it is critical for all parties involved to be aware of and comprehend the possible ramifications such an order may involve. Again, the assessor must feel very comfortable in explaining the diversity of these effects so suggestions are not given that detract from possible alternatives that may be the best solution.

Physical relationships are, at times, convoluted, yet they play a pivotal role in the assessment. Intelligent and thorough interviewing techniques will help clarify them, but they are only one part of the issue. Obtain this data carefully, then connect it to the rest of the assessment process.

**Emotional Concepts**

This area is more easily defined within the boundaries of the relationship victims have with their organization or environment and how this correlates to the association with instigators. The affective sentiment the victims bring with them or develop in this setting sets the tone for their interaction with others in that environment. The assessor’s responsibility is therefore to determine what the motivational passion of this victim is, because their actions are determined by these and they are consequently reflected in their daily actions. Certain passions may drive victims to interact with others in such a manner as to antagonize possible instigators.

One of our first major international clients requested we conduct a threat assessment on an employee who had threatened to kill a plant manager. The instigator was currently out on medical leave and did not seem to pose an immediate threat, so we responded to the site and began our interviews with co-workers, supervisors, etc. Upon completion of our questioning, we found the subject of concern had indeed threatened the life of the plant manager. In addition, due to numerous other documented behaviors over the years, it did appear he posed an actual risk to this person. However, we also discovered one additional fact. Almost without exception, every worker we interviewed held similar opinions about the plant manager and all felt, in the right place at the right time, they too would want to harm this man.

This manager’s passion was to achieve results, while his motivation was to achieve recognition. What mattered more than any personal problems of any of the workers who answered to him was the ultimate achievement of

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specific goals. These accomplishments were realized through manipulation of supervisors and unsympathetic handling of personnel difficulties. In this case, the emotions of this victim were tied directly into the performance of his job and the subsequent rewards, which substantiated his self worth. Thus, assessors should realize their function in conducting an assessment is to not only determine the potential of violence as it may pertain to the victim, but to clarify the contributing factors toward the total risk potential, especially within a specific environment or organization.

Other contributing emotional concepts include the family’s support or lack of it and how this may be reflected by either victims or instigators in their need to feel a sense of worth. While the primary focus of the assessor should be that of the influence of a specific environment and how two people interact within that environment, additional influences must be considered in determining how outside influences can affect the environmental stimulus. Family environment, therefore, must be considered, because the culture we live in suggests this is an important aspect that can indeed have a profound effect on a family member’s character.

Obtaining information regarding family support or involvement in either victims’ or instigators’ lives may not always be easy. The answer to these inquiries by the assessor is often guarded, or it may be information that is unknown to outside witnesses. However, sometimes even the lack of such information can prove useful. “Gee, I never hear him mention anything about his family, but I think he is still married with a couple of kids,” can suggest a lack of emotional ties or compartmentalizing. It may further be reinforced if the person interviewed adds almost nothing more to the picture by responding with, “My family life is just fine.” This suggests the necessity for a follow-up question such as, “That’s great, can you explain what that really means?” to obtain any valid or significant information. This may liberate notable data to substantiate strong family ties. On the other hand, your questions may develop a sense of despondency or dejection over the issue of family that might open the door to further exploratory understanding of this relationship and thus provide insight into emotional problems that might contribute to the overall dynamic between the victim and the instigator.

**Case History**

For example, an exemplary employee for more than 23 years was working at his position in a manufacturing plant when his work was stalled because his machine broke down. The protocol for this organization was for the operator of the machine to request maintenance to come and repair the machine and to wait until the repairs were completed before continuing with their work. This employee was very conscientious and had a passion for trying to turn out the best product within the confines of his time allotment. Every time
he operated his machine, he was motivated to meet or even beat his expected quota. This breakdown caused him to demonstrate extremely agitated behavior and frustration. He finally went to his supervisor and said he had called maintenance four times in the last 4 hours, was consistently told they were busy and would respond when they could. He declared he was ready to “bring his gun in to show maintenance he meant business.” This long-time employee was fired on the spot for his comment.

The company was concerned over the threat of violence and asked for a threat assessment in this case. None of the usual red flags were evident through background checks, interviews with others and review of work history. A personal interview with this now ex-employee did reveal he had recently been served divorce papers by his wife and had just found out the day before he made this “threatening” comment at work that his only son had an incurable form of cancer with a prognosis of less than 6 weeks to live. He was reinstated with behavioral guidelines, but this example clearly points to the emotional power of family and its contributing factor in considering potentials of violence.

Status plays a role in this consideration as well. If victims who are in positions of management believe their role within the organization demands they receive a certain amount of respect and appreciation automatically, and their previous relationship with instigators has been as equals, this could present levels of animosity and antagonism between the two. If the victims need to feel the power of control through their position, instigators may find this frustrating or develop resentment, especially if there was a prior friendly relationship. If there was no prior relationship between them, this role may cause irritation and dissatisfaction on the part of the instigator that may develop into a dislike or even a professed hatred.

Thus, the emotional attachment to victims’ status should be considered through interviewing them and asking directly what is their role and what is their expectation of that role within the organization. It should be asked of others also, “How do these victims present themselves in their current position and have there been any changes noted in the last few months?”

Psychological Concepts

There are copious sources of psychological explanations and theories that can greatly enhance the assessor’s understanding of these traits. Therefore, only a general grouping of the more common characteristics based upon these authors’ experiences is presented.

The Domineering Victim

This includes those who intimidate, browbeat, bully, come across as officious or simply have a dominant personality. (It is certainly descriptive of the
personality previously mentioned in the earlier example wherein everyone wished the manager ill will.) They may either suggest a possible threat of violence is way out of hand and the instigator should simply be removed or they present a state of denial, suggesting that they have no idea why this is occurring. They often have little time for interviewers and may demonstrate little concern when questioned. They may actually have little knowledge of any instigators or seem to be predisposed to cast a bad light on them in almost all aspects of their environment (work performance, co-worker interaction, etc.).

With this type of personality, the main task for the assessor is to allow victims to perceive they are “winning,” as this is their primary stake in their behavior. Approaching most victims as if we were preparing to “dance” with them allows great latitude. Assessors wish to lead, yet they must have the cooperation of interviewees to allow the dance to flow, to have it appear effortless and to conclude with their experiencing a satisfied, harmonious interaction. But domineering victims have their own ideas. Your skill in adapting your interview to facilitate fluidity can make the difference between having a wonderful experience vs. getting everyone’s toes stepped on. Thus, the first trick is getting this victim to engage with you, as they are more accustomed to giving orders than interacting with peers.

After you have explained your mission and who you are, open the dialogue by suggesting that you have already established that they are somebody or have achieved something (everyone appreciates compliments and, once heard, the listener has a tendency to listen for more). Tell them you heard from others that they are remarkable supervisors and that you know this situation must be terribly stressful. Or, if you are aware of a certain reward they have recently obtained, congratulate them on this and ask them something about it, such as how they worked toward that goal.

Next, it is important they understand your objectives and the specific role they play in this assessment. This is not the time to suggest that this victim may be a contributing factor, although this is highly likely with these types of victims. Rather, they should be made to feel it is their very ability to deal with others that will assist you in compiling valuable insights to piece together the necessary portrayal of the instigator to better understand the true potential level of risk, especially as it relates to violence toward them.

Since you have already subconsciously suggested they are a wonderful person, thus tipping their senses toward paying attention for more praise, they are eager to hear more. Now is the time to carefully phrase your questions in this interview to push them to describe observed behaviors of the instigator they may not have paid close attention to before. Make your inquiries as positive as possible, while suggesting to victims that only their unique insight can result in a true picture of the instigators. Take a few moments to visualize
your request of victims by making certain the explanations you give them are clear and thoughtful, yet solicitous.

For example, the interview may proceed as follows: “While disciplining subordinates is never a pleasant task, you have certainly observed many ways people handle your direction and correction.”

This suggests understanding of what one is supposed to feel about discipline — never easy, but necessary — so victims will feel less challenged. It also builds up their level of expertise by suggesting they have experienced many responses to their authority and a positive spin has just been proposed regarding their authority style by suggesting discipline is merely correction or direction.

“Can you help me better understand how Pete reacted when you were faced with resolving his difficulties?”

Now we are soliciting the victims’ help in understanding the instigators’ behavior while at the same time suggesting they were only trying to help instigators, not punish or chastise, which may often be the case. These individuals are often searching for answers to problems even more vigorously than you may be looking for yours. Unfortunately, many of the psychological manifestations of these victims are results of perceived successful coping strategies (e.g., masking behaviors) they have developed and learned over the years because they actually lack insight and confidence or the ability to feel in control. Hence, this process may give them exactly what they need — a different perspective with a viable option for changing the dynamics.

“I am going to be asking you a few questions today to which you may not have the answers or you simply feel uncomfortable answering them. I know your responses will help me tremendously, but also remember there is no right or wrong answer. The questions are important, but a guess or an unsubstantiated answer can prove more detrimental than no answer. After all, our primary concern is for your safety (and, to immediately mitigate any attempt for them to respond with some type of ’I’m not afraid’ answer) and the safety of those around you.” This type of explanation has now given them alternatives and, at the same time, has told them what you expect so they won’t have to deal with their own insecurities or feeling they may not be in control.

One last concern often at the forefront of dealing with such victims is their attempt to direct your questions, investigation or opinions about instigators. This is part of their makeup and, while at times it is annoying and even frustrating, using it to your advantage will prove more useful. “I appreciate that insight”, or “You may be right about that,” is a good beginning to your reply. Then finish with, “I just need to be sure I cover these issues with everyone so it appears I am being consistent,” or “I just need to make sure I look into this matter this way, under direction of legal counsel.”
Instigators, of course, may react to this type of victim in a number of ways, depending on their own psychological makeup. It is generally thought that victims like this tend to anger most subordinates and thus bring a lot of “threat” problems on themselves. Yet instigators may merely be frustrated with this type of behavior when it was directed toward a specific issue, thus giving the observant assessor the tools for a possible compromise. Or instigators may have a similarly domineering personality and simply feel they cannot back down lest they show others weakness and lose face. But, more likely than not, such instigators feel they have been wronged or treated unfairly and have taken the style of the victims as a personal affront. Thus, an important mitigating element here may prove to be in allowing instigators to understand an action on the part of the victims was a personality flaw and not personally directed only at them.

Additionally, it may require clarifying for victims how some individuals require a bit more explanation or personal attention and allowances should be made as we are all different. (Of course this style of victims will not readily accept this as “their problem.” Therefore, to be successful, careful construction of your explanation must include the valuable element of what's in it for them, e.g., increased productivity, improved performance, safety, etc.)

The end result of your interview and assessment when dealing with these types of victims may prove to be the most difficult part of the case as it often depicts the victims as bringing a lot of this action on themselves. And, as discussed, your conclusion must be as objective and exacting as possible, which may mean recommending ways of dealing with victims as well as instigators. But remember your role. It is not one of human resources or of legal counsel, but of assessor. While it is imperative that you understand many of the same rules and guidelines that must be followed by Human Resources, security, legal counsel and others, it is also just as important to outline the behaviors and issues leading to your assessment findings, so anyone reading such a report would reach the same conclusions. This will allow your client to understand what is going on in order to determine what additional tools or resources are necessary to deal with this.

The Fantasy Victim
These are people who see themselves as very important, superior, have a sense of entitlement, are exploitive of others, lack empathy and are perceived as arrogant. They are ambitious and expect others to bow to their wishes as they believe they are obviously better qualified to make the decisions. They can be charming and persuasive in order to get what they want and expect to be treated with special regard as they are entitled to their goals because they are truly superior. They differ from domineering victims in that they take the time to manipulate others to achieve their goals, whereas domineer-
ing victims have no time for this cultivation and merely brush others aside. Fantasy victims welcome the opportunity of dealing with you to prove their superiority and, since you were brought in by others who may be important for these victims to influence, they want a crack at conning you on to their team.

The difficulty here is the inappropriate, false, tainted or embellished information the assessor is likely to receive from them. While domineering victims may simply state the people you are inquiring about are of no consequence or have been a constant thorn in their sides, fantasy victims may also make up a story for retaliatory reasons, attention-seeking needs, attempts at manipulating you, or just because they need to feel special. Chapter 3 of this book makes suggestions about how to intervene and guard against this type of problem.

The primary focus of this type of victim’s “story” is due to a variety of defense mechanisms such a personality is using to avoid having to deal with reality. Hence, rationalization, grandiosity and fantasy play a crucial role in the daily activity of these individuals. Pointing this out will only be met with denials, as they have already repressed the reality so sufficiently they now genuinely believe their own fantasy.

Therefore, it is important for the assessor to understand, when initially addressing these victims, normal courtesies may be considered insulting. These individuals feel they are very important and they have already explained their situation and just need it rectified immediately. And, unlike the domineering victim, it is not a question of “winning” because, in their fantasy world, they always win. For example, it is immaterial that they might have been accused of sexual harassment by instigators, because they are above the normal rules and policies that are for the “common” person.

Approach these people by admiring their accomplishments and the control they have over their environment or organization. But remember, they are “special,” so trying to compare them to someone else or trying to bond by stating you can relate to some aspects of their success would only be perceived as an insult. Thus, building them up, as the assessor might try with domineering victims, will not be as effective. However, these types of persons welcome the opportunity to hear themselves boast and see others respond in an admiring manner as a golden opportunity to expand upon their grandiosity. So “dancing” the active listener dance with this type of person will prove the most beneficial.

Attempting to appeal to their concepts of what is best for their future or the future of the organization can prove futile as well. These individuals have already projected a fantasy future of high achievement and tremendous success and wealth. Hence, any reference to the actual mechanics of making this happen (“Since Mr. Jones [the instigator] has always shown a high level of
success in your department, perhaps reassigning his reporting procedures may prove to lessen the problem while, at the same time, assure you of maintaining a successful sales force.”) in order to try and mitigate the violence potential will fall on deaf ears. Besides, Mr. Jones was not a part of his fantasy, so why should he care what happens to Mr. Jones?

Instigators are generally feeling overly controlled and pressured by this type of victim. These victims have already fantasized the end results and that just leaves the grunt work to accomplish it. So they simply tell their subordinates where they are going (the goals to be achieved) and, as soon as this is expressed, they believe it is accomplished. If someone has a way of achieving the goal quicker and easier, they receive little if any credit for this accomplishment. But, if something goes wrong, it is fully the incompetence of the subordinates that are to blame. Hence, there is a lot of resentment and frustration on the part of instigators who are in a subordinate position.

The Ineffectual Victim

This includes those who may come across as delicate, fragile, inadequate, vulnerable, helpless, powerless, easily led, vacillating, soft, unconvincing or uncertain. They often seem like someone just asking to be picked on. Their character may be such that it becomes so frustrating or annoying that one would almost expect some form of negative response to their directions. Or they simply add to the confusion and misunderstanding of the organization or the department as they cannot establish consistent guidelines or boundaries. These victims usually represent the larger challenge to interviews by assessors as they are generally noncommittal, wavering and indecisive.

The key to the successful assessment with this type of personality is allowing them to perceive that you understand their difficulties and want them to lean on you. The immediate warning that must be expressed here, however, is the care that must be taken to not allow these people to become so dependent or reliant on your guidance and suggestions that any future inquiry that develops (perhaps an administrative hearing, a restraining order deposition, etc.) makes them sound as if everything they say has come from you — in one fashion or another. (“Well the assessor asked me if I ever saw John hit his desk or clench his fists and I thought I had to give him one or the other.” or “The investigator told me others mentioned seeing this behavior of John so I thought I was supposed to agree with him.”) Chapter 3 will give the reader more information concerning this issue.

While many investigators often begin their interviews by asking a victim to give them an overview of what has happened, it is even more important with this type of victim that an assessor make this their starting point. Generally, these victims are checking you out, trying to see if they can figure out what you’re looking for. When they “understand” you, it gives them a feeling
of safety and protection and a sense of direction, ironically often the very traits that cause uneasiness or anxiety in their environment or organization.

It is during this “overview” explanation that much of your work with this type of victim begins and successful results can be established. Remember, they are looking for clues from you as to what will be the most pleasing or “right” response. Hence, allowing them to explain everything with minimal interruptions and giving them looks of absorbed interest will go a long way to getting an understanding of their true perspective, untainted by modeling to fit their belief of what you want.

Their first run at this will never be complete or final, as they are too busy looking for clues from you. Be careful not to interrupt, even where there are facts you may need clarified or issues you may need expanded. This is a time where use of your active listening skills becomes important.

Taking notes is always important, but you must realize this style of victim will be noting every time you pick up the pen to write and deciding if what they had just said is more important to you than other statements. This is a distraction you cannot afford. You run the risk of forgetting something, but, on the other hand, you have not given any more weight to one thing they have said over another. By not taking the notes, or as few as possible, you are demonstrating your attention, which feeds the victim’s “need to please.”

After these victims’ dissertations, your response should be one of thanks and interest. If there still seems to be some uncertainty on the part of these victims, have them go through their story once more, only this time lead them, but in general terms. “So on Monday morning, you arrived at 8:00 a.m. and what was it you observed?” You would not want to say, “Did you say you saw John hit his desk or just shout?” Again, if possible, you may not want to be writing anything…just listen. Acknowledgment words such as, “Ah yes, now I understand.” or “I hear you.” are also helpful as they reinforce in the minds of these victims that you are listening to what they have to say and what they say has meaning to you.

Now you can go into your predetermined questions. Let them know you are not trying to put words into their mouths. You are conducting an assessment that requires the consistency of asking specific questions, many of which you do not expect them to necessarily have the answer to and many of which have already been answered by the initial story (this helps to subconsciously reinforce in the victims’ minds that they have pretty much committed to a certain answer if you can refer to that answer when you come to that specific question. This is important later and should not be brought up on the initial discovery). Further, it is important that they can supply specific examples of each of the reported observed behaviors asked about, since a pattern of behavior by the instigator is crucial to the determination of the potential risk of violence.

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The last bit of advice on this part of the interview is to try to ask your questions in as close to the reverse of the story as possible. Many investigators have long ago learned the value of asking a suspect to recount his story in the reverse sequence of his initial account. By so doing, the events that have been explained several times in an orderly sequence become more difficult to delineate if they are not genuine. We can all read a story when it is placed in front of us and, after reading it several times, can generally recount the story to someone else, albeit probably not exactly as written. Asking someone to then recount the facts of that same story in a reverse order becomes somewhat difficult, unless they really know the story and have recounted it numerous times.

The object then, of asking ineffectual victims to recount their story in reverse after they have given it to you in a chronological sequence is to determine whether the story they have relayed to you is complete or something they tried to tell you just to please you. It is true that recounting their story numerous times in a normal manner may allow them an easier time of expressing the facts in a reverse order. On the other hand, if the story is not really the truth, those areas that were untrue will probably be recounted incorrectly, out of sequence, or completely forgotten about. The intent is not to trip up this victim so much as it is to ensure they are consistent with their accounts. They have gone forward in their minds with a specific sequence of events — perhaps even two or three times — hence the brain “computer” has been programmed to respond with a particular retort when proceeding this same way. But, if you turn it around it requires the brain to “put on the brakes” a bit and can prove quite revealing by illuminating information that was left out or uncovering attempts at eliminating uncomfortable details.

Another character trait not uncommon for these types of victims is to hesitate a little longer than usual before answering your question. Alternatively, they may have uncharacteristically long pauses during the actual answer they are giving. While they may truly be trying to determine the correct answer to your question, the likelihood is that they are probably trying to determine how to answer in a way that will most please you. If this occurs, to avoid misunderstandings while obtaining the best information possible, ask them to describe a definite act or behavior presented by the instigator that addresses the problem or concern raised by the question. If their account is more incorrect or fabricated than true, they will have difficulty supplying such an example — if they are capable of providing one at all.

Remember, they want to please you. So, continual retorts of “no such behavior” cause them to feel anxious or frustrated, since their perception is that they are not able to give you what you want. Hence, it would be wise for the interviewer to occasionally remind the victim that the design of these questions is to reveal patterns of behavior. Because one question may not
produce a notable behavior example does not mean other questions will not yield sufficient information to make these deductions.

Finally, going over the whole story once more can prove very beneficial with this type of victim, making sure it is they who are doing the talking and you who are doing the listening. Now it is appropriate to be referring to your notes, if you have taken any as they are explaining their account. Be cautious of the style in which the questions are asked. Tell them it is for clarification, as you want to be sure you understood the answer. This is also the time to clear up a discrepancy, making sure you pref ace it with acknowledging this is something you were not clear about.

Of course, there will always be that time when you become aware of a discrepancy and you really need to confirm what they just said — now, instead of later. It is still wise to go to at least several other questions first and then return to the inconsistent point. It’s as if you were the famous television sleuth, Lt. Colombo. “I have to apologize. I thought I recall you saying you saw John hit his fist against his desk.” (The way the victim first reported it.) “I don’t remember when I heard that but didn’t you just say you never saw John hit anything?” (The last thing the victim said.) “I want to make sure I have this right, can you explain this to me once again?” A soft inquiry and tone for this type of question, especially for this type of victim, will reduce the likelihood of the person feeling “caught” and reacting defensively.

The “Nice-Guy” Victim

This is the person who may appear orderly, organized, on top of things and friendly upon the initial meeting. Unfortunately, not wanting to “offend” anyone, his or her style lends itself to an independent or self-governing style within an environment or organization. Some people can handle this, as it can allow for more individual creative freedoms. Others find it difficult to operate under this leadership, as there are few boundaries and inconsistent levels of accountability.

When considering this in the specifics of a work environment, this is often further complicated when it’s actually a “peer” of the victim who presents this style, not the actual primary victim and this peer is supposed to be supervising the instigator. While this peer may easily end up a secondary victim, frustrations are easily mounted on the part of the victim when the “nice-guy” gives no response or reaction to the instigator’s bothersome or inappropriate behavior. This position makes it difficult for victims to intervene and allows instigators to feel they can continue with their threats.

For this section, let’s concentrate on the assessor’s trying to deal with these psychological concepts belonging to the actual victim. This is probably the easiest type of interview as these people want to be thought of as very
helpful and likeable. It is not so important that they please you as it is for the ineffective victim, but they do want you to know they are aware of what is going on, that they are in charge and they can give you whatever you want. The key to dealing with this type of victim is to start out by making small talk to find the common elements in which you and they can bond (both enjoy fly fishing, bowling, etc.). Then you allow them to feel as if they have truly scored some points with you, (“Well, Jack, you certainly know how to tie those flies. You’ll have to give me some pointers later.”) and then solicit his assistance, (“I can sure use your insight into this). Unlike ineffective victims who are still going to be carefully muddling through their thoughts to tell you what they think you want to hear, the “nice guy” victim has now been reassured you see him as a nice guy, that he has the ability of getting you something and that he knows what is going on (both on a personal level with the flies and a professional level with his insight into this problem).

The same general rules still apply with this victim as other interviewees. Ask behaviorally oriented questions and ask for behaviorally explained answers with examples. The same cautions need to be explained; there is no right or wrong answer and, because of other interviews, a pattern of behavior will unfold that should be consistent, i.e., they should report only what they have actually seen.

The hardest element in dealing with this type of victim is generally convincing them to explain all they are aware of, as they often feel they should hold something back. This is because they think people they interact with will think less of them if they reveal certain information so they will not be thought of as the “nice guy.” They also fear they may reveal to you that they are not as organized or on top of things as they want you to perceive. Hence, developing an alliance with these victims is very important. Similar to the ineffective victim, you must guard against their believing you’re trying to become their next best friend. But, with “nice guy” victims, because you have let them know you share some common interests, they can often move past their concerns. This can be even more emphasized by your telling them you share their concern over the welfare of all others in the environment — including instigators. Telling this type of victim that by discussing this matter to its fullest, you can assure them others will be appreciative in the long run (validate that they are “nice guys”) and instigators will get the proper help or assistance they need (another “nice-guy” thing to do).

The psychological aspect of the instigator toward this type of victim is generally one of frustration over not having clearly defined limits and boundaries within the organization. We all like to feel we have a certain amount of control in our lives and understanding what is expected as well as the consequences for straying outside those margins can bring a certain amount of tolerance to the table, even if personalities do not see eye to eye. Looking for
ways the instigator can gain back some of these “controls” while at the same
time providing understanding of these concepts to the victim may prove
useful in dealing with this aspect of elevated risk.

The “Romantically Involved” Victim

Oftentimes, these victims may actually be catalysts for instigators. It is not
unusual to find that they have been psychologically (put-downs, name-call-
ing, etc.) or physically (hitting, slapping, etc.) abusing instigators prior to
instigators taking any action. In fact, this was a common belief shared by
many (“She probably brought this on herself.”) until research and common
sense clarified the actual issues. But it is important to enter into the assess-
ment process understanding this element — not that it should in any way
diminish the act of violence potential of the instigator, but victims may have
originally placed themselves in this position, albeit unconsciously.

These individuals are often seen by many as warm and affectionate.
Frequently, however, they are actually quite fearful of the outside world and
insecure, preferring to be taken care of by someone else. It is important to
realize that the connection in such a relationship — the association of this
type of victim and an instigator — is most often independent from sexuality.
That is not to say sex never plays a role in the association between instigators
and victims, as it is often stated initially that it was a driving passion that
brought them together in the first place. However, there are plenty of exam-
ples of what could best be termed nonsexual love in the stalking literature.
Our role is to consider the process, hence the passion may be sex, but the
motivation may be one of control, or of needing to be controlled — or both,

Perhaps even more simply, the relationship may be based on needs, each
fulfilling the other’s (“I have what you need and you have what I need.”)
through exploiting and or taking over or attempting to confine the other —
thus the passion. However, the ultimate satisfaction requires the achievement
of the underlying driving force — the motivation — and, in this case, it is
one of pleasure or control. Therefore, the issue of sex does not have to be
involved.

This is important to the assessment process, as the problem develops
when these needs are not met. While often clinically shown how lack of a
parental role or character may have contributed to this difficulty, the main
issue for the assessor is breaking down these motivational factors in order to
best categorize the potential for violence. For example, if Mary from our
earlier example (Mary and Ronnie who lived together until Ronnie got too
physical and Mary then moved out) is indicating she and Ronnie initially hit
it off, had some similar interests and the sex was so phenomenal it was the
deciding factor in their decision to move in together, the assessor should visit
this concept to determine the strength of this bond. While sex can be an

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extremely compelling physical as well as psychological component to any relationship, this basic animalistic need can be resolved in an easier setting than a relationship gone bad. But concern should be felt if Mary outlines that she felt comfortable with allowing Ronnie to “take charge” of their every day activities; that she felt it was “cute” as well as reassuring to forget her cell phone at her desk and return 10 minutes later to find 15 messages from Ronnie asking her where she was; and that the reason she left without telling Ronnie where she was going was the fear she had for her safety as he becomes extremely volatile when he thinks she is not readily available. “He told me his mother had left their family when he was very young and his father didn’t handle it very well, so I just thought it was some old issues … but not a big deal.” Unfortunately, for the assessment process, this can be a “big deal,” not only for the victim, who the instigator may now decide has abandoned him as well, but also for anyone he believes may be standing between him and the victim and his “needs” to take back this control.

There can be a similar predicament involving “romantically involved” victims in the case where they do not even know the instigator. Unfortunately, pictures of the victims and stalking behavior to watch them both reinforce passions of instigators. If there is no actual contact, the assessor must then attempt to determine the motivation of instigators by reviewing the literature (e-mails, letters, etc.) left for the victims. Where there appears to be a strong sense of entitlement by the instigators, and the victims present an even stronger sense of putting distance between themselves and the instigators, the instigators may interpret this as abandonment. The level of violence depends now more on the psychological makeup of the instigators, but, in some cases, this so-called rejection can be a precursor to violent anger.

A more common example occurs with couples who date a few times and eventually one of them decides the other is just not for him or her. Have the people who have made this decision caused the other people to feel put-down or rejected? Or have the people who were asked to not call anymore taken an angry approach, blaming the others for all their problems and now leaving them harassing voicemails at home and at work? This is important in the assessment process, as there are concerns if the focal point of the anger is the other person.

Here, the assessor should try to determine how the victims perceived their relationship. Was there a feeling of equality or did the victims resent the instigators? If so, these instigators may have begun having similar feelings toward the victims, which would be a good follow-up direction for questions such as, “Did you ever get the feeling they were frustrated or irritated with you?” to determine whether the instigators had been showing any signs of anger. Or did the victims feel bored on their dates or just found the instigators uninteresting, again suggesting the need for further review of the instigators’
behavior as observed by the victims. If instigators were seemingly oblivious to this lack of interest by the victims, they may feel that such a dramatic closure of this relationship was uncalled for, and hence, harbor a great deal of animosity toward the victims.

And what if victims indicate they felt the instigators were just real downers? The victims describe their “dates” as disasters because, whenever they would try to do something, it seemed that the instigators were never very good at whatever it was they were trying to do (play miniature golf, go-cart racing, etc.) and the victims would tell the instigators this. The victims also report that the instigators would often belittle themselves, or put themselves down over their inadequacies. The concern here is, if such instigators are prone to feeling shame, as this example seems to indicate, the action by the victims may now have confirmed these feelings of shame, and the instigators now feel worthless. Trying to avoid this terrible feeling, the instigators can transfer blame to the victim, and thereby avoid feeling ashamed.

Again, the importance of trying to determine the mindset of instigators becomes equally as important as delving into that of the victims in these cases. However, often the only data available to the assessor is what the victims can supply. Thus, the assessor must carefully interview the victims to try to piece together the dynamics of the relationship in question to better ascertain the potential toward violence.

The Criminal Victim

There are those who fan the fires of violence. Just as there are victims who enter into a scheme to make money that is not necessarily legal and find themselves at an unplanned deeper level of criminal intent, there are those who purposely oppose individuals demonstrating aggressive tendencies with the intention of further irritating them, thus triggering the violent act. Certainly, these victims must be held accountable for their inappropriate deed. But, just as degrees of negligence determine the amount of liability a person may be subject to, so too should the degree of involvement a person has in the process of violence be an integral consideration in the assessment process. The assessor should therefore be mindful of this style of personality.

These victims generally present an irritable and aggressive style of personality. They seem to always be looking for a fight, verbal or otherwise. They have a constant problem at work getting along with others and challenge supervision every time any change is implemented, discipline is enacted or correction is suggested. They seem to care nothing for others and are always indifferent toward the possibility of other people getting hurt or mistreated.

The assessor should first determine at what level these victims can be approached, because part of the difficulty is their belief that lies and deceit are completely acceptable behavior. Questions concerning their perception
of their status in life can thus prove extremely useful. If they feel they have not been treated fairly, that the instigators have received more than their fair share in some situation, then an additional label of jealousy can be applied to this personality. Once this is understood, the assessor should realize the primary driving force — their passion — behind their reports is desire for retribution. Their motivation, or ultimate goal, is to receive compensation for the anger and resentment they feel — they want to feel in control. And what better way of achieving this feeling than causing the instigators to lose control and commit an inappropriate act.

These people could also be motivated by the need to be noticed, the need to be feared and thus the need to have everyone show them the proper respect, whether deserved or not. These individuals will do whatever it takes to make sure others back down and will demonstrate very aggressive forms of antagonism and belligerence. The assessor should be mindful with this style of personality that these individuals are actually acting this way as a defense, hence, the assessor should not challenge their self-made reputation. It is likely the victims did challenge this perceived status and therefore, the instigators will declare that the victims are out to get them with untrue stories of inappropriate actions.

Although understanding some of the common criminal victim types, the assessor is still left with approaching this personality with the same objective intent as with any other interview because a determination of the potential for violence is still in question — although, in this case, it may more likely be by the victims than by the instigators. The assessor should also understand that this personality, although disrespectful and challenging in nature to authority, does appreciate the constraints those in authority can enforce. The assessor should operate from this realization, re-affirm the level of deference these characters feel they are owed, yet remind them of the necessity for facts and behaviors that can be consistently substantiated, lest disciplinary procedures be initiated against those reporting false information.

**Summary**

Are there other “victim” profiles? Of course, as there is always the “perfect” victim who seems capable of telling you everything you need to know in an extremely objective and descriptive style. There is also the extreme of the ineffective victims, previously described, who, because of a lifetime of low self-esteem due to social failure and “victimization” among their peers, begin to identify with the instigators until these victims believe whatever treatment they are receiving from the instigators is appropriate.
It is also important to note that all the victim types discussed in this chapter can easily be found in the workplace. But this text is about looking at a process, applying that process to the dynamics of the interactions concerned and deciding how best to approach and assess those dynamics to determine violence potential. We want to try to correlate our experiences into some form of valid research or method and then ask the reader to help us improve what we have discovered and shared. Only through the sharing of what is being done with those who develop the theories and explain the causes, then comparing their experiences, research and studies with ours, can we ever hope to better understand this thing called violence.

Remember the “golden rules” until you have comfortably figured out a particular victim’s style and then try some of these ideas:

- **Listen** — sometimes they feel no one else has.
- **Don’t strive for the power** — you’re there to collect data.
- **Be a mirror** — if you reflect sincerity and concern, generally so will they.
- **Ask behaviorally oriented questions** — and get examples.
- **Be yourself** — Someone who is emotional (that includes most victims, even those who are lying) is very aware of someone else who is uncomfortable around them. You achieve more results being yourself in the long run than trying to be just like either of us.
Information Gathering

Introduction

Information is the central axis of all violence assessment, and behavioral information is the most important information of all, because “actions speak louder than words.” The depth and accuracy of the information that is obtained is directly correlated to the quality and accuracy of the assessment. In every assessment, a dynamic balance of time, resources and intervention must be reached and maintained for optimum safety. This means that the information gathering process will be done under varying degrees of pressure, usually intense.

While the push in a situation involving the possibility of violence will be to “act” as quickly as possible, information gathering does not appear to be acting. However, nothing could be further from the truth. In violence assessment, we try not to set events in motion that we cannot significantly control — like the medical profession, first we try to do no harm. A rush to action from limited information increases the likelihood of making some type of operational or tactical mistake. The information in this chapter will help speed the information gathering process, while also increasing the quantity and quality of the information gathered.

Information can be gathered from three general categories: people, records and forensic evidence. For the purposes of this chapter, the focus will be on gathering information from people and records, the sources most often used in violence assessment.

Once the information has been gathered, it must be organized and analyzed for the purposes of assessment. In terms of organizing data collection, we have found that some forms and question outlines can be very helpful. Therefore, in the appendix to this chapter, we have included forms A through E, which will help keep track of incident management team (IMT) contact information, incident flow and victim, witness and instigator information. We have also included a witness interview form in the appendix to Chapter 4. In regard to analysis of information, we have found that the use of metachronologies, or several different chronologies woven together, to be the best method of organizing information for assessment. It not only provides for a natural format for behavior-related data, but this type of organization more easily enables cause-and-effect analysis, which is also helpful. We will discuss this under the Information Organization section later in this chapter.
During the information gathering process, it should never be forgotten that, prior to seeking information from any source, we should consider how the process of gathering information from that source might change the violence dynamic. That means weighing each source of information for value on a risk or reward scale and determining what adverse consequences might arise from approaching and interacting with that source of information and whether the information we might obtain justifies the risk. If the initial assessment is that the benefit does not outweigh the risk, we do not approach that source. If the assessment is that the information is of sufficient importance, then the next step is to plan the approach and the information gathering process to minimize the possible adverse consequences and maximize the quality and quantity of the information that we receive. In other words, develop a well crafted information gathering strategy prior to approaching the source. Any time spent on planning usually returns a premium over the initial investment, either in time saved returning to the source(s) or in managing events that can arise out of a poorly planned interaction.

An example of this information gathering strategy can come up in cases involving domestic violence or violence in the workplace. In a domestic violence scenario, a current boyfriend or husband may threaten a woman and information gathering from public records reveals that this individual has a prior girlfriend who has filed a restraining order or other case against the instigator. The question arises whether approaching this prior victim would be of value in a violence assessment. Certainly, depending on the type of information that is already on file, we may wish to contact them, as they might be a rich source of information concerning past behavior (e.g., past use of violence, family relationships, medical conditions, criminal history, mental health, weapons use, substance use, etc.). However, what are the risks in making such a contact? Might the former love interest warn the instigator out of love, fear or revenge? Would the information be reliable or tainted? If the instigator were to learn of the contact, how would he react? Would it escalate or de-escalate his behavior? Toward whom? Would he believe that we were “hunting” him and would that justify in his mind an escalated response against the current love interest or organization the violence assessor is trying to help? All of these questions should be considered prior to deciding whether to approach. A similar situation arises concerning the behavior of employees in the workplace; should we contact their former employer? A similar process of consideration should be followed before action is taken.

In general, records research, with the exception of records that require notification of the subject, such as when obtaining permission to run credit reports, is the safest form of initial information gathering that can be done.
Once the process involves talking to people, each person becomes a possible source of process exposure and elevated risk.

**Interview Structure**

Violence assessors must develop an interviewing style that is compatible with their individual strengths and weaknesses. However, in addition, each assessor should incorporate new methodology that might maximize their effectiveness. After more than 20 years in the field, we were introduced to an interviewing methodology called Enhanced Cognitive Interviewing (ECI),\(^1\) which incorporates several elements of our normal interviewing process while adding some valuable tools. ECI is a semistructured interviewing process that makes use of the knowledge obtained from hundreds of human cognition and interviewing studies. It is meant to allow investigators to interview victims and witnesses in a way that increases the quality of the information that these sources provide, while decreasing the need for follow-up interviews and the likelihood that inaccurate information is being given to the interviewer. The ECI process is broken into seven stages:

1. Greet the witness and personalize the interview; establish rapport.
2. Explain the aims of the interview.
3. Initiate a free report.
4. Direct questioning.
5. Varied and extensive retrieval (if necessary).
7. Closure.

We would encourage every reader of this book to learn more about ECI for the benefit of their work, but even if you choose not to use ECI, it is important to learn how people encode information into their memories and how interviewers can enhance their ability to retrieve that information without tainting it. Some important points we picked up were:

The neurophysiological ability to retrieve information from memory is reduced when people feel anxiety. So anything we can do to reduce anxiety by enhancing rapport will increase the quality and quantity of information from a neurophysiological perspective. This includes greeting people by name, telling them who you are and why you are talking with them and, at the beginning of the interview, investing time in letting them talk about the things most important to them.\(^2\)

Avoid creating a question-and-answer dynamic with victims or witnesses before they have been able to tell their whole story from beginning to end, because interrupting the narrative significantly reduces the amount of information that is learned. That means not asking for personal or contact
information from them at the beginning of the interview, or interrupting the interview each time you have a question about what they said at that moment. Instead, let them provide an uninterrupted free narrative of their information, then use their own words to go back and explore what they meant. As an example, if victims said, “Then he hurt me,” make a note of that and, when they are finished relating the narrative, you have a list of questions from what they had said to return to and clarify before continuing with other questions. The question for the above statement might be phrased like, “When you mentioned what happened in the kitchen that night you said, ‘He hurt me.’ What does that mean?” This gives people a chance to clarify using their own words, including correcting their statement, if necessary, without creating a question-and-answer dynamic. You learn what “hurt” means to them (e.g., stinging slap, punch, kick, teeth knocked out, etc.) without coloring the testimony. If such victims were then to say, “He hit me,” a follow-up might be, “Tell me about that,” rather than “Did he punch you, kick you, slap you or what?” See more on this in the next section.

Be careful about how you phrase a question to make certain you don’t skew the answer, such as the difference between saying, “Did you see the blue car?” and “Did you see any vehicles?” The first question raises several barriers to the witnesses’ information because they may not have seen any vehicles, or seen a truck, or seen a green car, but the investigator is “saying” by their question that there was a blue car, so the witness may say no and decide not to say anything else or they may say yes to please the investigator or to get the interview over more quickly. Regardless of the reason for their answer, valuable information was lost that the second question has a higher probability to reveal.

Studies have shown that police investigators who used the ECI format spent more time during each individual interview, but spent less time overall on the investigation, because of the enhanced quality of the information obtained during the interview process and the reduced need to follow up with the interview subjects.

**Interview Sources**

Your interview sources can be grouped into subcategories of victims, witnesses, collateral informants and instigators. In our assessments, the two most important sources of information are the victims and the instigators. Witnesses and collateral informants are essential for providing information to corroborate or enhance information provided by the victims or instigators, but the direct information provided by victims and instigators concerning their individual dynamics and perceptions of each other provide the richest source of information that can be used for projection of future behavior and, therefore, intervention planning.
Victim Interview

It takes a victim and an instigator to create a violence dynamic, and that dynamic is what we need to understand before we can successfully intervene. The victim is usually the first person to be interviewed, which has some distinct advantages. Interviewing the victim first offers an opportunity to not only learn about the chronology of the violence process, but also to begin the process of building a relationship that will allow monitoring of the situation in the future and tracking of any boundary probing or escalation. If a relationship cannot be successfully built with the victim, opportunities for continued intelligence are diminished, which will lead to decreased opportunities to alter intervention strategy and successfully de-escalate the violence in any given situation. This would force an increase in surveillance of the victims’ activities (e.g., monitoring voicemails, e-mails, visits to them at work and home, etc.) to maintain the same level of intelligence and strengthen the possibility of knowing of any inappropriate attempt to approach or contact the victims, which adds an additional burden to resource use (e.g., time, telephone, transportation, etc.). Thus, successfully building a relationship with victims increases the likelihood of success for the process, while decreasing the use of limited resources necessary to succeed.

Some readers may now be thinking that they do not have a responsibility to work to gain the victim’s trust. The thinking is that this is the victims’ problem and, if they do not choose to cooperate, then they, the victims, have the most to lose. This is only partially true. These thoughts are particularly comforting in situations where resources are limited and caseload is abundant; however, this is not a justifiable position, merely an attempt to make the assessor feel more comfortable. If you are responsible for these victims and they get hurt, you pay a price emotionally, psychologically and, possibly, in your career. If you are doing this work and trying to do it well, you know that victims have their own perspectives and their own motivations. You know that they may be reluctant to tell you the truth and follow your advice. They are going to do what they believe is best to protect their safety, even if they are wrong and their choices elevate the possibility that harm will come to themselves and others. However, in most cases, you will still be held responsible if harm comes to them. It is the nature of the work. Consequently, it is in the best interest of both victims and violence assessors that a relationship be established that enhances communication and the likelihood that the victims will follow your advice to increase the probability of a safe outcome for both. For the violence assessor, it might be considered enlightened self interest.

Following the ECI style of interviewing, we normally introduce ourselves in a very quick way and then turn control of the interview over to the victims. It might go something like this, “Hello (name of victim), my name is Jim
and I am a consultant to human resources on sensitive personnel issues. I have been asked to help understand this situation and provide advice about how to resolve it safely for everyone. Why don't you tell me what you think I need to know?” No matter where they go from here, I am learning about:

- How they think
- How emotional they are
- Whether they seem to be telling the truth
- Whether I believe they are experiencing any cognitive distortion
- What they are sensitive about
- How they process the world (the order of importance in seeing, hearing, tactile or kinesthetic input)
- What is their preferred mode of expression (e.g., emotional (feeling) or logical (thinking))
- What is their body language (for use in mirroring), do they exhibit any tells (e.g., involuntary body movements that can be tied to particular actions, including attempts at diversion or deception)
- What is their rhythm and tone of speaking (so I can begin to mirror it to enhance rapport)

In addition to learning this information, the interviewer is giving the victim a sense of control, something most victims have lost or have begun to lose as their fear increases. This reinforcement of their sense of control can help reduce their anxiety, thereby decreasing their emotional level, which increases their cognitive functioning and their ability to remember what has happened and in what sequence. High emotion is known to decrease cognitive processing.3

After the victims have had an opportunity to divulge, in their own way, all the information they think the interviewer should know, the interviewer then goes back and asks them clarifying questions concerning what they have related. The questions should be as general as possible and care should be taken not to, by tone or action, imply any doubt in the information provided. An example of this might be that during their dialogue, they stated, “Then he hurt me.” If they are interrupted at that time and asked a clarifying question, the interviewer is taking control of the interview and breaking the rhythm of their account. This would not only disrupt their developing sense of control, but it would disrupt the interviewer’s ability to let them show how they link ideas and concepts. The interviewer should wait until they are completely finished with their account and then, referring to the notes made during the recital of events, would ask a question using their exact words, such as, “You mentioned he hurt you?” indicating by question and tone of voice that they should provide more information. If they just say yes, the
interviewer would then say, “Tell me more about that.” What we should be getting from victims are the exact actions and words of the instigators (behavioral information) in response to what was said or done by the victims, to the best of the victims’ capability to tell us. What, exactly, instigators said or did, in what sequence, in response to what stimulus, provides us the richest possible understanding of that moment in time. Hitting people with an open or closed fist, hitting them once or repeatedly, hitting them while they are down on the floor, walking away at some point or continuing to hit them until exhausted — all such details provide important information to the assessment process concerning that particular incident, how they might relate to prior incidents and what might happen in future incidents.

Once interviewers have clarified all the questions they had from the victims’ account, they will then progress to questions that have not been touched on. These questions cover a range of behaviors that have been linked to violence by scientific study and the experiences of violence assessors to the present time. These questions will include:

- The instigators’ and victims’ relationship history, if any
- The instigators’ and victims’ criminal history, if any
- Their respective past histories of violence, if any, including their history of violence together, with other partners, family members or in the community, if any
- Their use of alcohol and drugs (both prescription and nonprescription)
- Their interest in, training with and use of weapons
- Medical history, including mental health, diagnosis and treatment and any history of head trauma
- Employment histories, both instigators’ and victims’
- Future possibilities of contact: when, where and why

After interviewers have completed this portion of the interview and have clarified, once again in the victim’s own words, any questions they might have had, it is time to move on to the next step of the interview process. If interviewers still lacked certain detail in important areas, they might use a change-of-perspective technique (e.g., reverse chronology process, activation of other senses (smell, touch, hearing), etc.) in a particular part of the narrative to stimulate different parts of the brain to reveal other memories. If there are no unanswered questions, they would move into a summary phase, where interviewers would tell victims that they wanted to make certain that they understood what they had been told, so it would provide a complete account of what the victims had told them, starting at the beginning of their chronological knowledge of the events and the instigators through to the present moment. Before interviewers begin the summary, they should
encourage victims to concentrate and to interrupt at any time the summation did not state what they wanted to communicate. It is very important to tell them that it is common for them to remember new things and that they need to correct any mistakes, because it could affect the accuracy of the assessment and, therefore, their safety. If victims are not given permission to add new information or correct the interviewers’ account, they most likely will be reluctant to do so, because they might believe it will appear that they had not been initially truthful with the interviewers.

After the summary narrative is completed and the corrections made, wrap up with any formal written or verbal statement from the victims, assuming that one is desired.

Finally, close the process with them by capturing any future contact information and any personal information that would allow the interviewer to complete their report or file. Return interviewees to a neutral emotional state by answering any questions they have on how the process will proceed, encouraging them to contact the interviewer with any information they think of in the future, telling the interviewer of future contacts with the instigator and asking permission to contact them in the future if there are any further questions. If they say they do not want any contact in the future, then the interviewer has failed in a significant way to establish and nurture rapport.

Taking Notes

Finally, let us address the idea of note taking. All assessors will have their own style, but our preferred style is taking “burst notes.” These are phrases of exact language captured in quotes, if possible, in a time-delayed manner — that is, written with no correlation to their speaking. This leaves the interviewer with pages of quotes, in a chronological order that reflects the flow of the interview, but does not allow interviewees to learn, by watching the timing of the writing, what the interviewer finds to be important enough to capture or not. Some interviewees will talk very quickly and, if interviewers hurry to write down what they said, they may slow down and wait until the writers catch up. Therefore, burst-note taking helps us to recall the flow of the interview and capture critical information in the subject’s own words, while minimizing the possibility that the act of note taking will influence the interviewee in a way that negatively impacts the process. Interview mechanics should be managed so that they do not overshadow content.

This also raises the question of whether interviewers should ask permission to take notes. When video- or audiotaping an interview, legal requirements generally obligate interviewers to notify the subject that the interview is being recorded and, in most (noncriminal) cases, to seek their permission to tape the interview. However, note taking is another matter, and there is no need to request permission. Some professionals believe that asking
permission to take notes gives interviewees a needed sense of control and therefore helps to establish rapport. But what do you do if they say no? You either have to convince them to change their mind, which can devalue their sense of control or you must have an extraordinary memory for detail or risk a confrontation by explaining that you need to take notes anyway and your question was only a social courtesy. This is an example of a general theme in our assessment process; if at all possible, we do not want to allow ourselves to initiate a process we cannot control. Lawyers are taught to never ask a question of a witness that they do not already know the answer to. This type of situation is congruent to that advice. Notes are a vital part of capturing all the details obtained during an interview and having those details available in the future for possible use in a variety of venues in which extemporaneous notes are an important evidentiary item. Notes are also going to protect interviewers from allowing new case facts to mutate the information provided by any individual witness, allowing for comparing and contrasting accounts given by various parties. Finally, our notes are the basis for defending our actions in the future, by showing an appropriately diligent investigative style of practice that can be relied upon for accurate information. Memory alone, particularly across a normal caseload, is not adequately defensible.

Taking notes can make interviewees uncomfortable, so keeping the note pad tilted up in your lap so they cannot see the notes being taken diminishes their awareness of the process. In addition, during very sensitive narratives, or when it appears that they are reluctant to say something, interviewers can suspend note taking so they know the interviewer is paying attention to them and not just writing it down. This suspension of process usually encourages them to continue. Also, if some interviewees ask you to stop taking notes during certain parts of the narrative, a good reply is, “I understand. I will stop for now.” Notice that we did not say, “Okay, I will not take notes on this,” or “Okay, I will stop taking notes.” Either of these answers could imply that we would never write down what they are about to tell us and could, therefore, raise questions in the future that could taint the process. Interviewers can just draw a box on their note pad and go back later to fill in what was said during that part of the interview, returning to normal note taking after it is believed we have passed through the sensitive part. In this way, you preserve the rapport during the interview, but do not sacrifice the accuracy of the information in your notes or allow the interview process to be compromised.

The Witness Interview

Witness interviews should be handled in the same general manner as victim interviews, however, the interviewer can usually be a little more directive. During a witness interview, interviewers could use a similar opening to the
victim interview, but, instead of saying, “Why don’t you tell me what you think I should know?” they might say, “Why don’t you tell me about the X incident?” meaning the incident interviewees have witnessed. The interviewer still allows them a free narrative and follows up for clarification in their own words, but could be a little less flexible with allowing them to stray outside the boundaries of the incident they have allegedly witnessed.

It is important to remember that witnesses are not as invested in the situation, in most cases, as either the victims or instigators and therefore, we have less actual control over what they do with the information from the interview, including the information provided by the types of questions asked. Therefore, unless individual witnesses have a long-time connection with victims or instigators, the interviewer should be very careful not to explore anything other than what interviewees have experienced directly. In those cases where the witnesses do have such an association, after the incidents of interest are explored, they could talk about their knowledge of the parties involved, but only after weighing whether their information would be so valuable as to outweigh the risk of having it given to the victim or instigator, who might possibly take actions that would be detrimental to the informants’ safety.

Rarely, if ever, would we provide witnesses with information about what the rest of the assessment process will be, though we would give them the ability to contact us in the future and would encourage them to do so if they think of anything else they believe is related to what we have discussed.

**Collateral Interviews**

These are interviews of individuals who can provide us additional information on specific occurrences or facts for the purpose of clarification or corroboration. In a violence assessment, these individuals can be law enforcement personnel, doctors, lawyers, former romantic partners, educational institutions or instructors, former or current employers or their representatives, neighbors, friends, former or current opposing parties in litigation etc. As with witness interviews, with these parties, you always weigh risk and reward before approaching them and asking any questions at all, due to the possible risks of exposing your interest at an inappropriate time. In some cases, if we believe that the information is important but are concerned about alerting instigators to the process, we will delay the contact until after we have talked to instigators or have ascertained whether they know the process is in progress. Delay in contacting collateral witnesses can increase the risk that certain information can be destroyed and certain individuals warned not to talk with you. However, with the exception of past romantic partners and friends, most instigators will not be able to control
the actions of all the other possible sources of collateral information, assuming they could even anticipate the range of people you may attempt to contact. During collateral interviews, in general, we usually just ask a series of questions meant to confirm or deny information that we already have in our possession. If, during the interview, we sense any hesitancy on the part of interviewees to release certain information, or if they seem to have other information that they want to share with us, that should be addressed in a manner that will encourage them to interact with us. In the case of reluctance to share information, finding out if the reasons are legal or personal and then attempting to help evaluate the first and explore the latter can, in many cases, relieve their concerns and allow them to provide information. If they have other information they would like to provide, encourage them to do so by saying something like, “If, at any time, you think of something that we should know or you believe is connected, we would be interested in hearing it.” Then we explore what we learn as needed.

Rarely in these interviews, with the exception of doctors, lawyers and clergymen, do we start by explaining why we are calling them or explaining in any detail who we are. Most parties who are approached, often over the telephone, with a warm tone and a direct manner that communicates that the information you’re requesting is appropriate for you, the interviewer, to know, will just tell you what you want to know. This means that, with collateral informants, interviewers share only information about what they are doing when it is necessary to do so and only to the extent that it is believed a benefit to their work vs. the risk of process exposure. If, during an interview the risks of the interview begin to outweigh the benefits of the information, be prepared to end the interaction in an appropriate manner and move on.

Doctors, lawyers and clergymen have guidelines that must be met for the release of information under their control, so a more thorough explanation is usually required. Even if they agree to talk, they may have to delay the conversation until they have reviewed the files in question. Doctors might not be able to tell you anything at all without a release, but you can provide them with information. Because violence assessment is a safety issue and most doctors are interested in the safety of their patients and others, you might try asking whether a doctor would be willing to discuss a “hypothetical” situation. This relieves the doctor of an obligation to act on certain information and also opens the way to bounce certain information off them for consideration and comment. An example of this conversation might be,

“Doctor, I am a violence assessor representing X and I am calling in regard to a series of behaviors involving Y, who I understand you have treated. I realize your constraints to talking with me without a release, how-
ever, due to the very serious concerns I have involving the safety of others, I thought it might be valuable to contact you.” Pause to see if they will jump in and give you some idea how they could proceed, while meeting their obligations. “Could I tell you a series of behaviors that I have learned about and could you tell me whether this information surprises you?

“In a hypothetical case involving these behaviors and an individual similar to your client, would this situation rise to the level of a Tarasoff warning for you? In this hypothetical case, might there be other factors that you would need to consider as a part of your analysis, which might not be obvious to the untrained person?”

It is important in these conversations to be very sensitive to nuance and innuendo, as these may be the only things that doctors, if they are willing, are able to provide to steer you to an understanding of what they know. We are not relying on doctors to provide a diagnosis and, like any interaction with doctors, we should not trust their impressions or information without personal knowledge of their training, experience and judgment. What we are doing is attempting to obtain information about instigators’ past behavior and treatment, including any psychotropic medications. Also, we are placing doctors on notice that we have a concern about a patient and they might wish to reevaluate their diagnosis on the basis of the new information we have provided. In one case, this “reevaluation” led the doctor to call the patient, set up an appointment for that afternoon and then transport the patient to a locked mental health facility for treatment. This was best for the patient and best for the potential victims.

Similar approaches, interaction models and lines of questioning can be developed for each type of collateral witness, so that anticipated objections or concerns can be smoothly addressed and the opportunity for information flow maximized.

**The Instigator Interview**

This interview is generally the most important information source of all. Who better to tell you how they are thinking and feeling, what they are planning to do, how they are planning to do it and when, than the instigators themselves? A number of experienced violence assessors believe that direct interview of instigators should be done rarely, or not at all, because, either it elevates the emotional energy in a case and the risk is not worth the reward, or these people are just going to lie to you and revealing your interest in them
just increases the danger to the possible victim. Others, including one coauthor of this book, believe that, based on their extensive experience, they can conduct these interviews over the phone and, to their credit, they have successfully done telephone interviews in hundreds of cases and no one has been hurt.

Those practitioners who believe in the personal interview start with the assumption that the value of the information provided by these people, both verbally and physically, is the richest and best possible source of information available. They also want to interview subjects personally because, from a process credibility and, therefore, a liability-avoidance perspective, the fact that someone interviewed instigators, especially in a workplace violence assessment where an employee is involved, helps show that the process did not just rely on records or the observations of others, but allowed the people to communicate their side of the story directly to assessors so they could provide an objective assessment of future violence risk, based on all knowable information.

Regarding interviewing instigators, one should always be concerned that the process of interviewing may stir up emotions and lead to impulsive or predatory acts. If the best-trained people to identify and deescalate these possibilities (a professional assessor) are taking the risk of setting these events in motion by conducting the phone interview, but are not on site with the client (or potential victims) to help manage a safe outcome if trouble arises, they may be doing their client a disservice. We recognize that physical violence in most settings, and particularly in a workplace, is a not a common event, but violence assessors have come into existence because societies would like to lower their incidence even further by understanding and preventing some of these violent events. Therefore, using a process that allows for maximum control of the instigator, physically, psychologically and emotionally, seems to be the most valuable course of action to achieve physical safety and some protection from ongoing liability. In most assessment cases, that would seem to support a face-to-face interview with instigators.

After starting from the position that we want to physically interview the instigator, we weigh the disadvantages in any given case to decide whether, on balance, in this particular case, the value of the possible information gained directly from the instigator and our ability to use that contact to help control the situation, is outweighed by other factors. In cases where physical violence has not yet occurred, points to consider are:

- **Is there physical access to the instigator that will not increase risk to my client?** The concern here is that surprising the instigator by our involvement can create a new target focus, with no benefit to the assessment. In a case of potential workplace violence, where instigators
are members of the client’s workforce, access to them is easy and the interest in them is generally understood. However, if the individuals have already been fired, are spouses of employees, or are customers, clients, or vendors, then further situational assessment must take place. If the behavior that has raised concern and initiated the assessment process has been directed at the business or organization the assessor represents, there is reason to contact instigators directly to “understand” their perspective. Access can be easily accomplished in a variety of locations that can be mutually agreed upon, including the organization’s offices, the instigator’s home (a “knock and talk”), or some other location. However, if instigators have threatened individuals at the business, such as spouses, friends or acquaintances, and we are hearing about the behavior from spouses, co-workers or others (e.g., a Tarasoff warning, etc.) and the organization is not directly involved, we must decide whether having the organization, through its violence assessor, step in and reveal that an interest in the instigators is a good idea. Maybe it would be better to initiate action through other parties, such as the spouse or law enforcement, rather than reveal the interest of the organization and create an additional target fixation that was not there before, increasing the risk to heretofore unexposed parties.

• Are there legal issues that would overshadow our contact with instigators? In some cases, concerns about claims of harassment, invasion of privacy, discrimination and other claims or torts, might overshadow the value of talking to the instigator. As the level of perceived violence risk escalates up the scale, these considerations usually begin to recede, because, on balance, it is “better to be tried by 12 than be carried by six” (sued with a 12-person jury vs. carried by six pallbearers).

• Is the behavior demonstrated by instigators at this point of the assessment at such a low level of concern that introducing an assessor to instigators would create more disturbance than value to the process? In these situations, it may be better to have a correctly selected and trained company representative contact instigators with a prepared script to gather additional factual and behavioral information. After assessing the information provided by that contact, it might be determined that contact by an assessor is now appropriate, or it could be delayed until additional behavior shows an escalation that warrants an assessor’s contacting the people directly.

If physical violence has already occurred, the issue of whether to expose the client’s interest in instigators is still relevant, but some other issues also become important.
• Are the acts of the instigator so violent that their examination is all that is necessary to complete the assessment, because the intervention required by the acts already should be using all available resources? One of the main purposes of assessment is to understand the risk of future violent behavior so that appropriate allocation of limited resources is made. In some cases, the assessor is introduced to the case when repeated, high-intensity, physically violent acts have already occurred. These may involve murder, rape, torture, extensive battery, etc. If these acts have already occurred, an analysis of the acts themselves can help identify whether the assessor’s protectees are a target population for the violence, assuming they have not already been attacked. If they are a target population, or have already been a victim of high-intensity violence, assessment is no longer strictly necessary — response is. Once instigators are in custody, assessment may play another role for the purpose of bail or provisional release, but using all available resources to get them into custody should be the focus, not whether to interview them.

• If the people are in custody, is interviewing them going to provide a quality of information that is more important than revealing that the client is still thinking about them? Remember, we are discussing situations in which there is an option to interview instigators. In court-ordered and incarceration-related assessments this is not an issue, since direct interview is mandated but, in other cases, it is not. In one case, a subject had been sentenced to federal prison for threatening to kill federal officers. He had also made prior threats to kill my client’s employees, and now was being released. We were asked to conduct a violence assessment to determine risk to the employees upon his release. However, when we were approached to conduct the assessment, we were told that two of the client’s employees had already contacted the prison and requested permission to talk to the subject. We counseled against this action because of our concern that the value of the interview (the employees were a psychiatrist and psychologist who had treated the subject and wanted to assess his current level of risk) was going to be outweighed by the problems in letting the subject know that these individuals were still thinking of him, which might make him feel more powerful. The good news was he refused to see them (prisoners in the U.S. have the right to refuse to talk to anyone, including law enforcement), the bad news was that it did elevate his interest in the client’s employees he has threatened. He had his lawyer claim that they were trying to continue to harass him by seeking contact with him, probably enjoying that he still was a part of their consciousness and that he could “tweak” them.
Personal factors also need to be admitted by assessors and openly addressed as a part of the process. If assessors just do not like to travel, or are afraid to directly interview an instigator, then those issues need to be personally acknowledged and openly be a part of the decision-making process concerning direct interviews during the assessment. It is a disservice to the client to have these issues be the main reasons that assessors suggest a particular course of action, rather than reasons that have the best interest of the client in mind. In either case, the engagement of another assessor, who does not have these concerns, to review the case and consult on this part of the assessment recommendation, might be the best solution to work through these issues, both from the client’s perspective and considering the liability of the assessor. As my valued colleague, Dr. Stephen G. White of Work Trauma Services, has often said, “When in doubt, confer.”

In terms of the format of the instigator interview, it is unlike the victim and witness interviews. The plan for this interview must acknowledge that the assessor may get only one opportunity to interview instigators, for a variety of reasons including legal representation, unwillingness of instigators to subject themselves to this type of interview in the future and the reality that instigators are learning a great deal in this interview about what the assessor is interested in and, even if they agree to a future interview, their information may be less reliable due to possible conscious manipulation. Consequently, the planning for this interview must be very well developed prior to starting it. We suggest constructing a general outline based on what the victims and witnesses have told the assessor and adding in the general areas of information that the assessor knows are of interest for violence assessment investigations. In general, the more serious the behavior that has led to the interview, the quicker the interview plan moves into the first behavioral incident. This is based on the idea that the more serious the behavior, the more likely that interviewees know why the assessor is there talking to them and therefore, the more direct the assessor appears to be in approaching them about the topic, the more likely they will perceive the assessor as being straightforward and honest. This perception increases the likelihood of their engaging in a manner that provides the assessor with some authentic response to the questions and the process. Therefore, after a fairly quick introduction phase and a short rapport-building phase, which really is a short anxiety reduction phase where the assessor might ask them to give a short history of themselves or their job, the assessor might say something like:

“Bob, thank you for providing me with that brief history so that I have some background to work with. As I said at the beginning, I am interested in understand-
ing what has been going on and I believe that being direct is the best way to move forward in situations like this. In that spirit, last Monday, you and your wife had a pretty emotional disagreement, can you tell me what that was about?"

“When she said that to you, what do you remember doing?”

“How did you feel when you did that?”

“What happened then?”

After the assessor has gotten through that particular incident, having instigators provide their version and then directly exploring all the behavior that the assessor has learned from the interview with the victims and the witnesses that might have been involved, you then move on to the next incident, doing the same thing until all the incidents are covered. When that part of the interview has been completed, you will use different segments of the accounts to loop into other areas that you are interested in. This might be done like:

“Bob, when you were talking about the time last May when you hit Denise, you mentioned that was the first time you had hit her with your fist, what other ways have you hit Denise? Have you ever shown her a weapon? What type of weapons do you own? When you bought your last handgun, why did you buy that one?”

Eventually, if the interview runs its full course, it will cover all the areas of interest for assessment, including medical history, psychological history, weapons ownership and use, history of violence and criminality, family relationships, past significant relationships, employment history, use of drugs and alcohol, perception of the victim, co-workers and other significant individuals and plans for future activities and what would activate those plans. We have done hundreds of interviews with instigators and, so far, we have only had one subject who would not speak to us. Most of these individuals, particularly those who have exhibited the most serious behavior, seem to want to tell their stories and have someone understand what they are going through. In some cases, it is the first time they have had someone ask them why they did certain things, rather than just telling them what would happen to them if they did that again. The role of the assessor is not to judge, but to understand how instigators plan, make decisions and act the way they do. This provides the information necessary to begin to project future behavior, given certain possible future events.

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Private Records

Information concerning victims, witnesses and instigators may be available in certain private records that can be legally accessed for different cases, depending on both your relationship to the case and the legal powers you have available for use. The most likely source of obtainable private records will be employment records, particularly when you are working for the victims’ or instigators’ employer. A variety of employment records might be of interest, including:

- Applications for employment
- Records of disciplinary actions
- Periodic employment evaluations
- Records of any investigations involving the victim, witnesses or instigator
- Benefits records that list the use of various benefits, if allowed by company policy, regulation, or law
- Incident reports that did not result in an investigation
- Records of any legal actions involving the parties, including wage garnishments, subpoenas for records, notification of other legal actions

The information of interest in these records is any behavioral data that can be synthesized. That would include the lies on their applications; their responses to requests for performance improvement or behavioral change; any claims of harassment, stress, or discrimination; their interaction style during previous investigations; handling of privileges or new responsibilities, etc. All cause-and-effect-based information can be helpful in building a picture of how the person is internally structured, which can aid in prognostication of their future behavior.

Public Records

All the following sources of information are available in the United States and in some areas of the world, depending on the quality of the repository’s records and how they handle privacy issues. In any given case, at any given location, obtaining all the records legally available will strengthen the assessment and protect the assessor from claims of negligence. Because the time to instigator action, if action is ever going to occur at all, is never known at the outset of an assessment, speed of information gathering is always a paramount consideration. All the sources listed below can be accessed by hand search (vs. computer search) and 80% or more of the results can normally be researched in 72 hours of available archive time, if the assessor
has established a process and resources to start the work in that jurisdiction. In our work, we access records throughout the United States and Canada in this time frame, but there can be further delays for records accessed in the European Union and other foreign countries. We have the records hand searched at the county and local level because of the significant drop-off rate between the number of available automated records and available records at the county and local level. The United States Department of Justice stated that, in 1999, 40 states reported that more than 75% of their criminal history records were automated, compared with only 26 states in 1992. This is a wonderful improvement, but this would mean that relying on an automated records search by law enforcement systems, if they are available to your case, could mean a failure to locate available prior criminal history information 20% or more of the time. We have learned that private data services have failure rates about equal to this. When you look at individual states, the results can be even more problematic. Kansas reported in 1999 that only 46% of their criminal records were automated and North Dakota reported only 37%. This difference between what is available by computer search and what might be available at the local level, has caused us to standardize to hand searches of all records, both criminal and civil. My company is not comfortable with the prospect of attempting to defend our assessment without a hand search, knowing that any information that is located could change the outcome of the assessment and, therefore, the decision to change intervention strategy to prevent violence. This particular issue associated with information gathering strategy is something all assessors have to address as they establish their procedures.

Care will have to be taken in any employment-related cases in how to gather this information without crossing over certain guidelines for the U.S. Fair Credit Reporting Act, or similar state consumer information laws. See Chapter 7 for more information.

Internet Information

- Personal web sites
- Usenet
- Message boards
- Chat rooms

Running name searches in these areas of the Internet can reap rewards concerning the attitudes and activities of any search target. Normally, I would use an escalating search structure, starting with a fast search engine like Google.com or AlltheWeb.com and then move to a metasearch engine like Dogpile.com and finally, possibly use a proprietary metasearch engine like
Intelliseek’s Bullseye, which was designed to not only search intelligently, but to help process the information that it finds for easy management by the searcher. Each search engine has its own way of searching and various strengths and weaknesses for certain types of data, so time should be spent learning about the strengths and weaknesses for various search engines so that the assessor can select the ones most useful in locating the type of information that is reflected in the majority of their case load. Also, time invested in learning how to conduct effective Internet searches and compiling results will be time well spent when faced with a case that requires a quick response.

Department of Motor Vehicles

- Driver’s license information — photo and history
- Automated name index (ANI) — vehicle description and registration

This information can lead an assessor to other areas of the country or state when a driver’s license record shows vehicle violations or accidents in other jurisdictions. It can provide information on behaviors of interest such as substance abuse (e.g., drunk or impaired driving), behavioral attributes (e.g., reckless driving, speeding, hit-and-run, etc.) and more serious crimes such as vehicular manslaughter and vehicular homicide. It can also provide information concerning how the people in question handle their social contract concerning the privilege of driving. If the subjects have several Failures to Appear (FTAs) on their license, which are usually issued with a warrant for arrest or with a license suspension when someone has made a promise to appear for court and then does not appear or pay the bail amount, it provides a behavioral indication that they do not care about breaking rules or agreements. This can be important information for case management. We encountered a case in Colorado in which we pulled a traffic citation that had been issued to the instigator and looked at the back of the ticket for the officer’s comments. In this case, the officer had written a detailed note that showed the instigator had willfully refused to cooperate during the stop and had become hostile and aggressive for no apparent reason. This provided insight into how the instigator might handle confrontations with other authority figures and our assessment was that it illustrated that obtaining a restraining order in this case would probably not stop the instigator’s actions, but would exacerbate them. Based on the entire assessment, the client decided to not pursue a restraining order at that time, but to wait and see what further behavior developed. This is a classic example of not just noting available information in a catalog format, but digging further into that piece of data to uncover any available behavioral information that might be present.
Criminal Court Records

This is an obvious category of interest and all behavior in this area is of interest, not just felonies and convictions. Many cases in the criminal justice system are “pled down” to lower charges during plea bargaining. Consequently, many misdemeanors involving violence may have started out as felonies\textsuperscript{10} and been pled down. For assessment purposes, convictions for felonies or misdemeanors should not matter; the behavior during the offense is what matters. It is important to pull the records and read the files, including the court transcripts of how the individual testified concerning certain crimes. It is in the specific details of the crime, how it unfolded and how the individual acted during the entire process, including the trial, that we gain the behavioral knowledge that we need.

Civil Court Records

• Prior restraining orders that may have been dropped from a system like California’s DVROS (Domestic Violence Restraining Order System) or possibly have been filed and never served
• Current restraining orders
• Divorce records, including alleged conduct during the marriage
• Financial cases
• Other torts involving violence, harassment, etc.

Many times assessors check the criminal records, but not the civil records. This could be because they are unfamiliar with how to research civil records or they do not know the value of the records. Either way, a large source of potential information is untapped if these records are not utilized. Particularly of interest are those records that show behavior and stressors, such as management of financial obligations, proceedings in divorce or child custody matters, prior restraining orders and the behavior that led to them and claims brought by them or against them of harassment or discrimination. All of this information should be located and incorporated into a complete assessment package.

Federal Court Records

• Bankruptcy— what they owned, who they owed and how much
• Civil
• Criminal

Often assessors neglect to check for federal cases and information. Some 20 or 30 years ago, this source of information may have been perceived as
having a limited value to assessors because federal prosecution priorities did not generally encourage the management of case types that assessors would find of value. However, in the 1990s, the priorities began to change and a significant number of cases are now being prosecuted involving weapons, drugs, interstate stalking and other crimes that will have value for the assessment. Consequently, these records should now be checked to make certain that relevant material is not missed for evaluation.

**County Recorder’s Office**

- Debts, including those from other jurisdictions
- Property records
- DD214 Records — Discharge papers from military service, can show military training and type of separation
- Birth, death and marriage records

Records available at this office, sometimes called the County Clerk’s office, primarily deal with debts, liens and judgments. This information is valuable for providing an insight into financial pressures, including debts that have been incurred in other counties that the assessor did not know to check, that have been registered in the instigator’s county of residence for the purpose of collection. Also, DD214 documents may be registered with the county, though it is not required. If military information is desired, see below for more information. Obviously, birth, death and marriage records may be relevant to complete an understanding of the instigator’s past relationships and family history.

**Miscellaneous Records**

- Local premises’ history of calls for service to the residence(s)
- Military records

Checking law enforcement records for calls to the current and past residence(s) of the instigator can provide some valuable information that would not otherwise be available. In most jurisdictions in the United States and in many overseas, every time a law enforcement officer is dispatched on a call, a record is made of the call and the address. Many individual calls per day result in activity that does not require a report, because law enforcement officers, already overwhelmed with paperwork, will often attempt to manage as many calls as they can without having to produce a report. This means that the only record of their response to a particular address may be in the “run” log or history of calls for service. By requesting access to reports for
the several years prior to the departure of the instigator from that address, valuable information can be learned. This works especially well when the instigator lived in single-family residences or in locations where each unit had its own street address. Apartment complexes and public housing complexes are the least productive for this type of search, because many calls for service are cleared without designating which units of these complexes were contacted. In numerous cases, we have located records of contacts between law enforcement and instigators that would not have been located any other way. We have then followed up with contact officers and learned their impression of the instigator and behavioral information from their interaction that has proven valuable.

Military information can be acquired by several routes. If the instigator is currently serving in the military and there is a base nearby, the Provost Marshal’s Office or equivalent may be a quick and useful source to contact for information concerning the instigator. If the instigator is not currently serving, information can be requested through a Freedom of Information Act (FOIA) request. This normally is done by using a “Request Pertaining to Military Records” form (Standard form 180, prescribed by NARA (36 CFR 1228.162(a))). This one-page form, with instructions on the back, is sent to one of 14 repositories of records of the five branches of the United States military (Air Force, Coast Guard, Marine Corps, Army and Navy) depending on certain criteria. Starting in late 1998 and increasing after September 11th, 2001, information received from these types of requests has been significantly reduced. However, in several dozen cases that my company has handled, data from military records, particularly training, stationing and court martials, has proven to be very significant to an assessment. Before you submit the form, it will be necessary to know which branch of service the subject served in and the general time frame. Prior to the early 1970s, the service number of a military person was uniquely assigned, however, the Social Security Number (SSN) has become the service number since that time, so including the SSN and the instigator’s date of birth (DOB) will increase the ability to get information. This type of request can take months to return results, but, given the cost, (e.g., the price of a postage stamp) and the fact that some cases have long monitoring periods after initial assessment and intervention, these types of requests can be extremely beneficial. Obviously, if you have more-immediate access to these records, based on employment or other assessment personnel who are involved, it will be better for you.

Restricted Records (United States)

- National Crime Information Center (NCIC)
- Federal Bureau of Prisons
- State crime information indexes (e.g., CII in California, etc.)
• State restraining order systems (e.g., DVROS in California, etc.)
• Federal and state weapons registration
• County mental health services
• Child Protective Services (CPS) — listed by child’s name (Welfare and Institutions Code Section 827 sets forth method by which prosecutors, school officials, parents of the named minors, court personnel and select others may review juvenile case files for W&I 300, 601 602 case files and others. This list includes, under W&I 827(a)(1)(K) “any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.” Juvenile case files are defined under W&I Code Section 827(e)).
• Law Enforcement Automated Data System (LEADS) or equivalent — All California Department of Corrections (CDC) information: tattoos, street moniker, current pictures, release photos, family and gang affiliations
• Department of Corrections records as needed
• Reports of correctional institution rules violations — negative behavior by prison inmates, results of inmate disciplinary hearings — stored in inmate’s central or “C-file” (e.g., “115s” in California, etc.)
• Parole violation reports, State Board of Prison terms reports, activity reports (continued on parole, perhaps with outside agency referral); stored by parole region for central files — field files are at the local parole unit’s office — special parole conditions noted here
• Intelligence
• Gang validation
• Local jail records
• Local criminal history in jurisdictions of residence (local files not uploaded to state level)
• Similar records to 115s for CDC exist at virtually every correctional facility (look for “inmate behavior” write-ups)
• Probation reports (probation field files list prior behaviors, current contacts, special conditions of probation and more)
• Local law enforcement intelligence, including drugs, gangs, etc.

The number of restricted information sources is almost endless and keeps changing as old resources are consolidated and new ones are created. These sources are available for access only by federal, state, county, or local law enforcement personnel who are actively working a case that meets their departments criteria for access to these records. An assessor with access to these records needs to track the information that becomes available about the instigator and then choose which resources are best for providing detail in those areas. In almost every assessment, NCIC, state criminal index...
records, a check for prior restraining or protective orders and a weapons registration check are going to be warranted. Should any jail, prison, or involuntary mental health commitments show up, then further checking should be pursued in those areas to the fullest extent possible. In the area of mental health, assessors may not be allowed to access a treatment record, but they may be able to identify the instigator’s doctor(s) and talk with them concerning their information and seeing whether that elicits a Tarasoff-type warning from the doctor.

The goal of the assessor is to gather as much information as possible, as fast as possible, because more information maximizes the possibility of a valid, defensible, assessment, that allows for a more accurate intervention strategy, possibly saving lives and limited resources.

Information Organization

As the information is being gathered from all the sources listed above, the assessor needs to have a means to organize it so that the data can be related to itself and other sets of data for comparison, which enhances behavioral pattern development and recognition. In other words, the data can be transformed into knowledge.

A form of data organization we have found to be the best for violence assessment is a metachronology, which is made up of three different types of chronologies woven together:

1. A chronology of each incident internal to itself
2. A chronology of the entire relationship between the victim and instigator
3. A chronology of the whole life of the instigator

The first step is to create these three types of chronologies using the information collected and organizing it by date of occurrence. Then each chronology is reviewed for the behavioral information that can be learned by looking for any stimulus and resultant behavior (cause and effect) during the period covered by that chronology. After that knowledge is captured and all the chronologies are combined, a metachronology is created that weaves together all available data in past events and makes note of the cause-and-effect behavioral knowledge. Any new knowledge of other stimulus and resultant behavior that had not been identified within the individual chronologies (e.g., behavior by the instigator in the community that seemed to trigger or follow behavior in the relationship between the instigator and victim(s), etc.) is of special interest, because it provides insight into other variables that need to be considered during the projection of future behavior and the development of the intervention.
After all of these patterns have been identified and captured, the result can then be used to hypothesize about the possible ranges of the instigator's future behavior given certain variables and interventions. As others have said, this works because, in human behavior, the best predictor of future behavior is past behavior.12

In terms of projection of behavior and interventions, we have found some simple and effective ways to proceed. After reviewing the past behavior of the instigator, we factor in what an incremental extension of the current behavior might be if conditions remain the same. This becomes a low range of possible behavior. We have to anticipate that human beings, if they choose to act, are not going to remain satisfied with a prior level of behavior; they tend to want to exceed prior behavior because it provides more stimulation, including a sense of increased mastery and control over the circumstances. Consequently, if the instigator has threatened to hurt the victim on several occasions and the behavior in the threats is becoming more detailed (e.g., “I am going to smack you” becomes “I am going to punch you right in the eye so it swells shut”) then the low end of the range of behavior becomes a physical blow. If the intervention and security strategy is capable of managing a physical blow, then it can manage another verbal threat. To get a sense of the upper end of the range, we take a look at our experience and the experience of others in similar cases and project what a “quantum leap” in the behavior curve might look like, given a confluence of all the current case “stressors” escalating at the same time. This gives us our upper end of the range. Then we factor in how fast the case has escalated to this point, I call this case velocity and make an estimate of the range of the speed at which we believe events will unfold. The low-end range of velocity is set as a value slightly ahead of the current pace. An example is an instigator who has threatened his wife periodically over the last 2 years with increasing specificity and frequency over the last 2 weeks. He is about to lose his job and he thinks she will leave him. Low end on velocity is an act of physical violence within 2 to 3 months; high end is in the next week, prior to the actual loss of his job. Given this example, the intervention would best occur prior to his job loss, with a security plan to manage his reaction to his wife for a minimum of 72 hours after the time of the intervention.13 The security plan should be centered on limiting the instigator's ability to have physical proximity to the victim without a third party present and to have a safety plan to aid the victim in removing herself from his area of activity in the case of significant escalation. The suggested intervention itself, given these limited case facts, could center around family members or friends who are respected by the instigator, suggesting that they approach the instigator with a scripted conversation to see if he is aware of what is going on and whether he has a
reasonable plan for managing the impending crisis. In a worsening case, it
might be discovered that the instigator has developed the justification for
escalation of his violence, but not for working through the possible job loss.
This might lead to a more direct intervention involving professionals to
provide alternatives to the use of violence and known consequences if pur-
sued (e.g., carrot-and-stick).

Projection of future behavior, followed by the development and imple-
mentation of interventions, is the art of violence assessment and intervention.
It is learned by working with other talented people and dealing with many
caseloads. But the art cannot be practiced without a foundation in all the
previous behavioral information that can be gathered about instigators, their
victim(s) and an organization of that behavior into a form that can provide
knowledge by showing a rich, four-dimensional (length, width, height and
time), picture of the behavior in a cause-and-effect rendering.

Summary

Behavioral information is the soul of violence assessment. The more behav-
ioral information that is learned about the instigator, victim and situational
dynamics, the more accurate the assessment. More accurate assessment
allows for more precise and timely intervention. Better intervention provides
greater safety to the victim. Therefore, more productive interviews, increased
information from records and better analysis of gathered information pro-
vides the assessor a richer database and context for use in assessing current
levels of risk, projecting the trajectory and velocity of future behavior and
providing guidance for any intervention.

Endnotes

1. This process is defined in more detail in Investigative Interviewing: Psychology
   0-471-98728-X.

2. I was a part of a panel that put together an assessment process outline for
   the California District Attorney’s Association, as part of a threat management
   video project. See the Appendix of this chapter for a copy of this outline.

3. For more on the neurophysiology of this emotion and cognitive interaction,
   see Emotional Intelligence: Why it can matter more than IQ by Daniel Goleman,
   viding an introduction to the scientific literature available on this interaction.

4. See Chapter 7, in which assessment instruments are discussed and their
   literature is explored.
5. See Chapter 7 for an explanation of Tarasoff.

6. Obviously, the issue of security for the assessor, as well as possible third-party liability in case of a violent event occurring during the interview, will have to be addressed before this type of interview can take place. See Chapter 6 for further detail on these issues.


8. Ibid., Appendix 11, Table 2, page 142.

9. Police officers often write comments about the traffic stop on the back of the ticket to remind themselves of particular events in case of court action. This is especially critical for traffic officers who may write dozens of tickets a day and may not get to court on any given ticket for 30 or more days.

10. The difference between misdemeanor and felony is the difference in penalty defined by the legislative body that enacted the law. Generally, any crime with a penalty of 1 year in county jail or less is a misdemeanor and those with a penalty of more than 1 year in county jail or time in prison are felonies. Crimes that have both a lower and higher penalty depending on certain case facts are called “wobblers.”

11. Check Chapter 7 for more information on this.

12. I have no idea what the origin of this phrase or underlying concept is. My research on this statement has led me backward in time to the late ’60s, and most articles quote the concept as a generally accepted principle. Who first made this statement or under what circumstances is unknown to me, and, it seems, to many others as well.

13. We have been taught that the highest probability of a physically violent event for an affectively violent person is the 24–72 hours preceding and following a significant event (e.g., anticipating a court hearing, going to prison or jail, etc. or after a court hearing, disciplinary meeting or job termination). The next statistical window of significant probability is 14 days after a significant event. After that, re-engagement or “probing” behavior most likely will occur (calls, letters, e-mails, physical approaches with attempted confrontations, etc.), as the subject has to re-escalate emotionally prior to committing a physical act of violence.
Appendix 3.1

The Threat Assessment Process: An Outline

This outline was developed by the advisory group to the production of the CDAA video Threat Assessment and Management: A New Way of Thinking. Special thanks go to Jim Cawood, CPP, who served as a core advisor to the project. Mr. Cawood is currently president of the Northern California chapter of the Association of Threat Assessment Professionals.

The process of threat assessment is driven by information concerning the behaviors of the involved individuals. In general, the more information provided to the assessment process, the higher the quality (accuracy) of the assessment. This, in turn, provides the best use of intervention strategies to promote safety and correctly allocate and spend public resources of professional time, equipment and facilities. Finding the balance between information gathering, available resources and assessment time will be a constant challenge, but, in this type of process, small amounts of additional information can pay large dividends to the safety of the victims and the community. These dividends continue to accrue as new interactions with the instigator occur and additional agencies may become involved.

The long-term goal of this project is to provide a standard framework and understanding of the threat assessment process. This framework includes the gathering of information so that agencies can build on the work of others as cases pass from, or expand into, other jurisdictions. This will allow for increased safety and shared cost savings. The following information should not be considered an exhaustive insight into the process but should provide enough information to allow for a competent, basic understanding of the process and resources that can be considered for use and intervention possibilities.

I. Preliminary act: victim or other person comes forward to report.
II. The initial information gathering process
   A. Victim(s) Interview: Consider policy guidelines — e.g., releases in a victim advocate interview, methods of information recording (audio, video), etc. Consider interview dynamics — objectivity, tone and question style affect how the subject will answer your
questions. Elements to assess concerning the interviewee: credibility (e.g., reporting party could be instigator), mental health (e.g., stability, etc.), emotional health (e.g., ability to follow through on process, need for support, etc.)

a. First explore the victims’ initial priorities
   • Incident(s)
     (1) What are their concerns?
     (2) Where do they start the narrative?
   • Safety
     (1) What are their concerns for level of violence?
     (2) Who do they believe will be targets? Under what circumstances?
   • Current resources available
     (1) Who?
       (i) Family
       (ii) Friends
       (iii) Co-workers
       (iv) Community resources (cultural, religious, other)
     (2) What?
       (i) Money
       (ii) Transportation
       (iii) Time

b. Develop detailed incident histories
   • Current victim or current instigator (suspect/aggressor)
     (1) Intimidation
     (2) Threats
     (3) Assaults
     (4) Batteries
     (5) Injuries
     (6) Cultural issues
   • Current victim or other attacker(s)
   • Current instigator (suspect) or other victims
     (1) Others
     (2) Self
     (3) Animals

c. Weapons (both victim and current instigator)
   • Knowledge
   • Training
   • Possession or access
   • Appropriate use
   • Inappropriate use
d. Substance use or abuse and behavior associated (both victim and current instigator)
   • Alcohol
   • Cocaine
   • Methamphetamine
   • Narcotics

e. Mental health (both victim and current instigator)
   • Use of counseling
   • Diagnosis
   • Treatment
   • Medication
   • Any adverse experiences

f. Current employment status (both victim and current instigator)
   • Current employer
   • Length of employment
   • Location
   • Employee benefits that may be available

g. Hobbies or interests (both victim and current instigator)

h. Stability issues (factors that could help stabilize or destabilize the situation)
   • Employment status
   • Financial situation
   • Family or relationship issues
   • Children
   • Cultural issues
   • Current or recent losses

(i) Future interactions
   • Pending
   • Anticipated

(j) Resource referral
   • Shelter
   • Counseling
   • Legal services (legal issues)
   • Local law enforcement
   • Employment resources
     (1) Human Resources (HR) or Employment Relations (ER)
     (2) Employee assistance programs (EAP)
     (3) Corporate security
   • Community or cultural resources
   • Schools
B. Further information development — both victim and instigator (aggressor or suspect)
   a. Automated information histories
      • NCIC
      • CII
      • Local criminal history or local report history
      • Local premises’ history or calls for service to the residence(s)
      • DMV
         (1) California drivers license (CDL) — photo and history
         (2) Automated Name Index (ANI) — vehicle description and registration
      • Restraining Order System (DVROS)
      • Weapons registration
      • County mental health services use
      • Child Protective Services (CPS) — listed by child’s name
        (Welfare and Institutions Code Section 827 sets forth method by which prosecutors, school officials, parents of the named minors, court personnel and select others may review juvenile case files for Welfare and Institutions Code Sections 300, 601 and 602 cases. Under Welfare and Institutions Code Section 827(a)(1)(K), this list includes “any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.” Juvenile case files are defined in Welfare & Institutions Code Section 827(e).)
      • Law Enforcement Automated Data System (LEADS): All California Department of Corrections information — tattoos, street moniker, current pictures, release photos, family and gang affiliations
   b. Other histories
      • Criminal court records
      • Civil court records
         (1) Prior restraining orders that may be from California’s Domestic Violence Restraining Order System (DVROS) system or filed and never served
         (2) Divorce records, including alleged conduct during the marriage
         (3) Financial cases
         (4) Other torts involving violence, harassment, etc.
(1) Bankruptcy — what they owned, who they owed and how much

(2) Civil

(3) Criminal

• County Recorder’s Office
  (1) Debts, including those from other jurisdictions
  (2) Property records
  (3) DD214 records — separation documents from military service can show military training and type of separation

• Military records — as needed
  (1) Prior records can be obtained under the Freedom of Information Act
  (2) Current records can be obtained by contacting the local provost marshal California Department of Corrections records — as needed
  (1) 115s — reports of institutional rules violations — negative behavior by prison inmates, results of inmate disciplinary hearings — stored in inmate’s central or “C-file”
  (2) Parole violation reports, Board of Prison Terms reports, activity report (continued on parole, perhaps with outside agency referral) stored by parole region for central files. Field files are at the local parole unit’s office. Special parole conditions would be noted here.

(3) Intelligence
(4) Gang validation

• Local jail records
  (1) Similar records to 115s for CDC exist at virtually every correctional facility. Look for “inmate behavior” write-ups.
  (2) Probation reports and probation field files list prior behaviors, current contacts, special conditions of probation and more.

(3) Intelligence
(4) Gang affiliation

• Internet information
  (1) Personal web sites
  (2) Usenet
  (3) Message boards
  (4) Chat rooms

c. Collateral interviews
• Other victims of instigator
• Other witnesses
• Family members, if appropriate

III. Information Analysis

A. Chronology Development: In this process of listing data by date of occurrence, first by creating the chronologies listed below and then combining all the chronologies together, you are weaving together all available information looking for any patterns of stimulus and resultant behavior (cause and effect) in past events. From these identified patterns, a hypothesis of future behaviors can be developed and tested using chosen interventions and interactions that will further refine the working hypothesis of the instigator’s behavior. Remember, “the best predictor of future behavior is past behavior.”

a. A chronology of each incident internal to itself
b. A chronology of the entire relationship between the victim and instigator
c. A chronology of the whole life of the instigator
d. Weave all three chronologies together to assist in projecting potential behavior in the future based on cause and effect from the past.

B. Use of assessment tools: Using assessment tools checks the information gathering process for thoroughness and provides objective analysis of risk. These tools are used at the end of the process because they have value only if the information gathering and early analysis has been done. If used too early in the process, the results could be skewed and mislead individuals to the level of risk. The tools that might be considered for use are listed below:

a. SARA — Spousal Assault Risk Assessment Guide (Kropp, Hart et al.)
b. HCR-20 ver. 2 (Webster, Douglas, Eaves, Hart)
c. PCL-R/SV — Psychopathy Check List, Revised or Short Version (Hare, Hart)
d. MOSIAC (De Becker et al.)
e. Assessment and response grids (White and Cawood)

IV. Intervention: All of the items listed below are potential courses of action, none are mandatory. Their use should be based on a case-by-case analysis of what will increase safety. Before any of these interventions are started, victim notification of the “threshold assessment” (current assessment of risk given all the known information) and the starting date and time of the direct intervention process is an important consideration. This information will allow the victims to under-
stand what is currently known and provide them the opportunity to take whatever steps they feel are appropriate to help safeguard their safety as the process continues. In certain settings, this notification would fall under the “duty to warn” expectations of certain statutes and case law. The first two items (e.g., Instigator Interview and “Knock and Talk”) provide the opportunity to clearly establish boundaries of acceptable conduct. If conducted by law enforcement personnel, these interviews should be tape recorded or video taped.

A. Instigator interview
B. “Knock and talk” by law enforcement or other trained personnel (interview of the subject in a natural environment, e.g., home, office, etc., rather than a law enforcement location)
C. Letter from legal counsel
D. Protective or restraining orders
E. Arrest
F. 5150 Health and Safety Commitments (“danger to self and/or others”)
G. Target (victim(s)) relocation or removal
H. Security enhancements for victim(s)
   a. Security hardware
   b. Training (e.g., situational awareness, self-defense training, behavior modification, etc.)
I. Administrative remedies (e.g., suspension, termination, etc.)
J. Federal level issues
   a. Interstate restraining orders
   b. Weapons tracing
   c. Weapons charges
   d. Immigration and Naturalization Service (e.g., detention, deportation, etc.)

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Appendix 3.2

Threats and Violent Incident Resource List  (Form A)

Legal Representative:
Name: ______________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _____________________ Fax: ____________
Address: _____________________________________________________

Alternative Contact Person: ______________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _____________________ Fax: ____________
Address: _____________________________________________________

Human Resources Representative:
Name: ______________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _____________________ Fax: ____________
Address: _____________________________________________________

Alternative Contact Person: ______________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _____________________ Fax: ____________
Address: _____________________________________________________

Site Security Representative:
Name: ______________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _____________________ Fax: ____________
Address: _____________________________________________________
Alternative Contact Person: ______________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _________________ Fax: ____________
Address: _____________________________________________________

**Corporate Security Representative:**
Name: ______________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _________________ Fax: ____________
Address: _____________________________________________________

Alternative Contact Person: ______________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _________________ Fax: ____________
Address: _____________________________________________________

**Corporate Communications Representative:**
Name: ______________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _________________ Fax: ____________
Address: _____________________________________________________

Alternative Contact Person: ______________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _________________ Fax: ____________
Address: _____________________________________________________

**Local Law Enforcement Contacts:**
**Primary**
Name: ______________________________________________________
Agency: _____________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: ______ Pager: _________________ Fax: ____________
Address: _____________________________________________________
Secondary
Name: ______________________________________________________
Agency: _____________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: _____ Pager: ______________________ Fax: _________
Address: _____________________________________________________

Threat Assessment Professional:
Name: ______________________________________________________
Company: ___________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: _____ Pager: ______________________ Fax: _________
Address: _____________________________________________________

Alternative Contact Person: ______________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: _____ Pager: ______________________ Fax: _________
Address: _____________________________________________________

Telephone Company Contact:
Name: ______________________________________________________
Agency: _____________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: _____ Pager: ______________________ Fax: _________
Address: _____________________________________________________

Alternative Contact Person: ______________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: _____ Pager: ______________________ Fax: _________
Address: _____________________________________________________

Additional Security/Protection Contacts: (Form A)
Name: ______________________________________________________
Company: ___________________________________________________
Phone: _______________________ Home Phone: __________________
Direct extension: _____ Pager: ______________________ Fax: _________

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Home Phone: ____________________________
Address: __________________________________________
Services: __________________________________________

Name: ____________________________________________
Company: __________________________________________
Phone: ___________________ Home Phone: ____________
Direct extension: ______ Pager: ___________ Fax: ________
Home Phone: ____________________________
Address: __________________________________________
Services: __________________________________________

Name: ____________________________________________
Company: __________________________________________
Phone: ___________________ Home Phone: ____________
Direct extension: ______ Pager: ___________ Fax: ________
Home Phone: ____________________________
Address: __________________________________________
Services: __________________________________________

Name: ____________________________________________
Company: __________________________________________
Phone: ___________________ Home Phone: ____________
Direct extension: ______ Pager: ___________ Fax: ________
Home Phone: ____________________________
Address: __________________________________________
Services: __________________________________________
Incident Log  (Form B)

Subject (Instigator): _____________________________________________
Date of Birth: _______________ SSN: _____________________________
Date of Hire, if employee: _______________________________________

Victim: _______________________________________________________
Date of Birth: _______________ SSN: _____________________________
Date of Hire, if employee: _______________________________________

Witness(es): ___________________________________________________
_____________________________________________________________
_____________________________________________________________
_____________________________________________________________

Brief Description of Incident: (date, time, place, act, etc.)
________________________________________________________________
________________________________________________________________
________________________________________________________________
________________________________________________________________

Police Report:
Date Filed: ______________ Report Number: ______________________
Law Enforcement Agency: __________________________________________
Address: _________________________________________________________
Copy Attached: _____ yes _____ no

Background Check:
Date Assigned: __________ Date Completed: ________________
Assigned to: __________________ Department: ______________________
Phone Number: ______________________________ Results: ________________
________________________________________________________________

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Report Attached: _____ yes  _____ no

Probation/Parole Officer Contact:
Name: ______________________________________________________
Phone: _______________________________
Agency: _____________________________________________________
Date & Time of Initial Contact: _________________________________
Information Obtained: _________________________________________

Threat Assessment: (Form B)
Assessor: ____________________________________________________
Phone #: ________________ Address: ____________________________
Initial Assessment Date: _______________________________________
Final Assessment Date: _________________________________________
Assessment: __________________________________________________

Psychological/Psychiatric Assessment:
Evaluator: ___________________________________________________
Phone #: ________________ Address: ____________________________
Initial Evaluation Date: _______________________________________
Final Evaluation Date: _________________________________________
Assessment: __________________________________________________

Restraining Order:
Date Applied For: ______________ Date Issued: __________________
Date & Location Served: ________________________________________
Reaction of Subject: ___________________________________________

____________________________________________________________

Copy Attached: _____ yes  _____ no
Date of Court Hearing: ________________________________________
Did Subject Appear in Court for Hearing: _____ yes  _____ no
Permanent Order Issued: _____ yes  _____ no
Date Order Expires: ____________________________________________
Date & Location Permanent Order Served: _________________________

Reaction of Subject: ___________________________________________

____________________________________________________________

**Disposition:**
Terminated: _____ yes  _____ no  If yes, date: ______________________
Transferred to: ________________________________________________
Shift Change to: ______________________________________________
Retired: _____ yes  _____ no  If yes, date: _________________________
Arrested: _____ yes  _____ no
Date: ____________  Time: __________  Charge(s): __________________
Arresting Agency: ______________________________________________
Convicted: _____ yes  _____ no
Date: ___________  Charge(s): __________________________________
Sentence: _____________________________________________________

____________________________________________________________

Other: _______________________________________________________

____________________________________________________________

____________________________________________________________

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Victim Information Synopsis (Form C)

Name: _______________________________________

Check One: Employee: ___

Nicknames: ___________________________________ Contractor: ___

Work Phone #: ________________ Ext. ____________ Visitor: ___

Fax #: ____________ Pager#: _____________________ Other: ___

Dept: ________________________________________

Employer: _____________________________________

Job Title: _______________________________________

Physical Location of Work area: __________________________

Building:__________________________ Room: ____________________

Address: ___________________________________________

Supervisor: _________________________________________

Supervisor’s Phone #: _________________________ Ext. __________

Physical Description: Ht.____ Wt.____ M/F Hair___ Eyes___ Glasses-Y/N

Distinguishing Characteristics: ____________________________

Photograph Available: _____ yes _____ no

Date of Hire: ____________

Date of Birth: ____________ SSN: _______________________

Driver’s Lic.#: __________________________

Residence Address: ______________________________________

Home Phone #: ________________________________________

Mobile Phone #: __________________________

Pager #: ______________________________________

Vehicles: (make, model, year, color) 

_______________________________________ ____________________

_______________________________________ ____________________

License Numbers: 

_______________________________________ ____________________

Family: _____ single _____ married ____ divorced ____ separated

Spouse's Name: _______________________________________

Address: ____________________________________________

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Work Phone #: _________________ Home Phone # _________________
Children's Name/Ages: _________________________________________
________________________________________________________________________
Children’s Schools/Addresses:
________________________________________________________________________
________________________________________________________________________

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Witness Information Synopsis (Form D)

Witness #: _________
Name: ____________________________________________  Check One:
Employee: ___
Nicknames: ________________________________________ Contractor: ___
Work Phone #: __________________ Ext. ____________  Visitor: ___
Fax #: ____________ Pager#: _________________________ Other: ___
Dept: ____________________________________________ _____________
Employer: ___________________________________________________
Job Title: ____________________________________________________
Physical Location of Work area: ________________________________
Building:__________________________  Room: __________________
Address: _____________________________________________________
Supervisor: __________________________________________________
Supervisor’s Phone #: _________________________ Ext. ____________
Date of Hire: ____________
Date of Birth: ____________  SSN: ________________
Driver’s Lic.#: ______________________________________________
Residence Address: __________________________________________
Home Phone #: ______________________________________________

Vehicles: (make, model, year, color)  License Numbers:
________________________________________

Witness #: _________
Name: ____________________________________________  Check One:
Employee: ___
Nicknames: ________________________________________ Contractor: ___
Work Phone #: __________________ Ext. ____________  Visitor: ___
Fax #: ____________ Pager#: _________________________ Other: ___
Dept: ____________________________________________ _____________
Employer: ___________________________________________________
Job Title: ____________________________________________________
Physical Location of Work area: ________________________________
Instigator Information Synopsis (Form E)

Name: ______________________________________  Check One:
Aliases: ______________________________________ Employee: ___
Work Phone #: ____________________ Ext. ____________ Contractor: ___
Fax #: ____________ Pager#: _____________________ Visitor: ___
Employer: ___________________________________________________
Dept: _______________________________________________________
Job Title: ____________________________________________________
Extent of Site Access: __________________________________________
Keys Issued: __________________________________________________
Physical Location of Work area: ________________________________
Building:__________________________ Room: ____________________
Address:______________________________________________________
Supervisor: ___________________________________________________
Supervisor’s Phone #: _______________________ Ext. _______________
Physical Description: Ht.____ Wt.____ M/F Hair___ Eyes___ Glasses-Y/N
Distinguishing Characteristics: ___________________________________

Photograph Available: _____ yes _____ no

Date of Hire: ____________
Date of Birth: ______________ SSN: _________________________
Driver’s Lic.#: _____________________________________________
Residence Address: _________________________________________

Home Phone #: ________________________________
Mobile Phone #: ________________________________
Pager #: _________________________________________

Vehicles: (make, model, year, color)  License Numbers:
___________________________________________
___________________________________________
___________________________________________

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Weapons (known or rumored): __________________________________

Past Activities Related to Violent Behavior:
(Past incidents, arrests, convictions, police reports, restraining orders, court case numbers, etc.)

Family: _____ single _____ married _____ divorced _____ separated
Spouse's Name: ______________________________________________________
Address: __________________________________________________________
Work Phone #: _________________ Home Phone #: _________________
Children’s Name/Ages: ______________________________________________

Children’s Schools/Addresses:

Parents: _____________________________________________________________
Phone/Address: _____________________________________________________
Ex-Spouse's Name: ___________________________________________________
Phone/Address: _____________________________________________________
Children’s Names/Ages: ______________________________________________

Past Employers: Name, Location, Phone #, Comments

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Work Performance/Evaluations:

____________________________________________________________

____________________________________________________________

____________________________________________________________

____________________________________________________________

Related Medical Evaluations or Conditions:

____________________________________________________________

____________________________________________________________

____________________________________________________________

____________________________________________________________

Financial Condition:
(Liens, judgments, delinquent child support, unlawful detainers, bankruptcies, etc.)

____________________________________________________________

____________________________________________________________

____________________________________________________________

____________________________________________________________

Additional Information/Factors Relevant to Subject’s Current State of Mind:

____________________________________________________________

____________________________________________________________

____________________________________________________________

____________________________________________________________
Formula for Assessment

Introduction

The subject of this chapter is one of great ongoing discussion among all practitioners of violence assessment or violence risk assessment — and probably always will be. It incorporates many of the topics discussed throughout this book, such as what behaviors we should be looking for to provide accurate prognostications of future violent behavior. What other factors, such as mental illness, family support, organizational anxiety or dynamics, head injuries, employment, family history, etc. should be considered? If we consider these behaviors and factors, how should they be weighed to provide an assessment that heightens victim safety, while balancing the effect that a false positive finding might have on potential offender rights with the correct use of limited resources?

In this chapter, we will briefly cover a number of the various vehicles that have been designed in an attempt to address these considerations. All have attempted to take knowledge from the empirical literature and structure a process that helps assessors gather information and sort it in some way for the purpose of clarifying the elements of an individual case, therefore providing them with a more transparent way to reach a conclusion of risk level, communicate that assessment, and, in some cases, also suggest interventions or other future activities to reduce that risk (e.g., conditions for probation or parole, training, counseling, etc.). One tool we will focus on in particular, the Assessment and Response Grids designed by the co-author of this book, Jim Cawood, and Dr. Stephen White of Work Trauma Services, has never been discussed in the literature before. This particular tool, which was originally developed in 1993 and received one major revision, provides a quick way to quantify risk and practical suggested responses for various components of the risk management team at different levels of assessed risk. This product has been used in federal and state agencies and public and private corporations for almost 10 years and has allowed both new and experienced assessment practitioners a way to both initially assess and manage cases and to monitor changes as the case continues to unfold.

In conducting a review of the literature regarding assessment instruments and tools and the research supporting their individual characteristics and validity, some good material was located, particularly from the late 1990s forward. An article in the *British Journal of Psychiatry* entitled Violence Risk...
Prediction: Clinical and Actuarial Measures and the role of the Psychopathy Checklist\textsuperscript{1} is particularly useful for anyone interested in understanding, in a quick read, the early history of violence prediction and how various instruments have been developed to aid in the process. Table 1 of that article compares the “content lists” for the Psychopathy Checklist–Revised (PCL-R)(Hare, 1991), Psychopathy Checklist–Short Version (PCL-SV)(Hart et al, 1995), Historical/Clinical/Risk/Risk Management 20 item scale version 2 (HCR-20 V.2)(Webster et al., 1997), Violence Risk Appraisal Guide (VRAG) (Harris et al., 1993) and the MacArthur Violence Risk Assessment Study (VRAS) (Monahan et al., 2000).\textsuperscript{2} With the exception of the MacArthur VRAS, authors Dolan and Doyle compare the content of the most used instruments in the area of violence prediction and then go on to discuss their strengths and limitations according to various studies.

It has been proven by a plethora of studies that actuarial-based violence risk assessment instruments are more accurate than clinical judgment alone. Several of the above named instruments incorporate the “scores” of other instruments into their own instruments to enhance their decisions. Those in that article that did so use the scores of one of the Psychopathy Checklist (PCL) products. The HCR-20v.2 incorporates the score of the PCL-R or PCL-SV. The VRAG incorporates the PCL-SV score, as does the MacArthur VRAS. This product family is used because it has been widely tested and found to be the best predictive family of instruments for future violent behavior currently available. Dolan and Doyle’s conclusion is the same as the authors of this book for the use of these types of instruments or tools: use caution and understand the limitations of the various products. At the present time, there has not been enough research concerning the validity of any single instrument in a wide enough range of populations (adults, youths, penal settings, open society, different ethnicities, different intelligence levels, etc.) to trust any of these instruments to make significantly accurate stand-alone predictions in any individual case, across all populations and, in fact, there may never be. At the present time, the real value of these instruments for the practitioner is that they can serve as a method of tracking the collection of relevant case information, providing a framework for assessment and a secondary way to view the assessment, all of which serves to make the assessment more complete and less subjective. In other words, these instruments and tools can help stop lazy analysis by encouraging assessors to do all their homework and serve as a possible hedge against allowing personal feelings, in any given case, to significantly skew their professional opinion.\textsuperscript{3}

The assessment tools mentioned above and any that we would consider for use, now or in the future, have two common elements. They have been grounded in the professional literature for the historical and behavioral elements they identify as important for use in the assessment and, if they provide

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a numeric “scoring system,” they do so in a transparent way that allows the user to understand the numerical weighting of the elements. Some assessment tools on the market do not match this criteria and, although one family of tools, the Mosaic series, is touted as being used across a wide spectrum of criminal justice and law enforcement agencies, it has never produced any information that allows for an understanding of the numerical values that its computer program generates for levels of concern or risk. Given the sophistication of current practitioners and the need for moving toward a transparent system of assessment that demystifies decisions that affect the freedom and safety of both victims and instigators, it is our hope that practitioners will vote with their time and resources to support tools that provide transparency, not mysticism.

It is unfortunate that these products are not used more uniformly for the purpose suggested above. In an article titled Offender Risk Assessment: Guidelines for Selection and Use, author James Bonta cites one study by correctional psychologists that involved the use of actuarial risk scales to predict recidivism, in which they are asked about their use of three instruments specifically developed for criminal offenders. Only 11% reported using the PCL-R and 1% reported using the Level of Service Inventory-Revised (LSI-R) or the VRAG. This study implies that the responding correctional psychologists were either using less specific instruments, such as the Minnesota MultiPhasic Personality Inventory (MMPI) or just clinical judgment, thereby making less valid assessments that can affect community safety.

Most of the discussion concerning the use of these products in the assessment process revolves around a cluster of issues including cost, ease of use and to what degree they enhance accuracy of the assessment. Most research, at this point, clearly shows that enhancing accuracy of assessment is strongly supported, however, the cost and ease-of-use issues are valid concerns that still need to be addressed.

Costs break down into two areas, hard and soft. The hard cost, that of the instrument itself, score sheets, etc. is very minimal, less than $100 U.S. in most cases. The greater cost is the soft cost, compiled from the costs for training that enables use of the instrument and the ongoing cost of time to do the necessary information gathering to provide sufficient data to use the instrument. Based on the studies available concerning the cost of injuries due to violence, the question becomes, which is more costly, the expense of using these instruments, or the cost to society of not identifying and successfully intervening to prevent violence from occurring? It is recognized that readers of this book are probably “the choir” on this issue, but that also means fighting to get the ability to spend the time necessary to do information-intensive, objective assessments. A favorite cliché is appropriate here, “You pay now or you pay later, but you always pay more later.”
Regarding the ease-of-use issue, the most direct practical concern we have encountered revolves around the fact that some of these products require the collection of information that is not readily accessible during different types of assessments, particularly when time is a critical factor. Extensive access to family history (e.g., particularly collateral interviews with family members), medical history (e.g., particularly copies of actual medical records) and even criminal records (e.g., hard copies of police reports, investigative notes, etc.) may not be accessible for a substantial number of assessments because there is no ability to legally obtain the records (e.g., an assessor working for an employer or victim may not have the legal authority to even request the records); the time frame to identify the source of the records, request them and obtain them, is prohibitively long; or, in the case of interviews, assessors may not have access to investigative resources to track down the necessary family members and witnesses for interview. Again, these obstacles should not, in our minds, devalue the use of appropriate instruments and tools. The assessor should manage any given case using an ongoing assessment model.

In the case of the material’s not being legally available, the assessors have done what they can at that point in time and can document what material their assessment is based on and what material was legally unavailable. Some assessment instruments have procedures for their use when the information is incomplete and some do not. Depending on the instrument of choice, the assessors may not be able to include the instrument in their assessment, but could still use it as a reference for gathering the information that is available.

If time constraints are an obstacle to the use of an instrument, the assessor could provide an initial qualified opinion of current risk and make recommendations concerning further information gathering, identifying sources and making suggestions concerning the speed at which the information should be gathered. A dramatic case might involve a report of the subject’s going to their car or home to get a gun. This leads to a practical assessment of high risk and triggers a protective response, which could include evacuation, lock down, law enforcement notification and other responses. However, once those interventions are in motion and the situation stabilizes (e.g., the subject is in custody, is found without a gun, etc.), the assessment process continues, more information is gathered and reassessment occurs.

This cyclical process of assessment continues until all the required information is gathered and processed, which may be days, weeks, or even months later. Even if the instigator is incarcerated in a penal environment or mental health institution, the assessment should ideally continue until the steps are completed and a monitoring mechanism is established for ongoing assessment as necessary. Therefore, the use of assessment instruments as a part of the assessment process is a practical achievable course of action, even in a crisis-driven situation.
Being practitioners ourselves, we understand that, in situations where instigators appear to be incapable of continuing their violent trajectory at that moment due to incarceration or incapacitation, there may be a push by supervisors, managers and clients to stop the assessment process, due to time and fiscal concerns. However, it is rare that the instigators will not regain the ability to continue their behavior in the future and completing the assessment and implementing an intervention strategy while the case is still fresh is the best practice to effect long term safety. In line with that philosophy of best practice, we believe that completing assessments that include appropriate instruments or tools is a level of practice that assessors should strive to achieve. This not only helps protect the assessor from making errors that can lead to claims of negligence or incompetence, but also enhances the protection of the victims, clients and institutions that rely on the assessors to maintain their safety. The more objective the information in the assessment, the higher the accuracy of the cumulative subjective opinion.

**Behaviors to be Explored for Violence Assessment**

In reviewing the literature of violence assessment and conducting an analysis of our practice, several categories of behavior have been identified as being of use to the assessment for future risk of violence. These categories are both historical and behavioral. Many of the behavioral areas are similar to those that identify antisocial personality disorder and psychopathy, which should be no surprise to anyone. In the Chapter 3 we identified many of these behaviors as we reviewed the process of information gathering, including the threat assessment outline that was published by the California District Attorney’s Association (CDA) from work conducted by a group of assessment professionals brought together for a project under the auspices of the CDA. However, here we have summarized behaviors many assessors and creators of assessment instruments or tools have found to be important to identify. They can be grouped into several major categories, each with several detail areas. These categories and areas of interest include:

- **Mental Health History**
  - Any diagnosis, treatment and outcomes: particularly depression, paranoia, bipolar, schizophrenia, borderline personality disorder (BPD), narcissistic (NPD), antisocial (APD) These can be more or less important in any given case depending on who the target population is and the degree of substance abuse experienced by the instigator. (Monahan et al., 2001.)
  - Hostile or aggressive attitude toward others
• Violent thoughts or fantasies
  • Suicidal or homicidal ideation
  • Hallucinations, particularly command-type
  • Psychotic thoughts, particularly with violent content
  • Lack of compliance with treatment(s)

• Medical History
  • Loss of consciousness
  • Major head trauma
  • Brain lesions or tumors
  • History of extended pain (chronic or due to other illnesses)
  • Lack of compliance with treatment(s)

• Family History
  • History of violence or abuse, physical or sexual
  • Parent ever arrested/used drugs
  • Unstable family relationships
  • Lived with both parents to age 16

• Relationship History
  • Promiscuous sexual behavior
  • Many short-term relationships
  • Verbal or physical abuse, either as instigator or victim
  • Parasitic lifestyle (e.g., living off others)

• Employment History
  • Short periods of employment (under a year)
  • Reasons for leaving usually involuntary or related to negative perception of personal treatment
  • Pattern of declining compensation
  • Consistently choosing a level of employment significantly less than the intellectual ability

• History of Violence or Conflict
  • Young age of first violent or criminal offense
  • Hostile or aggressive attitude
  • Bullying or victim of bullying
  • Initiating physical violence toward others
  • Subject of protective or restraining orders
  • Arrested or convicted of violence toward others
  • Violated terms or conditions of legal orders, probation, or parole
• Substance Use (abuse) History
  • Use of substances causes aggressive or violent behavior
  • Use of alcohol, methamphetamine or cocaine
  • Use of any substance with resulting job loss, memory loss or loss of consciousness

• Relationship with or Use of Weapons
  • Unauthorized carrying of firearms on person or in vehicles
  • Inappropriate display of weapons
  • Use of weapons to intimidate or frighten
  • Offensive use of weapons to injure or kill
  • Inappropriate emotional stimulation when a weapon is thought of or used
  • Intense preoccupation with violent use of weapons
  • Acquisition or modification of a weapon, particularly linked to an emotional event

• Recent or Current Events and Conditions
  • Impulsivity
  • Loss of significant family member(s)
  • General relationship problems
  • Lack of personal support
  • Stress
  • Primary relationship disruption (separation, divorce, etc.)
  • Substance abuse (particularly alcohol, Methamphetamine/cocaine)
  • Employment problems
  • Legal problems, including commission of crimes
  • Health problems

Obviously, the presence or absence of any of these historical facts or behaviors, or factors similar to these, does not mean the actual instigator in any given case is either going to act violently or not. However, the more destabilizing factors currently present, coupled with a history of instability and inappropriate thoughts and actions, should lead an assessor to become increasingly attentive to the case and concerned for the safety of the potential victims. Denial and rationalization are powerful forces that work against case facts and obvious behavioral cues, even for experienced and well-meaning assessors.

Witness Interview Form

As mentioned above, much of the information we have learned to acquire has come from the studies of violent behavior by individuals who have antisocial personality disorder (ASPD) or are judged to be psychopaths. For

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example, a study of released inmates clearly showed that, on release from custody, psychopaths were four times more likely to commit a violent offense than their nonpsychopathic counterparts. Thus, instruments such as Hare's Psychopathy Checklist Revised, mentioned above, can prove very helpful to the assessor. In fact, another study substantiated that violent offenders generally score higher on this instrument.

One of the difficulties however, with this and other “instruments” is the manner in which they are presented and the presumed necessary qualification of the assessor to properly check off the right observation. It is one of the reasons coauthor Dr. Corcoran put together a question-and-answer format for many of these indicators, plus specifying the necessity for the assessor to write a specific example given by the interviewee to further clarify the observation, as well as help the assessor in accumulating as much objective data as possible. It is simply called the Witness Interview Form and is contained in its full format in the Appendix at the end of this chapter.

The 76 questions of this questionnaire can hardly be considered original, as they are simply a compilation of numerous researched concepts, assessment tools and the experience obtained from handling thousands of cases since 1970. Starting about 15 years ago (with only about 45 questions), the intent was to put together a “user-friendly” tool for assessors in the field that recognized or addressed the common potential for violent character traits (some psychopathic traits, from conning and manipulating others to lack of remorse or guilt in areas where most people would feel remorse or guilt) as well as familiar, often-discussed customs (from history of alcohol or drug use to familiarity or discussing firearms). Further, by requiring the assessor to complete the area that asks for a specific example to substantiate the answer, the assessor would have a permanent record of the interviewee’s statements related to the concept. This would allow the assessor to review the information later to better determine the truth or motivation of the person interviewed, as well as corroborate these answers with other data. It also gives assessors a record of how they reached their conclusions so they can verify that they were as objective as possible. And finally, the questions serve as a valuable resource to demonstrate the consistency of the interviews, much as law enforcement personnel, even those who have more than 20 years in the game, will still rely on the Miranda warning card to read to suspects.

From the information derived from this questionnaire, which can actually be used with victims as well as witnesses, an outline of the general personality of the subject can be formed. Many assessors utilize this form in the field and then consult with Dr. Corcoran concerning possible character traits to better design an approach to the instigator. They also request information concerning likely responses and behaviors they can expect from an instigator, so they can plan to address them. Additionally, with a few modi-
fications, these same questions can then often be used when interviewing an instigator.

But even this questionnaire or any format of information gathering cannot be expected to be a complete indicator of someone's total potential for violence. Many other resources, as discussed in this text, must be added to this tool. One such instrument that helps assessors determine where they are in the assessment process, and where they need to go, is the Assessment and Response Grids discussed in the following section.

Assessment and Response Grids (Version 2)

This assessment and response tool set was originally designed in 1993 by Cawood and White for use in training their corporate clients and providing a common “language” to use for assessments with them. It was designed to be a simple tool set, based on the professional literature and the practical knowledge learned through managing hundreds of cases. It is used when incidents are referred to an assessor or incident management team (IMT) within an organization. Instigator behaviors are compared with those categorized by levels of risk for physical harm. Response options are then suggested by designated component of expertise (e.g., assessment, security, legal, etc.). It should be noted that, even though the professional literature was used as a basis for the grids, certain behaviors have been arbitrarily assigned levels of risk by the authors of this tool, based on their education, training and experience coupled with how they saw the tools being used by clients.

This tool set was designed to assess and manage risk of physical harm to an identified victim or group of victims, it was not designed to make a general assessment of risk for behaviors less than physical violence, or for undefined victims such as society in general. It was also not designed to be used without some level of professional consultation, a suggestion that was incorporated into the Response Grid so it would not be forgotten. However, as client IMTs have become more knowledgeable through case work and consultation, the grids have provided a degree of independence in low- and moderate-risk cases that the teams consider to be of great benefit to them. These tools have been used to train elements of several federal agencies, including the U.S. Postal Service and Internal Revenue Service; both state-level law enforcement and general service agencies such as the California Highway Patrol, California Department of Motor Vehicles, State Compensation Insurance Fund and California Department of Corrections, as well as dozens of corporate Incident Management Teams, including Hewlett-Packard, Wells Fargo Bank, Nordstrom and The First American Title Company. In all of these different environments, this tool set has proven to be an accessible, practical and useful guide for assessment and response (intervention).
The assessment tool separates behaviors and case information into three risk levels, Low, Moderate and High. In the Assessment Grid, the information elements fall under the following categories:

- Escalating aggression
- Weapons involvement
- Negative mental status
- Negative employment status
- Personal stressors
- History of violence and conflict
- Buffers
- Organizational impact
- Organizational influences

Under the Response Grid, the suggested responses correspond to the three risk levels and fall under the categories:

- Assessment
- Security
- Legal
- Employee relations actions
- Treatment

We will go through each of these categories and provide an understanding of the type of behaviors in each section of the Assessment Grid and the type of response options delineated in the Response Grid. The discussion of each category will be accompanied by an illustration of that category in the appropriate Grid for reference.

The Assessment Grid

Escalating Aggression

This category (See Figure 4.1) captures physical behavior that the subject of the assessment has so far manifested toward the identified victim(s). This includes intimidating actions, repeated bullying, verbal threats, unwanted physical contact, stalking, etc. In general, as the actions become more frequent, more intense, or more specifically aggressive or violent in nature, the risk of physical harm goes up. If physical harm has already taken place, or other types of acts like firing a firearm in the direction of victims, attempted murder, exploding a bomb near victims, burning the victim(s) domicile or
It should be obvious that the victims are at great risk and assessors should immediately take all available steps to protect themselves from harm.

**Weapons Involvement**

This category (see Figure 4.2) involves the behaviors of the instigator around weapons, particularly related to emotional attachments or displays. The first item mentioned in each category of risk is the location of a firearm, but this location information can apply to any weapon. The location of the weapon, like all assessment information, is particularly interesting when case infor-
Information can show a change over time. It could be a behavior pattern that brings the weapon under more constant physical control of the instigator or into greater physical proximity to the victim(s). Either of these patterns could increase the risk of harm to the victim(s) by having the weapon more accessible for use against the victim(s) at any given moment. In the Low Risk box, the mention of "Long-term sanctioned use" is actually a buffer of sorts, but, because of the importance of weapons in the violence assessment, this buffer was placed in that box for immediate accessibility. In the Moderate Risk box, one behavior noted is "Acquire new weapons or improve weapon(s)," this is significant when it has occurred in a time frame around an emotional or other significant event for the instigator, particularly when it involves the victim(s), because it shows a possible attempt to prepare for an action involving the weapon.

### Negative Mental Status

This category (see Figure 4.3) involves behaviors that reflect mood or thought changes or disorders and the use of substances that can affect mood and possibly cognition. In the language of this category, many different terms are used to describe certain behaviors and thoughts that might appear to be subject to interpretation. Certain terms such as “felt entitlement,” “mental preoccupation,” “paranoid thinking” and others could be misinterpreted by some users of the tools, however, during the training in the use of this tool, examples are provided for clarity. Also, in the High Risk box, neither hallucinations can show a change over time. It could be a behavior pattern that brings the weapon under more constant physical control of the instigator or into greater physical proximity to the victim(s). Either of these patterns could increase the risk of harm to the victim(s) by having the weapon more accessible for use against the victim(s) at any given moment. In the Low Risk box, the mention of "Long-term sanctioned use" is actually a buffer of sorts, but, because of the importance of weapons in the violence assessment, this buffer was placed in that box for immediate accessibility. In the Moderate Risk box, one behavior noted is "Acquire new weapons or improve weapon(s)," this is significant when it has occurred in a time frame around an emotional or other significant event for the instigator, particularly when it involves the victim(s), because it shows a possible attempt to prepare for an action involving the weapon.

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cinations nor delusions are specifically mentioned, but, during the training in the use of this tool, both of these items are explained and added to the language of this box. It is also explained that, should instigators have communicated their thoughts in such a way as to indicate the possible existence of hallucinations, delusions, or psychotic violent thoughts, the assessor(s) should initially assign a High Risk assessment level, until the instigator has been evaluated by the assessor or another trained assessment professional in a face-to-face assessment interview (Monahan et al., 2001).

### Negative Employment Status

This category (see Figure 4.4) involves employment-related actions that have occurred or might occur and incorporates this information into the assessment. This category is important whether the instigator is an employee of the client or not, because of the connection that employment can have on emotional balance and situational stability. If the instigator is an employee of the client, this is also a factor that can be controlled to a certain degree, however, if the instigator is not an employee, it is an uncontrolled, but important element in assessment, such as when an instigator is threatening a wife or significant other who is an employee of the client. No one needs to be reminded of the high number of violence cases that have appeared to revolve around employment-related issues.

<table>
<thead>
<tr>
<th>Low Risk</th>
<th>Moderate Risk</th>
<th>High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Possible discipline, negative performance review or termination, nonviolence-related</td>
<td>• Recent or pending disciplinary action or negative review</td>
<td>• Separation or termination inevitable</td>
</tr>
<tr>
<td>• Bypassed for raise, promotion, recognition or opportunity</td>
<td>• Probable or pending termination or demotion, reinstatement unlikely</td>
<td>• Terminated and all legal and other recourses for reinstatement or compensation exhausted and ruled against subject</td>
</tr>
<tr>
<td></td>
<td>• Unstable employment in last year</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 4.4** Negative employment status.

### Personal Stressors

This category (see Figure 4.5) deals with other stressors in the instigator’s life that may elevate the level of risk of physical harm. These stressors would include intimate relationship disruption; health, financial, or legal problems; lack of a support system and a negative or destructive coping style. One other issue that is noted in the High Risk box is being a target of high provocation by associates or intimates. This item is noted because of the situations in schools and the workplace in which individuals are the target of a bully or bullies and eventually respond with violence to stop the destruction of their

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sense of self. This is not as uncommon as some might believe and, like other individual behaviors, is not a stand-alone sign of immediate risk for physical violence, but can be significant when linked with other risk factors.

**History of Violence and Conflict**

This category (see Figure 4.6), which is self evident, charts some historical information that has shown a connection to later acts of physical violence. Those that are familiar with the professional literature will see some types of historical behavior that have been linked to antisocial personalities. In the High Risk box, one of the items is “Highly isolated; loner style.” This item is not only referencing people who appear physically isolated from others or have physically isolated themselves from others, but also those who have communicated that they feel isolated and alone. This sense of isolation, whether involuntary, voluntary or perceived, is often quoted as part of a “profile” of a person who commits physical violence. We do not feel that “profiles” are accurate in this way, but isolation could be linked to depression

<table>
<thead>
<tr>
<th>Low Risk</th>
<th>Moderate Risk</th>
<th>High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Mild disruption in primary intimate relationship</td>
<td>• Primary relationship disruption (birth, separation, betrayal)</td>
<td>• Recent relationship loss (death, divorce, betrayal, abandonment)</td>
</tr>
<tr>
<td>• Mild financial problems</td>
<td>• Significant financial pressures — to increase with job loss</td>
<td>• Serious financial crisis</td>
</tr>
<tr>
<td>• Minor legal issues</td>
<td>• Legal problems</td>
<td>• Serious legal problems</td>
</tr>
<tr>
<td>• Minor health problems</td>
<td>• Demoralizing health problems</td>
<td>• Serious health problems</td>
</tr>
<tr>
<td>• Inconsistent support system</td>
<td>• No or marginal support system</td>
<td>• No support system</td>
</tr>
<tr>
<td></td>
<td>• Negative coping style</td>
<td>• Destructive coping style</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Target of high provocation by associates or intimates</td>
</tr>
</tbody>
</table>

**Figure 4.5** Personal stressors.

<table>
<thead>
<tr>
<th>Low Risk</th>
<th>Moderate Risk</th>
<th>High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Early life problems at home or school</td>
<td>• Victim or witness to family violence as child or adolescent</td>
<td>• Has violated protective orders</td>
</tr>
<tr>
<td>• Pattern of mildly conflictual work relationships in past</td>
<td>• History or pattern of litigiousness</td>
<td>• Arrests or convictions for violence</td>
</tr>
<tr>
<td>• Behavior-related job turnovers</td>
<td>• Arrests or convictions, nonviolence</td>
<td>• Credible evidence of violent history</td>
</tr>
<tr>
<td></td>
<td>• History of serious work conflicts</td>
<td>• Failed parole or probation programs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Highly isolated; “loner” style</td>
</tr>
</tbody>
</table>

**Figure 4.6** History of violence and conflict.
and the rage that can surround it and, for that reason, it can be something to note as a part of the assessment process.

Buffers

This category (see Figure 4.7), like the History of Violence and Conflict category, is something that was added to Version 2 of the Grids. Often, the behaviors associated with risk are evaluated in an organized way, but the behaviors that might decrease the assessed level of immediate risk of physical violence are not as systematically considered. Some of these buffers are drawn from their opposite risk factors, such as “Adequate coping responses,” while others are behaviors that might not be thought of if only risk factors were considered. Each of these buffers illustrates an instigator behavior that shows some form of appropriate behavioral control, emotional response or lack of additional stressors. Identifying buffers can generally lower the assessment of the immediate level of risk and can provide suggestions for ways the incident can be stabilized by strengthening the buffer during the intervention. Obviously, in any given case, the strength of the behaviors in other categories may outweigh the mitigating effects behaviors in the category could have on the overall assessment of risk level.

Organizational Impact and Organizational Influences

These two categories (see Figure 4.8) are meant to track environmental influences that could serve as situational destabilizers in those cases where the potential victim is part of an organization. If any of these items are present in the situation, their inclusion will influence the level of assessed risk by generally elevating it, in the same way that buffers can generally lower it.
The first category, Organizational Impact, reflects how the people in the organization perceive their risk and how it may be affecting their behavior. Any of these perceptions, when elevated to certain levels, can cause individuals to be less functional at work, can impact their willingness to provide information, or, counter-intuitively, can impact their follow-through on tasks that will help preserve safety, such as remaining aware of surroundings and reporting changes in behavior. Fear can be debilitating. This type of fear can “feed” certain instigators, empowering them to take further action to torment or control the victim(s).

The second category, Organizational Influences, is meant to determine whether any organizational or managerial factors are exacerbating the situation, either by commission or omission. Certainly, the more adversarial and actively hostile management is to workers in general and the instigator in particular, the greater the possible escalation.

Both of these categories, like buffers, offer areas for the assessor to work on during the intervention phase to stabilize and improve the situation going forward. Management education and training, appropriate discipline of managerial misconduct, reengineering of work processes and improving

<table>
<thead>
<tr>
<th>Organizational Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Employee(s) fear of violence</td>
</tr>
<tr>
<td>• Supervisory/management personnel fear of violence</td>
</tr>
<tr>
<td>• Highly vulnerable specific target(s) of serious harassment/stalking/predatory searching</td>
</tr>
<tr>
<td>• Fear-induced employee(s) performance disruption, job avoidance/absenteeism</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Organizational Influences</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Heavy workload, high stress environment</td>
</tr>
<tr>
<td>• Generally adversarial, conflictual or mistrustful work environment</td>
</tr>
<tr>
<td>• Counterproductive employee attempts to intervene or prevent violence</td>
</tr>
<tr>
<td>• Co-worker or supervisor provocation of subject</td>
</tr>
<tr>
<td>• Co-worker (or others) support of or encouragement of violent course of action</td>
</tr>
<tr>
<td>• Management lack of knowledge of workplace violence dynamics or warning signs</td>
</tr>
<tr>
<td>• Management denial or minimization of potential seriousness of situation</td>
</tr>
<tr>
<td>• Management lack of crisis management experience, skills or tolerance level</td>
</tr>
<tr>
<td>• Management active negative case management responses</td>
</tr>
<tr>
<td>• Management resistance to accepting appropriate or specialized assistance</td>
</tr>
<tr>
<td>• Management unavailability/remoteness from location of situation/key individuals</td>
</tr>
</tbody>
</table>

**Figure 4.8** Organizational impact and influences.

The first category, Organizational Impact, reflects how the people in the organization perceive their risk and how it may be affecting their behavior. Any of these perceptions, when elevated to certain levels, can cause individuals to be less functional at work, can impact their willingness to provide information, or, counter-intuitively, can impact their follow-through on tasks that will help preserve safety, such as remaining aware of surroundings and reporting changes in behavior. Fear can be debilitating. This type of fear can “feed” certain instigators, empowering them to take further action to torment or control the victim(s).

The second category, Organizational Influences, is meant to determine whether any organizational or managerial factors are exacerbating the situation, either by commission or omission. Certainly, the more adversarial and actively hostile management is to workers in general and the instigator in particular, the greater the possible escalation.

Both of these categories, like buffers, offer areas for the assessor to work on during the intervention phase to stabilize and improve the situation going forward. Management education and training, appropriate discipline of managerial misconduct, reengineering of work processes and improving
communication within the organization can all have a positive influence in reducing the risk of violence, for the immediate situation and for the organization in general.

The Response Grid

The suggestions for action in the Response Grid are meant to provide an orderly way to respond to the given levels of assessed risk where there is no immediate concern for physical harm. As mentioned before, if physical harm is imminent, call 911 and leave the area; do not reach for the Grids. The steps in each of these categories, with the exception of the post-assessment or action items under Employee Relations Actions category and the entire Treatment category are meant to be taken in parallel with each other, up to a certain point. In other words, steps in Assessment should be taken at the same time that appropriate Security and Legal steps are being taken by personnel assigned to implement those responses. Certain options in the Assessment category, specifically items 5–7, should be done only after appropriate Security and Legal actions have been completed, because those later items need the information or structure provided by the completion of Security and Legal assignments. The options in the Employee Relations Actions Treatment categories should be considered only after the assessment process has been completed to the point that decisions can be made concerning what actions, if any, would be appropriate to strengthen the stability of the situation. Obviously, if the person is assessed to be an immediate danger to self or to others from a mental health perspective, then involuntary commitment, though listed as a High Risk treatment option, really becomes an intervention and assessment response.

If an initial assessment of risk is a “wobbler,” such as a Low/Moderate or Moderate/High (these do happen in assessment, even though it is discouraged for logistical reasons), the response should always correspond to the higher category of risk. In this way, although the assessor and the IMT could be slightly over-responding, being conservative is always the more prudent course, as the time to conduct certain activities, like background checks, may not be available to allow redoing them in greater depth if the continuing assessment should lead to a higher classification later on. Assessors should be leading a response that is ahead of the velocity or trajectory curve of a situation so, if a sudden escalation occurs, the preparations are in place to manage the situation to maintain safety.

Assessment

This category (see Figure 4.9) outlines what steps an assessor or IMT should take to gather more information to enhance the assessment. It reminds the
Figure 4.9 Assessment.

<table>
<thead>
<tr>
<th>Low Risk</th>
<th>Moderate Risk</th>
<th>High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employer representative initial data intake</td>
<td>1. Employer representative initial data intake</td>
<td>1. Employer representative initial data intake</td>
</tr>
<tr>
<td>2. Employer informant interviews</td>
<td>2. Employer informant interviews</td>
<td>2. Employer informant interviews</td>
</tr>
<tr>
<td>3. Employment-related file review, if applicable</td>
<td>3. Employment related file review, if applicable</td>
<td>3. Employment-related file review, if applicable</td>
</tr>
<tr>
<td>4. Consider threat assessment specialist phone review with Core IMT</td>
<td>4. Threat assessment specialist phone or on-site consultation with Core or Full IMT</td>
<td>4. Threat assessment specialist phone and on-site consultation with Full IMT</td>
</tr>
<tr>
<td>5. Management &quot;reality check&quot; meeting with subject of concern</td>
<td>5. Management &quot;reality check&quot; meeting with subject of concern</td>
<td>5. Threat assessment specialist onsite interviews with target(s) and informant(s)</td>
</tr>
<tr>
<td>6. Threat assessment specialist onsite interviews with target(s) and informant(s)</td>
<td>6. Threat assessment specialist onsite interviews with target(s) and informant(s)</td>
<td>6. Onsite evaluation by psychological assessment team</td>
</tr>
<tr>
<td>7. Fitness for duty or formal risk evaluation (offsite) or onsite evaluation by psychological assessment team</td>
<td>7. Fitness for duty or formal risk evaluation (offsite) or onsite evaluation by psychological assessment team</td>
<td>7. Post onsite evaluation for involuntary hospitalization</td>
</tr>
</tbody>
</table>

Figure 4.10 Security.

<table>
<thead>
<tr>
<th>Low Risk</th>
<th>Moderate Risk</th>
<th>High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cursory background investigation — recent local, criminal and civil history</td>
<td>1. Full background investigation</td>
<td>1. Full background investigation</td>
</tr>
<tr>
<td>2. Law enforcement liaison</td>
<td>2. Law enforcement liaison</td>
<td>2. Law enforcement liaison</td>
</tr>
<tr>
<td>3. Security plan for interviews with management, informants and subject</td>
<td>3. Full security plan for interviews, perimeter protection and reaction team</td>
<td>3. Full security plan for interviews, perimeter protection and reaction team</td>
</tr>
<tr>
<td>7. Target education on personal security and possible legal actions</td>
<td></td>
<td>7. Target education on personal security and possible legal actions</td>
</tr>
</tbody>
</table>
user to gather the initial data of the incident report, conduct informant interviews, review employment related-files and consult with a threat (violence) assessment specialist, as appropriate.

In the Low and Moderate Risk box, item 5 is listed as a “management ‘reality check’ meeting with (the) subject of concern.” This means that, in cases that have been assessed as Low or Moderate risk, if the organization has appropriate personnel available (e.g., appropriately trained, psychologically prepared, emotionally solid), they might conduct a highly scripted interview with the subject that will provide information about the subject's current level of emotion, impulsivity, internal boundaries, ability and willingness to cooperate in resolving the situation and to take direction, coaching and limit setting, etc. As stated, the purpose is to check the subject’s current reality. If appropriate personnel are not available, then the assessor or other appropriately trained personnel would conduct this interview. In the High Risk box, this option is not available because, at this level of perceived risk, a professional assessor or a psychological assessment team is required to conduct an appropriate assessment interview.

Security

This category (see Figure 4.10) outlines the investigative and security steps that need to be considered for each level of perceived risk. A “cursory” background investigation will encompass 7 to 10 years of the instigator’s (and possibly the victim’s) life. As mentioned in Chapter 3, this will include checks of legally available criminal, civil, financial and other records for use in understanding the subject’s past behavior. A “full” background investigation encompasses the subject’s adult life from age 18 to the present. Any records prior to age 18 are usually considered juvenile records and not available for review by many assessors. If these records are available to the assessor, they should be located and reviewed as well.

In the Moderate and High Risk boxes, “law enforcement liaison” means contacting the appropriate law enforcement agencies for information gathering purposes, as well as establishing communication channels for use in security or tactical operations. If there is to be an interview with the instigator inside a particular law enforcement jurisdiction and armed security or law enforcement personnel will be on site who are not connected to the jurisdiction, then a liaison should be established to speed assistance and minimize the possibility of an injury if law enforcement were to arrive on the scene and begin to engage the wrong personnel.

The “security plan for interviews” encompasses the possibility that at any stage of the assessment process it could be determined that a risk of disruption or harm may be present for the interviews. When interviewing the
instigator, this may be obvious, but, in some cases, the instigator might learn of the interview process and attempt to disrupt it by barging in, intimidating witnesses, or actually attacking the people involved. In those situations assessed to involve the potential for this type of action, a security plan should be developed and implemented to protect the process from disruption and the participants from harassment, intimidation and harm.

The “security plan for “knock and talk” involves those times when instigators are not readily available to the assessor, either because they are not employees or because they are not available at a work site. A security plan then needs to be developed for protection of the assessment personnel when they physically contact the subjects at home, work or other uncontrolled venues. This normally requires detailed law enforcement liaison, a movement and tactical plan for various contingencies and preparing the assessor(s) in what and what not to do to maintain safety. Some of this process can be truncated if local law enforcement can be appropriately involved and they have behaviorally trained officers, such as hostage negotiators or psychological technicians who would be willing to participate in or conduct the assessment. Participant safety in these types of assessments is always difficult and requires careful planning and execution.

The “security for TRO service” means service of a temporary restraining order. It would also encompass the security planning and execution of any contact of a nonassessment nature with the subject, such as the service of any court order including a protective order or permanent restraining order, cease-and-desist letter, termination letter, return of personal belongings, etc., that may be a part of case management.

Legal

This category (see Figure 4.11) outlines the legal oversight that should be exercised when a violence assessment is being conducted. Issues of invasion of privacy, harassment, discrimination and others can be raised regardless of whether employment status is involved. Certainly, reviewing public communications will limit any exposure to claims of defamation.

Employee Relations Actions

This category (see Figure 4.12) outlines the actions to be taken by Employee Relations or Human Resources professionals during the response phase. If this is not an employee-related assessment, then this category is not relevant. Most action in this section is considered post-assessment or post-action items, with the exception of management’s meeting with the subjects to inform them of their status and the requirement for evaluation (assessment). Actually, the personnel assigned to this category will also be responsible for providing per-
sonnel files and use of benefits information and participating with Legal in discussions of communications and prospective personnel actions.

The term “post-action constituency communication” refers to communication with appropriate co-workers related to “Duty to Warn.” For further information on this concept, refer to Chapter 7.
Treatment

This category (see Figure 4.13) refers to those treatment options primarily available to employers at different levels of assessed risk. However, some of these options, like involuntary treatment for substance use, marital problems or mental conditions, may be available to courts, while involuntary commitment based on dangerousness to self or others is available to law enforcement personnel, the courts and mental health providers.

Methodology for Use of the Grids for Case Management

The user receives an initial report of an incident and begins the basic information accumulation necessary to make the initial assessment as to whether 911 should be called or not. This assessment is not based on the Grids, but on the immediacy of the initial case information. As mentioned before, a 911 call could be made in the belief that a person is in proximity to a target group and is actively seeking a readily available firearm, or for a variety of other reasons, including that the current understood circumstances meet a predetermined criterion for seeking emergency assistance, such as a very specific threat related to explosives, or the belief that an instigator is currently hunting for a particular target and the time for location of that target is unknown, but possibly short.

However, if the case, as initially presented, does not require emergency assistance by public resources, then the assessor does an initial review of information and begins the process of gathering enough information to make
a threshold assessment for risk. As outlined in Chapter 3, this would include interviewing the initial report providers and any immediately available witnesses to the current event of concern. It would also include a review of immediately available records (e.g., incident reports, personnel files, witness statements, etc.). Once the initial burst of information gathering is accomplished, then the behavioral information that is learned is matched to the similar entries across the behavioral categories of the Assessment Grid. As previously mentioned, the Assessment Grid category boxes are ranked from left (Low Risk) to right (High Risk), with Moderate Risk listed in the middle column box. The behaviors in the categories are not ordered within each risk box by importance (e.g., it is not listed from top to bottom by seriousness of behavior), but are grouped by similar levels of risk behavior.

Once all the currently known case information is matched to the Assessment Grid categories, two types of analysis are possible. The first is whether any categories of information contain no case-related information. If this occurs, the most likely reason is that the information gathering process, so far, has not touched on all the relevant areas of behavioral interest. This should cause the assessor to note the information areas that still need to be explored in the information gathering process. If several of these categories have missing information, then no formal initial (threshold) assessment should be made at that time and more information gathering should take place immediately.

Assuming that all the categories have some data present, that data for any missing categories have been explored and are not present, or there is already a significant amount of data in the High Risk areas of the Assessment Grid, the second analysis, that of initial risk, can be made. The grids provide for some flexibility in assessment related to the judgment and experience of the assessor(s). In IMT settings, assessment is best done by consensus among all the team members participating. In other cases, it may be the assessors by themselves or with other knowledgeable or experienced colleagues. The initial assessment is an average of the information found across the Assessment Grid, except in those cases where certain elements are present (e.g., psychotic violent thoughts, active hallucinations, homicidal or suicidal ideation or intentional use of a weapon to harm someone) which will immediately skew the analysis to an initial assessment of High Risk.

Once the initial risk assessment has been done, the assessor or IMT then turns to the Response Grid and follows the appropriate steps to gather more information, continuing to reassess the case with each new piece of information provided and taking appropriate steps to protect the potential victim(s). These protective actions may involve either direct or indirect interaction with the instigator, or both.
Illustrating Use of this Tool by Way of a Case History

The use of this tool might be best illustrated with a case, e.g., “Daniel,” in Appendix 4.2. Read the account of the situation and then use the Assessment Grid to make an initial assessment of risk and the Response Grid to make a decision about the initial steps you would take to continue to assess and manage the case. You might want to duplicate this practice exercise out of the book and use a marker to highlight the different elements in the chapter that you find to be of interest in your assessment.

This case example is not uncommon for most assessors. It has elements of both workplace violence and domestic violence; the potential for multiple victims; seems to be escalating; has psychological, emotional, organizational, political and legal elements and an unclear time frame. One visualization of analysis is the Ed Sullivan10 “spinning plates” analogy. Mr. Sullivan had a performer on his variety show who would spin plates at the end of long flexible poles. The act was built around how many plates he could get up and keep spinning without having any of them fall to the stage. The performer would end up running up and down the stage, keeping track of the spinning of each plate, while adding new poles and new plates until the process seemed impossible. Analysis is like that in the sense that each piece of data in the analysis needs to be identified and “kept spinning” or active in the analysis until an appropriate place is found for it. “Dropping” any piece of data, by losing that element through forgetfulness or inattention, prior to the conclusion of the case, leads to poor, if not catastrophic, results.

Our analysis of this case breaks down as follows:

First Level: Assuming all information presented is found to be true

| Time Frame: | Friday morning discovery — escalation last 3 weeks |
| Instigator: | Daniel |
| Potential Victims: | Jerry, Susan and Robert |
| Behavior: | Escalating Aggression: Repeated angry outbursts (but under breath, unknown whether he knew he was overheard or wanted to be) (Moderate Risk) Evidence of a violent plan? Possible, if so, High Risk |
| | Weapons Involvement: Ownership of firearms with escalated practice in association with emotional release (High Risk) |
Initial Response Actions: *(see Chapter 3 for more detail)*

1. Contact (at a minimum) Core IMT and threat assessment specialist and do initial data dump.
2. Reclassify or confirm Threshold Assessment.
3. Identify initial Response actions and responsibilities for each team member.
   - Interview: James, Jerome and Jerry immediately to get first-hand information in more contextual and behavioral depth.
   - Initiate: full background investigation of Daniel, even though results will not be fully known until Tuesday or Wednesday of next week.
   - Initiate: law enforcement liaison, looking for wants, warrants, “calls for service to the residence”; other contacts with law enforcement that may involve drugs, violence, or weapons; connect with patrol division to understand who to contact for site response planning if necessary.
• Initiate: review of legal audit of employment-related issues, need for duty to warn communication and drafting of potential language.
• Discuss: pros and cons of approaching Susan or Robert and interviewing them; make initial decision concerning who, when and what approach.
• Discuss: pros and cons of approaching Daniel, on Friday evening vs. Monday or Tuesday for a “management reality check meeting” by team members or threat (violence) assessment specialist or assessment team; make initial decision concerning who, when and what approach to use.
• Decide: when, where and how to reconvene for next assessment, response plan extension and implementation.

How did you assess the case? What were your initial response considerations and actions? One of the most effective ways to train is to develop practical exercises from real cases and then use them at periodic IMT training sessions to refine process, clarify assessment insights and plan for future response options. If the responsibility of developing and delivering practical exercises is shared by all team members, it is a cost- and time-effective, value-proven way to enhance both individual and team member assessment and response knowledge and skill level.

Summary:

The use of a structured methodology or “formula” for assessment improves the quality of assessment by providing the assessor a framework to guide the gathering of information and a more objective way to view the case facts. This methodology is substantially enhanced by using an assessment instrument or tool based in understandings of behaviors and thoughts relevant to the prediction of violent behaviors in the type of potential violence being assessed. The use of an appropriate instrument or tool provides a more objective and accurate assessment than the use of clinical or subjective judgment alone. The reality of case assessment is that time and money are always limited, but, given the responsibilities of the assessor, both to the victims and the instigator, neither of these factors should stop the assessor from providing an assessment that is information intensive and as objective as possible each and every time. For the protection of everyone’s rights and freedom and the safety of all concerned, the standard of assessment practice should be raised by making it more objective and transparent.
Endnotes


3. For a more detailed discussion of current instruments and their uses, the entire issue of *Criminal Justice and Behavior, Vol. 29, August 2002*, is devoted to the topic of contemporary risk assessment. Each author is well known and tackles a particular area of interest to readers of this book.

4. J. Reid Meloy also addresses this concern in his book *Violence Risk and Threat Assessment: A Practical Guide for Mental Health and Criminal Justice Professionals*, Specialized Training Services, 2000, p.158–159. Chapters 9 (Psychopathy) and 10 (Other Risk Assessment Instruments) in his book are also sources of information on risk assessment instruments that could provide value to the reader.


9. For those readers who are interested, most of the literature references for each category of the Grids are listed in the reference list for this book. Those who are interested in specific references for any given category can contact Jim Cawood for discussion.

10. Ed Sullivan hosted a variety show called The Ed Sullivan Show on television in the 1960s. He hosted the first television appearance of the Beatles, Elvis Presley, and many other artists and acts.
Appendix 4.1

The Workthreat Group, LLC
PO Box 3228, Newport Beach, CA 92659-0860 Phone: (949) 951-1316

WITNESS INTERVIEW FORM

All material contained within this questionnaire is protected by copyright law and may not be reproduced without the express written consent of The Workthreat Group, LLC. Additionally, all answers are to be considered privileged and confidential.

Name of Client: ________________________________________
Address of Client: ________________________________________
Location of Interview: ________________________________________
Date of Interview: ________________________________________

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WITNESS INTERVIEW FORM

NAME: _________________________________________  TITLE: ___________________
LENGTH OF TIME WITH COMPANY:________  KNOWN SUBJECT FOR:___________
RELATIONSHIP TO SUBJECT: _______________________________________________

(Use the back of the page to write more information when there is not enough room in front.)

QUESTIONS/EXPLANATIONS         YES NO  UNK

1. Has the subject ever talked about weapons? (Guns, knives, etc.)

2. Has the subject ever used any weapons?
   If yes, explain how it is known: ________________________________
   ________________________________

3. Has the subject ever been known to own or carry any weapons?
   If yes, explain: ________________________________
   ________________________________

4. Is there any known history of drug and/or alcohol use?
   If yes, explain: ________________________________
   ________________________________

5. Has the subject mentioned any movies, TV shows, and/or videos?
   If yes, describe: ________________________________

6. What kinds of books, magazines and/or newspapers has the subject talked about or mentioned reading?
   ________________________________

7. Has the subject ever talked about any dreams or fantasies?
   If yes, please describe: ________________________________

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<table>
<thead>
<tr>
<th>QUESTIONS/EXPLANATIONS</th>
<th>YES</th>
<th>NO</th>
<th>UNK</th>
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</thead>
<tbody>
<tr>
<td>8. Has the subject ever mentioned he belonged to or wanted to belong to any club, group, organization and/or association?</td>
<td>☐</td>
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<tr>
<td>If yes, please describe:</td>
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<td>9. Are you aware of the subject seeking mental health assistance?</td>
<td>☐</td>
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<td>Circle: Psychologist/Psychiatrist Marriage Counselor EAP Mental Institution Other:</td>
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<td>10. Is the subject considered weird, eccentric or strange by anyone?</td>
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<td>Examples:</td>
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<td>11. Is there any known history of violence by this subject specifically towards any women, children or animals?</td>
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<td>Examples:</td>
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<td>12. Is there any known history of domestic violence this subject has been associated with?</td>
<td>☐</td>
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<td>Examples:</td>
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<td>13. Is there any known history of sexual harassment this subject has been associated with?</td>
<td>☐</td>
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<td>Examples:</td>
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<td>14. Are you aware of any promiscuous and/or unusual sexual behavior on the part of this subject?</td>
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<td>Examples:</td>
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<td>15. Are you aware if this subject has had many short term marital and/or serious relationships?</td>
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<td>Examples:</td>
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<td>QUESTIONS/EXPLANATIONS</td>
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<td>16. Are you aware of subject's current living arrangements?</td>
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<td>Explain:</td>
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<td>17. Is there any indication this subject is living off others?</td>
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<td>Explain:</td>
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<td>18. Are you aware of this subject's financial condition?</td>
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<td>Explain:</td>
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<td>19. Are you aware of any stressors subject is dealing with?</td>
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<td>Explain:</td>
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<td>20. Are you aware of any criminal activity this subject may have been involved with or may currently be doing?</td>
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<td>Explain:</td>
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<td>If so, are these crimes repetitive, consistent or varied? (Circle)</td>
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<td>21. Are you aware of any court orders against this subject?</td>
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<td>Restraining  Child Support  Other________________________</td>
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<td>22. Are you aware of any threats this subject has ever made?</td>
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<td>Explain:</td>
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<td>23. Are you aware of this subject following or stalking anyone?</td>
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<td>Explain:</td>
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<td>24. Has the subject ever-talked about or attempted suicide?</td>
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<td>Explain:</td>
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<td>25. Has the subject ever talked about starting fires?</td>
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<td>Explain:</td>
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<td>QUESTIONS/EXPLANATIONS</td>
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<td>26. Any known physical injury in past, especially head trauma?</td>
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<td>27. Has the subject ever made any fatalistic statements?</td>
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<tr>
<td>(&quot;I donít care if I live or die.&quot; &quot;I have nothing to live for.&quot; )</td>
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<td>Explain:</td>
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<td>28. Are you aware of the relationship the subject had with his parents while growing up as a child?</td>
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<td>Explain:</td>
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<td>29. Has the subject ever described any family history of violence, i.e., between parents and/or siblings?</td>
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<td>Explain:</td>
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<td>30. Are you aware if the subject had any juvenile problems?</td>
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<td>Explain:</td>
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<td>31. Any known history of immediate family criminality, i.e., father arrested, sibling juvenile problems, etc.?</td>
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<td>Explain:</td>
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<td>32. Any known history of being abused as a child?</td>
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<td>Explain:</td>
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<td>33. Have you ever seen this subject depressed?</td>
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<td>34. Has the subject ever said he hears voices?</td>
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<td>Example:</td>
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<td>35. Does the subject seem to get frustrated, especially lately?</td>
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<td>Example:</td>
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<td>36. Does the subject ever act secretive?</td>
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<td>Example:</td>
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</table>
QUESTIONS/EXPLANATIONS

37. Would you say this subject usually displays a glibness, superficial charm or phony behavior?
Example: ________________________________

38. Does the subject seem to have a grandiose sense of self-worth, acting pompous or egotistical most of the time?
Example: ________________________________

39. Would you consider this subject to not tell the truth?
   a. Circle best descriptive degree: Occasionally; Sometimes; Frequently; Almost Always; Always; Pathological.
   b. Circle best descriptive reason: Exaggeration; Intimidation; To purposely blame others; To get out of trouble (by shifting blame).

40. Would you consider this subject conning or manipulative?
   Examples: ________________________________

41. Does the subject generally portray a callous self or one with little empathy?
   Examples: ________________________________

42. Does the subject demonstrate a lack of remorse or guilt over things he/she has done in which most others would feel remorse or guilt?
   Examples: ________________________________

43. Have you ever noted any romantic involvement this subject has ever been involved in?
   Has it ever appeared obsessional? _______________________

44. Do you consider this subject impulsive?
   Examples: ________________________________
### QUESTIONS/EXPLANATIONS

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<th></th>
<th>YES</th>
<th>NO</th>
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<tr>
<td>45. Do you consider this subject responsible?</td>
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<td>Explain:</td>
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<td>46. Does the subject generally fail to take responsibility for his own actions?</td>
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<td>Explain:</td>
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<td>47. Does the subject always seem to blame other people and/or events for his problems?</td>
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<td>48. Would you say this subject seems to need a lot of stimulation in his life or he may indicate he is bored?</td>
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<td>49. Does the subject generally exhibit poor behavioral controls?</td>
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<td>Example:</td>
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<td>50. Describe the subject's temperament, especially any recent changes.</td>
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<tr>
<td>a. Mood swings:</td>
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<td>b. Tantrums:</td>
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<td>c. Outbursts:</td>
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<td>d. Throwing things:</td>
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<td>e. Slamming things:</td>
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<td>51. How does the subject usually respond to direction or corrections from:</td>
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<td>a. Supervisors:</td>
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<td>b. Coworkers:</td>
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<td>52. How does the subject usually seem to resolve conflict?</td>
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</tbody>
</table>
53. How does this subject usually respond to changes, such as rules, personnel, etc.?
______________________________________________________________________
______________________________________________________________________

54. How would you describe the relationship between this subject and coworkers?
______________________________________________________________________

55. Has this relationship changed in the last several weeks/months, and if so how?
______________________________________________________________________

56. What do you feel are this subject's expectations about his job with this organization?
______________________________________________________________________

57. Are you aware of any grievances this subject has filed?  
If so, did they seem reasonable?
______________________________________________________________________

58. Does this subject seem obsessed with his job?  
______________________________________________________________________

59. Does the subject have any known suspensions from work?  
If so, how did he respond to these?
______________________________________________________________________

60. Is the subject considered a troublemaker?  
a. If so, give example(s):
______________________________________________________________________
______________________________________________________________________

b. Does he/she associate with other known troublemakers?
______________________________________________________________________

61. Does the subject demonstrate any personality conflicts?  
(Just doesn't seem to get along with most people.)  
Example:  
______________________________________________________________________

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### QUESTIONS/EXPLANATIONS

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<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>62. Would you consider this subject to be a loner?</td>
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<tr>
<td>63. Are you aware of any changes in this subject's belief toward any religion or cause?</td>
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<tr>
<td>a. Explain:</td>
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<td>b. Any others share this belief or enthusiasm?</td>
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<tr>
<td>64. How would you describe this subject’s outlook on the world?</td>
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<tr>
<td>65. How would this subject describe his own self-esteem?</td>
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### QUESTIONS/EXPLANATIONS

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<th></th>
<th>YES</th>
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<tbody>
<tr>
<td>66. Would you say this subject lacks realistic, long-term goals?</td>
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<tr>
<td>67. Have you witnessed a confrontation this subject has had?</td>
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<td>a. If so, describe incident, body language, voice tone, etc.:</td>
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<td>c. How did this subject act 24 hours after the confrontation?</td>
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### QUESTIONS/EXPLANATIONS

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<td><strong>Has the subject ever indicated by words, actions or suggestions that he wanted to get even with anyone?</strong></td>
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73. Are you afraid of this subject because of his: a. intimidations; b. retaliation potential; 
b. bullying behavior; and/or d. other ____________________________

74. Are there any known hobbies, special interests, special vacations and/or outings that 
this subject likes to do? ____________________________
   ______________________________________________________________________
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75. Are there any activities that this subject seems obsessional about? (Has to clock in at 
an exact time; has to wash the car every weekend; has to eat lunch in a certain area.)
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76. Is there anything else you think is important or significant that has not been asked or 
talked about?
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Name of interviewer (please print)__________________________________________
Best way to contact interviewer: ____________________________________________
Appendix 4.2

Case History: Daniel

Imagine you are a human resources director at a local manufacturing company in the Northwest. It is a Friday morning and you have just arrived at work, having already participated in several conference calls involving some issues with your sales force on the East Coast. As you walk into your office, your assistant hands you a series of messages from the operations manager asking you to call immediately. You dial her intercom line and you can tell immediately she is stressed about something. She asks to come to your office and speak to you concerning a confidential matter that is time critical.

She arrives about 5 minutes later and states she has just received a report concerning one of her manufacturing employees, Daniel, who works the swing shift in the plant. Daniel is married to another production employee, Susan, who works the day shift. Claudia, the operations manager, states she’s just been informed by Daniel’s supervisor, Jerry, that several workers on the swing shift have come to him over the last week concerned about several comments that Daniel has made. Jerry told Claudia the swing shift workers reported that, in the last 3 weeks, Daniel has been acting in an “agitated” way. They stated he had always been somewhat of a complainer, but lately, he has been openly muttering under his breath on the line. The comments initially were about whether Susan was having an affair with one of her co-workers, Robert, but then they began to involve Jerry and whether Jerry was laughing at him because his wife was having an affair and he did not know.

One of the workers, James, had reported that, at the beginning, Daniel was just generally talking to himself about Susan and the idea she might be having a relationship with someone, but over the last week or so he had begun mentioning Robert. When he started mentioning Robert, he began speculating underneath his breath about whether he should attack Robert and how he might do it. In the last several days, this had progressed to his being overheard talking to himself and saying such things as, “I wonder if I should confront him at his home or at the plant?” and, “I wonder if I could get away with it if I shot him or whether I should make it look more like an accident?”

In the last several weeks, another worker, Jerome, had overheard Daniel talking to himself about Jerry, originally stating things like, “I’d think Jerry knows what’s going on, he knows everything that goes on in the plant.” Then he had been overheard saying, “Jerry must know and he must really be enjoying himself knowing my wife is stepping out on me and thinking I don’t know.”
Claudia stated she was very concerned about this situation because it seemed to be becoming more volatile and, if something happened in the plant, innocent people could be hurt. She stated the workers who had come forward to talk to Jerry had also mentioned they thought Daniel and Susan were experiencing some relationship problems based on some financial difficulties they had due to the illness of one of their children. Daniel had mentioned a month or so ago that creditors were calling at the home trying to collect on the debts they owed and they just didn't have the money to pay. She also had heard that Daniel had several firearms in his possession and had talked about how much he enjoyed going down to the range and shooting the weapons as a method of stress reduction. Daniel had talked about how, when he was at the range, he could control what the gun would do, unlike other parts of his life. Jerry had also mentioned that, in the past, Daniel had a running argument with one of his neighbors concerning their property line and an easement and there was talk of several lawsuits trying to resolve that issue. The co-workers had mentioned they were concerned about their safety and felt that if this situation didn't get resolved, they might have to take some time off just to stay out of the way until it calmed down.

Claudia stated Daniel was scheduled to come into work today at 2 p.m., and management was not planning to run a weekend shift. She asked that this matter be taken care of as quickly as possible, so people could get back to focusing on their jobs. She stated if the solution was to fire Daniel because he was in violation of their harassment or violence policy, so be it.

A quick review of Daniel's employment file showed he had been with the company for 3 years and had been on the swing shift for his entire employment. He was seen as an above-average worker, but had a series of disciplinary issues focused around challenging his supervisor, Jerry, concerning work rules and, lately, some issues around being late to work. There was a note in his file from the payroll department that, about 2 months ago, someone had filed a garnishment on his wages for $3500, to be paid off at the rate of $150 per pay period.

A review of Susan's employment file showed that she had been employed with the company for 5 years and was considered an excellent worker. She had no disciplinary issues on file and her attendance and timeliness were perfect.

A review of Robert's employment file showed that he had been employed by the company for 1 year and had one complaint registered against him for sexual harassment. The investigation of that complaint had been completed and not enough information had been confirmed to sustain the complaint.

What is your initial assessment?
What is your initial response?
Part 2

Management
Organizational Influences
— Personal and Professional

Introduction

Organizational influence can have a powerful and sometimes surprising impact on the assessment process. This sphere of influence is especially revealing as it affects individuals’ daily patterns. It affects how they behave toward others and, of course, the persons of concern. It affects how they communicate or fail to do so. It is possible to ascertain their “rituals” and routines. The assessor can establish the patterning of the community they interact within. You can determine core values, as well as symbolic gestures and falsehoods. Added to this is the degree these are shared by those within the environment and obviously the persons of concern. Age, gender, social status and perceived role play a part in the evaluation of this setting, but it is this scene, this situation, this specific environment that is an important application of consideration toward a violence assessment, because it is often one of the largest contributing motivational factors toward the violent act.

Reviewing the organizational area in the Assessment Grid in Chapter 4 points to many of the commonly understood problems and influences within the organization, their impact on the instigator, victim and others and why they are a necessary component to the total assessment process. Not only does this grid point to obvious issues such as stress and heavy workload as potential situational stressors that can escalate a violence problem, but the lack of understanding, responses and training on what to do by management personnel in an organization are all too common maladies in today’s workplace. The grids then point to how the biggest reaction to what is lacking in an organization can cause fear. Can there be a more motivating argument to substantiate the need to consider this category in any and all assessments of violence? But why is this so often overlooked and can anything really be done within an organization to mitigate the violence? The short answer is, for an organization to change, it needs to be motivated.

The opportunity of “working the street” as a police officer, both for a large metropolitan city (about 750,000 people) and a medium-sized one (about 200,000) afforded me (Corcoran) some tremendous insights into these concepts. Between what was present in the cities worked and what
showed up in neighboring towns, dealing with juvenile gangs was nothing unusual. What was surprising when one could confront those young gang-members to talk face to face was the discovery that they really weren’t bad kids. Yet, no matter how much time they spent in custody away from their “bro’s,” a few minutes with me or many years in a juvenile facility, when they got back to their “hood” they went right back to their “gang-bangin’” ways, including talking about and demonstrating violent acts. Thus, the lesson was learned early on; that the cry for police intervention to break up gangs made about as much sense as telling the police to go break up families. Just as one’s family offers certain feelings and expectations, so does a gang — and so does the organizational environment. After all, as defined by Webster’s dictionary, a gang can be nothing more than “a group of persons working together.” This is why it is important for the assessor to tie in the organizational influences affecting the potentials of violence in order to point to necessary change and clearly demonstrate what motivational factors can induce that change, without overstepping the boundaries of the organizational structure (family).

What is also necessary to realize is how the internal organizational matrix of the individual contributes to the final behavior. Each reaction, perception or belief that makes up individuals influences their external reaction, perception or belief, changing its meaning and modifying its impact. For example, if employees are normally outgoing, but they discover that their behavior is frowned upon by their immediate supervisor, they may lessen the level of their demonstration while working in the same environment with this person. This may not affect some employees appreciably, but similarly outgoing people who are oversensitive begin to be depressed by such restraints. These are two types of people with similar personalities but different reactions due to their internal organizations, which produce differing effects (one type is able to adjust while the others may resent the supervisor for “making” them act this way).

This is noteworthy because the concepts of “normal,” that an act is either within the boundaries of acceptable behavior or not, may not be as important when assessing a situation as when evaluating accumulated information. This applies directly to making a determination of the potential toward violence as well. How many times have you been cut off by an inconsiderate driver in traffic, and find yourself making a threatening statement or signifying your displeasure via a gesture? This may be considered a fairly “normal” reaction within our society, hence, for assessing that one situation, the potential toward violence may appear to be at the low end of the scale.

However, take someone like Joe, who has been out of work for more than 6 months and has recently lost his only remaining family member, his mother, to a drunk driver incident. Joe is now currently driving to the unemployment office with a gun he has decided he is going to threaten the employees with,
as they just informed him they were stopping his unemployment compensation. If Joe is the recipient of the inconsiderate driver incident during this time, the “norm” of the potential of violence takes on another meaning. His internal organization is going to react to this differently from most of us who simply are annoyed by some driver who is not paying attention. The assessment of accumulated information would allow the assessor to make the more accurate determination of the potential for violence in this case, as the situation that has brought this to the forefront may take on an entirely different effect from “normal.”

So the assessor, in the violence potential assessment process, is dealing with concepts of what is a threat and, to that end, the organization can have surprising influence. We often say people are normal when they function as individuals capable of achieving their own sense of accomplishment or fulfillment. But doesn’t the “norm” depend more upon the environment? When we are young, we try to fit in with our peers by acting, talking and even dressing like the rest of the group. We say we want to be “different,” yet in reality we become the same as the others. This is because any behavior exists on a continuum, or a broad range. The “normal” behavior you brought into the group changes, perhaps even to a pathological component, but the broad range of behavior (dressing like one person, talking like another, etc.) is now the norm.

This continuum is also present in an organizational environment where “normal” is influenced by the practice of that environment and those who interact within it. And if, in fact, the organization has a maladaptive or even a pathological component to it, then the continuum of behavior may modify a person’s “norm.” The difficulty with this is when an individual’s internal organization permits, modifies or even accepts this new norm, but other individuals’ may not, which thus increases the potential for conflict.

Organizational Structure

Numerous organizations are, in essence, building the same thing, manufacturing the same component or delivering the same service, yet each goes about accomplishing its feat in different ways. It makes sense then, that how the organization is structured and how the people are organized have significant impact on how the work is done and how the people behave. The differences in industries dictate differences in their organizational structures out of necessity. But, in the same industry, there are also different behavior relationships within companies. This is primarily due to the environments they serve. Just as youngsters try to fit into their group in high school, so too must an organization try to fit in with its surroundings.
Difficulties can begin when management brings in decisions that are not accommodating to the environment, causing the effectiveness of the organization to falter. Individuals within an organization must work toward a common goal to make the company successful, which, in turn, requires fairly consistent behavior. This allows for a sense of predictability (we should be able to produce 100 widgets a day) and a sense of enduring activities (thus we will always be needed for this market) regardless of surrounding events such as workers coming in or leaving, mergers and reorganization or streamlining.

The problem with this depends upon several factors that lead back to management, as the power structure, or who has the control, heads the list of influences. Is this a command organization dictated to by a few decision makers at the top and reinforced at the worker level by specific policies and procedures? Does a specific manager have the need to feel in control, believing subordinates are not capable of making decisions that will lead to the desired success? Or is the authority decentralized? Are subordinates allowed to take control over their own work, as long as it gets done in the manner or style that leads to success of the organization?

The assessor should attempt to decipher these elements to better understand the compelling reasons instigators may perceive there is a problem and victims may perceive they need to perpetuate the action, although the victims’ or instigators’ perception may be that they are merely acquiescing to the expected norm of their organization. For example, the command structure may prove useful in some organizations (a police agency, for example, where the paramilitary hierarchy is maintained) but in today’s world, for most businesses, there are so many changes and competitors to keep ahead of, the inspirations of co-workers often outweigh the apparent control of a hierarchical company. In an establishment where this is the format, are the employees satisfied with this (it gives them structure and all they have to do is show up for work) or does it cause them anxiety and tension as they are not allowed to vary from the established policies and procedures? Perhaps it is merely the instigator, who, as a more free-thinking spirit, simply does not fit into this environment. Hence, such individuals would feel their discounted “suggestions” are a personal affront and might view this one supervisor (the Fantasy Individual, as discussed in Chapter 2) who has “stolen” their ideas and never given them credit for their accomplishments.

The opposite setup from this is the organization where control is decentralized to the point where instigators might be unsure of whose directives or influence carry the most weight and therefore, what is the best path to accomplish their tasks. Some character types need structure, a clear delineation of what is expected of them. In a less structured organization, all they get from supervision (for example, they may report to two different super-
visors) is, “This is the goal. Do what you think is best.” Unfortunately, since each supervisor is overseeing different aspects of the work, this complicates the instigators’ process of deciding what to do. One element of the task is dependent on the other and, if neither has a definitive course, the instigator may feel lost. Because these supervisors offer no real guidance or support, such personalities might feel that supervision (and thus the organization) is obviously against them and is trying to set them up for failure. Thus, frustration takes over their entire work experience.

The other factor to consider is the intricacy of the organization. For example, I was raised on a farm and was very comfortable in the rural environment, where the biggest stress was worrying about the weather. There was not much complexity in the day’s activities (feeding the animals, picking fruit, watering plants, building a fence), since none of these tasks was a primary source of family income. But, when I first became a Secret Service agent and was assigned to the Los Angeles Field Office, not only was there a complicated hierarchy and numerous differing tasks, many of them life threatening, but it took 6 months just to learn the Los Angeles downtown freeway system well enough to prevent the embarrassment of getting lost just going to the office.

To add to the daily stress, I had to learn what was expected in each of the different Secret Service units. What were the different rules when conducting one type of investigation vs. another? What were the different protocols for different protectees? Every supervisor had different values and attitudes, yet who was right? An agent could wake up in Los Angeles in the morning and be in Washington D.C. by evening, looking one way because of an “undercover” role in Los Angeles, yet expected to look entirely different for the protection role in D.C. Control problems existing in such an organization would seem easily discernible. However, whether it was dedication, wise employment screening, good management or just plain luck, control problems were not evident there — but many other organizations are not so fortunate. The assessor is therefore tasked with determining how these levels of intricacies affect the interaction of those who must operate within these organizations and whether such nuances are part of the causal relationship, or, at the very least, perceived as part of the problem, even if not cognitively recognized by the victim or the instigator.

Part of the answer to the issue of complexity, as well as an additional problem touched on by the previous example of employees with two supervisors, is how jobs are assigned within the organization. Some duties or products require a multitude of tasks. They can be approached by having many people do a few simple tasks that are coordinated by another person. This often leads to the concept of specialization (one person puts the widget in the boxes all day long) but it can also lead to low enthusiasm and low self
esteem. Alternatively, one person can be given the responsibility of handling it all, thereby giving that employee a sense of control and autonomy and generally contributing to ability and job satisfaction. A certain degree of specialization can be reached here as well, however, it is generally recognized that the specialization is the individual, not the work (this person handles all the electrical work for the project). Assessor awareness of these fine complexities can illuminate a host of possible contributing factors that then suggest numerous different ways of resolving the issues of potential violence.

**Case History**

Helen worked for an assembly plant where she was required to pick out large bolts that had damaged threads. Once she allowed the “good” bolts to proceed down the line, other workers then placed them into various parts of a large machine. She had been there for about a year before deciding to tell her supervisor that, if they would broaden the belt in her one area, they could greatly increase their volume. This was uncharacteristic of Helen as she was normally very shy, kept to herself and rarely did anything more than go to work or to the library. The supervisor looked into the matter, found Helen to be right, broadened the belt area and then hired Mabel who now worked with Helen and had the same task as Helen.

Mabel was a few years younger than Helen and would often pass the time on the line explaining to Helen her weekend escapades in Tijuana, which always included graphic detail of her sexual experiences. Helen, while not considered prudish by her peers, nevertheless took offense at these stories and told Mabel to stop telling them to her, as they made her feel uncomfortable. Helen even went to her supervisor and told him that she was fearful for her safety, as Mabel’s stories were not only offensive, but they caused her to not pay as close attention to her job as she should.

Mabel continued to relate her antics anyway and one day, Helen picked up a bolt, threw it across the belt into the middle of the room (no one was ever in this location) and yelled, “It seems some people only hear what they see. Do you see how easily these bolts can fly off the belt?” Mabel was visibly shaken, went into the office of the supervisor, who then told Helen to go home for the rest of the day. After conferring with Human Resources, the
organization decided to conduct an assessment, as they were concerned for the potential of future violence by Helen.

Looking at the organizational influences as opposed to the numerous other issues that make up the assessment process, an assessor can quickly see that Helen is doing a simple job that is coordinated by another. As discussed, this often leads to the concept of specialization, thus allowing Helen to feel good about herself (she even uncharacteristically made a suggestion that improved the company’s production). But the assessor must also remember this type of job can lead to low enthusiasm and low self esteem and, in this case, perhaps is part of the problem.

In fact, the interview process in this case substantiated that Helen had begun to feel the company did not think much of her because, after they implemented her idea, they hired another person to work with her. She had not asked for help and she felt the company was telling her she was not capable of doing the job when they hired Mabel. Hence, this simple act, which the company did to increase production and to assist Helen, was misinterpreted and probably contributed to a potentially violent scenario. The assessor would be able to make numerous recommendations to rectify this problem (employee rewards for suggestions; employee-of-the-month recognition programs; moving Helen or Mabel, or perhaps having them work different shifts, etc.) and, when the suggestions are combined with other considerations, the assessor may be able to verify a low level of violence potential. This illustrates how important assessor awareness of these complexities is, as they can illuminate many contributing factors that then suggest numerous different ways of resolving the issues of potential violence.

**Organizational Culture**

It was a simpler time 30 years ago. The organizational culture was mostly hierarchical in nature — a clear delineation between levels of workers, supervisors and management, reinforced through breaking down tasks to their simplest levels that required little skill. Control was thus centralized and powerful. Elevation to the decision-making level required acceptance of this level’s values. That continuity of behavior referred to earlier was at its peak. Those who learned to adapt survived — but at what cost? Some believed that
their job success was due to their own personal identity, others that only those who could become “company men” would succeed. Regardless, assessments to determine the potential of violence were being conducted even then and from our experience, at about the same rate as it is today. The only real noted difference was that there did not seem to be as many convoluted issues to deal with.

Clients and customers began to change; the organization’s culture had to do likewise to fit in and be accepted. We began to see downsizing, rightsizing, layoffs, mergers, outsourcing and restructuring, which led to numerous emotional and, at times, physical demonstrations of displeasure by employees. Organizations sought more and more information to make decisions, but found the markets were shifting more rapidly and unpredictably than ever before. Thus, the new horizontal organizational structure began to emerge, and, with it, a whole new culture. Employees and supervisors began making decisions together. Depending on the level of control necessitated by the nature of the product or service, employee competence and, of course, the final decision maker’s attitude, the degree of this change in structure was determined. Now the continuity of behavior becomes more muddled. Loyalty and long-term commitment to the organization are not as important as gaining respect for each other’s values and sharing information or skills that lead to common goals.

Just a few years ago, while I was sitting at the front desk of a police department, a young man (approximately 27–28 years old) came in, identified himself as an FBI agent and asked if there were any openings, especially dealing with computer crimes. He stated he had been with the Bureau for about 5 years now, had been assigned to the computer fraud division and wanted to branch out for more general experience in dealing with computer crimes before putting himself out into the private sector, where he knew he could make a fortune. Although the request seemed surprising (at least, from my perspective, as getting into such a specialty was generally considered quite notable), it was reflective of the new culture within organizations, apparently even in some of the more traditional types.

So how does this new culture affect the assessment process? One of the first cultural concerns in the organization an assessor should consider is the company’s attitude toward employees. The organization must now look to ability and skill and then negotiate to acquire and keep qualified individuals, while at the same time eliminating those who don’t contribute. Twenty or more years ago, the mindset of those entering the workplace was that hard work would mean that rewards would naturally follow. But, with those old expectations of longevity and loyalty by “older” employees equating to job security, increased expectations from the organization can cause clashes to develop.

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The example is, of course, the 40-something employee who has worked for a specific company for more than 20 years. His actions, while perhaps reflective of other elements, may very well be influenced by the effects of the changes in the organizational culture, and the assessor must be cognizant of this concern when conducting an assessment where the instigator may very well be of this “old guard.” Additionally, the assessor must be aware of the dynamics of how the organization handles this new culture, if it even acknowledges the changes — and how are those who are not “fitting in” managed? These are important first questions the assessor should consider when determining issues generating potential violence.

The assessor must also consider the economic realities of those they evaluate. Are they demonstrating or have they talked about financial difficulties? Are they living a parasitic lifestyle? Both of these questions are automatically asked in the Witness Interview Form in the appendix to Chapter 4 and have been found by these authors to often be overlooked by some assessors. Hopefully, this section of this chapter clarifies why these questions should be asked as well as explaining how important it is for assessors to have no problem with delving into such “personal” issues. For, if there are any indications that these difficulties exist, then further explanation should be sought to confirm the problem is not just something unique or temporary. Some personalities, especially those who have a continual problem with finances, would automatically blame the organization for putting them into this financial difficulty.

It is also foolish to believe a comparable level of racism and bias does not exist in the organizational culture on a par with what is present in the environment, thus producing a comparable level of stress. While the adept manager may look for the opportunities that diversity creates, others bring with them the baggage of their environment. These problems are not limited to simple hostility between workers, as it also affects competition for positions or ideas and permeates the perception of unfair bias. Both authors have been exposed to “toxic workplace” syndromes permeated by such behavior. Unfortunately, the amount of time and energy spent in dealing with the mitigating curative resolves of these issues is often greater than what is expended in dealing with an “instigator,” because you are addressing a cultural influence larger than just the organization or any one individual.

The case of the demanding plant manager for whom almost everyone felt ill will (referred to in Chapter 2) serves as a prime example. From observation, it was apparent this one manager, although in charge of a large manufacturing plant with several hundred employees, was virtually unknown to corporate administration. When inquiries were made about him, the response was, since his production was good and the plant was heading in the direction the corporation desired, there was no apparent problem.
fact, those few responsible for his initial hiring (he had been hired away from another national firm) reported they found him to present an intelligent, professional and even charming personality during his interviews and his references all reported positively.

However, what was found through interviewing numerous employees in this plant was that this manager (we’ll call him George for this example) was not trusted by anyone at the employee level and there were obvious manipulations at the supervisory level. For example, the employees told of situations where they had an emergency family medical situation and, unless they had accumulated time on the books to take off, they were not allowed to do so, even after speaking to George directly to plead their case. George always appeared to be cool and unresponsive to the employees and would often refer to “company policy” in order to justify his rulings.

On the other hand, George seemed very friendly toward a certain group of supervisors. It was interesting to interview the supervisors he was friendly toward and to compare their data with the information obtained from those he acted more distant toward. It seems the supervisors George was friendly toward were those on the apparent “fast-track” within the organization. They reported having a very close and comfortable relationship with George. George told these “fast-track” supervisors they were doing a great job but they had to be more observant and cautious of the other supervisors, least production fall and their advancement slow. Those supervisors who were not a part of the “fast-track” group (they were mostly the older, more experienced ones who had worked their way up in the organization) reported that George had little time for them, had little information, if any, on how things should be done and would often chastise them when there was a mistake or performance was not up to par.

The personal interview with George revealed he had little concern about employee personal problems such as family illnesses, indicating he was hired to perform a job and was going to get it done. Even explaining the consequences of such an act (lower morale, lower productivity, etc.) seemed to have little influence on George as he even quoted the “policy” during this assessment process to justify his position. It became apparent George was manipulative, unemotional, self-serving and loyal only to himself. This is why, in this case, while it was true the instigator was a threat to George, George’s actions precipitated similar feelings from many others in this plant. The situation was only going to get worse, an important realization for any assessor.

Unfortunately, as indicated in Chapter 2, the organization elected to not address this issue. Hence the “culture” of the organization seemed bent on shifting toward such behavior, as it was not only tolerated, but a follow-up on this case revealed that George had joined the corporate administration
team within 1 year of the assessment. George clearly demonstrated his own bias by his manipulation of specific supervisory personnel. But, if the assessor understands this about a case, there is the opportunity to address such a problem and possibly obtain measurable results, thereby reducing the level of stress within the workplace and mitigating the level of risk by the instigator.

The key to success in modifying the culture in an organization relies on getting the top of the organization to buy into the changes, changes that must not be so radical that they seem impractical or “just not right for us.” This is especially difficult when the changes are suggested or brought in from an outside assessor (consultant). It is therefore necessary to first establish a link between the deeper values and beliefs of administration, which may mean compromising on some of the personal beliefs and values of the assessor. It has to do with finding the right motivational factors. If ABC company’s primary objective is to produce 10 million widgets by the end of the year, then you can be assured the company culture is geared to this. Thus, the presentation of the proper changes in internal behaviors of those who are dysfunctional must clearly demonstrate how this goal is better obtained through the appropriate changes. This is not always easy and not always within the expertise of the assessor. Hence, a lot of thought and careful consideration of all that is presented must be taken into consideration.

Organizational Conflict

Whenever two or more persons or groups assume an attitude or stance toward one another, Webster’s Dictionary says you have a relationship. Hence, any organization should be considered the sum of its relationships. And the most common and misleading temperament in any relationship is conflict. Yet conflict, as well as agreement, should be considered a norm when reviewing a situation.

I recall one of the first couples I ever counseled: They began by saying they were coming to me after 5 years of marriage on the advice of a friend as they wanted to learn how to better communicate. Being the wise (novice) therapist, naturally my first response was, “So your conflicts seem unfair?” (After all, I knew simple miscommunications often gave rise to conflict.)

“Oh no,” was the reply. “We never have conflict.”

“Never?” was my response.

“Oh no. We’re very much in love and we never quarrel or fight.”

Surprised, I then asked, “What happens when you disagree or have different opinions?”

“That never happens,” they stated. “We would just like to learn how to communicate more effectively.”

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Still wanting to force my perception of the problem on this “loving” couple, my retort was, “Well, how do you discuss differences?”

“Oh we pretty much agree on everything,” was their reply.

My perception made me very uncomfortable with these two. But it exemplifies how they did not understand the total involvement or responsibility of a relationship … conflict as well as agreement is critical. It is the process of working through differences that improves understanding and helps the relationship to grow.

When one is the brunt of the conflict, it is not easy to believe the rhetoric that all conflict can be enriching, especially since we traditionally view conflict as a win or lose proposition. We are caught up in the dilemma of not wanting to lose the issue and so we puff up our chests, kick our adrenaline into gear and dig our heels in, prepared to go toe to toe until the other person understands our point (that is, agrees with it). Or, not wanting to hurt the other person’s feelings, we say nothing. What we fail to consider is what the cost will be to us or the organization if we don’t resolve the conflict. Certainly, there is the tremendous waste of time involved, for we always spend more time on unresolved conflict than on working out a solution. And as any good business person knows, time translates into money.

Unfortunately, most organizations, much like the first couple just described, tend to ignore the conflict in the hope that it will simply go away. Obviously this gives the unresolved conflict even more power than if it had been settled, as it is always an underlying theme gnawing at everyone involved and thereby causing lower morale, decreased productivity, increased absenteeism, etc. Settling an issue may not be sufficient either, as this often does not reach the heart of the conflict but merely accommodates those involved. What often happens when a situation gets elevated to the level of concern requiring an assessment of the violence potential, is that one or both of the parties involved have become aggressive. Aggression may be used to express a strong emotional belief about an issue and instigators have no intention of giving in to someone else’s opinion or it may simply be the only way they have learned to be heard. It is not necessarily a clear signal of violence.

We are not going to go into the numerous benefits of conflict or how best to approach conflict to achieve a successful resolution; there are plenty of books to avail yourself of. And, when considering the approach to resolving the conflict, all the issues previously discussed play just as integral a role in how to approach and resolve the conflict as does the consideration of the actual “problem.” What we will address is the responsibility an assessor has for defining the conflict or aggression in order to truly determine the degree of risk involved for potential violence.

Any kind of direct or physical form of aggression or conflict is unacceptable in the organization and should not be tolerated. There are always mit-
igating circumstances, but, once an action has occurred, there is little room for negotiation. However, we must understand aggression occurs at every level of our society. Hence, the question to consider is whether the hidden, diffused, chronic or deviant form of conflict should be considered as volatile or improper as the physical or direct.

Both authors have been the recipient of a phone call from the client who says, “We have a problem. After Joe was reprimanded by Pete, his supervisor, he was overheard saying to a co-worker that, ‘Pete better watch his back.’” Even more daunting is the call that says, “Bill was having problems on the line getting his supervisor to respond to approve his work so he said, ‘What do I have to do to get a response? Go home and get my AK-47?’” The response by management to these cases has run the gamut from doing nothing to firing the employee immediately, which is always interesting to try to correct after someone who is already stressed has been terminated. Where do we draw the line between what is tolerable and what is not? That debate will go on for a long time and will not be decided in this text, because there are too many variables to consider. What we want is for the reader to consider the linear aspect of the conflict within the organization when approaching the assessment process.

First rule of thumb: conflict and thus aggression, from a behavioral perspective only, is a preconditioned response to a stimulus. If the organization has an expectation of a certain amount of aggression (and it may be subtly suggested through the format of competition, the way a supervisor corrects a subordinate, etc.) or it simply chooses to not immediately punish an antagonistic act, then the behavior is being taught to all who observe and the line of demarcation becomes even more complex when looking at the many causal issues of conflict. Conflict becomes a way of interacting with others and thus solving problems. The “norm” of the organization dictates employee’s expectations and responses. Thus, the risk of a violent act becomes more difficult to determine on the basis of only one component (Bill threatened to go home and get his AK-47) and points once again to the critical necessity of having the assessor look at all the factors involved before determining the level of violence potential.

Bill’s comment about going home to get his gun would surely be viewed as an aggressive act. But the assessor, by asking the necessary questions, should be determining whether this organization might have had a contributing hand in this. The first question could be something as simple as “Why did you make this comment?” And the reply might be something as nonrevealing as, “I wanted to get my supervisor’s attention,” or, “No one seemed to care so I wanted them to know I was serious.” Either way, the next question should be more probing, “Why is this important to you?” The answer may prove very revealing or additional inquiry may be necessary. In this case, the
reply was, “I have 4 hours to get out my four pipes for this project. I knew I could do it in 3 hours and that would have given me an extra hour to get started on these new tubes they want.” “Sounds like you’re very dedicated,” was the response. “Dedicated! We’re talking bonuses here, son. The more I do in the time I have the more I make. And the more I get done at the end of the quarter compared with Harold and Jim gives me even more. These guys were screwin’ with my livelihood and I’ve got too much depending on this.” The assessor must understand this “statement” by Bill might actually have a basis of normalcy within the organization. There are always other issues that can be pointed to as well to complete the assessment picture, but an assessor must give this type of disclosure its proper place in the process.

The Internal Organization of the Individual

Just to add complication to difficulty, the character and personality of an individual, as suggested briefly before, should be considered in the assessment process as well. The overlap of specific traits and the understanding of these differences has made for constant confusion and challenge in the world of psychology so will do the same for the assessor. And this is often not as easy to determine from simply talking to others, thus supplying one more argument for the importance of interviewing the instigator vs. not.

It is important for the assessor to try to comprehend these character differences. Even though people may act in a certain way based on their personalities, there may be other traits they are drawing upon that causes a certain behavior in a given environment. Thus, the motivation for the “questioned” behavior may be completely different from what is usually perceived. This motivation may be external or may come from the perceptions of the environment by the individual.

It is the purpose of an assessment to try to discover these traits, which may mean first discovering the individual’s motivation, or internal organization. And rather than getting into the psychodynamic nuances of the antisocial personality vs. the narcissistic personality, and the psychopathology or sociopathology that exists between these and others we see predominantly in these violence assessment processes, it is basically the job of the assessor to develop a comprehension of the function of each of these traits within the personality. If this is accomplished, better insights toward the potential for violence these individuals possess can be determined. The determination of these characteristics will also assist in developing ways of handling, approaching and dealing with the individual. Thus, the assessor must probe for internal causes as well as external.
For example, Joe and Bill from the previous example may both be considered by their co-workers to be very thin skinned. Both may be known in the organization as simply not being able to tolerate much before they get upset and let others know their feelings. Yet Joe reacts because he needs to feel more in control of the situation and Bill reacts because he wants others to help him. They demonstrate the same trait, anger, yet the motivations are exactly the opposite. One pushes to achieve his goal (Joe — constantly bickering and mumbling about his circumstances and muttering, “He better watch his back.”) while the other pulls (Bill — doesn’t know how in a competitive environment to get others to help him, so he makes an out-of-character “shocking” statement). Which is more prone to violence?

The answer cannot rest on one simple issue (again, we emphasize that assessments must be a consideration of the totality and not just one segment) but pushing generally angers others more quickly than pulling. Yet, in our previously mentioned example, Joe made the seemingly less violent comment (“He better watch his back.”) and Bill said he was thinking about getting a gun. So Joe, who is pushing, needs to be looked at from a control standpoint; the assessor should look to determine why Joe feels out of control and what might help him to feel back in control. Bill, on the other hand, needs to understand that there are better ways of asking for help.

Once this insight is obtained, the assessor should add to it the sense individuals have in choosing their “victims.” It becomes somewhat more complicated, as much of that may depend on how the individual perceives his status or personality is played to by another, especially in a specific environment. Thus, a Bill or a Joe may actively place himself in certain situations with specific individuals because he knows, in that environment with this person, achieving his goal is possible. Joe knows who he can “push” into compliance and Bill knows who he can best “pull” into agreement. Unfortunately, their goal may not be achieved and thus, an inappropriate trait is manifested. They may come upon unknown victims and try their technique, but it doesn’t seem to work on them. Or the potential victims have developed their own internal organizational dexterity and are now just not going to take it anymore from Joe or Bill.

Once again, it becomes evident that, by addressing the motivational factors of these individuals, the organization can experience changes in their behavior. Since the organization should not be expected to be their therapists, the incentives should be based on job performance and goals. While this course of action is not always successful, it can prove beneficial. To ensure as complete and accurate a picture of the potential for violence as possible, assessors are charged with determining these delineations and should educate themselves in defining them for their clients.
Summary

1. It is as important to profile the environment and the actions of those involved in the environment as part of the assessment process, as it is to look at the “profile” of the instigator and the victim. Only then can one outline the interaction of the individuals of interest within the organization and the dynamics involved among all concerned. This is accomplished through the process of eliciting past behaviors, conduct and modifications, especially as they relate to activities within the environment.

2. By examining the organizational structure, culture and how it addresses conflict, a better determination of the actions can give valuable insight as to the overall potential of future violence. The dynamics of the environment may prove to be strong precursors or contributing factors to an already predisposed individual.

3. Determining the process individuals go through to arrive at their behavior, looking at the motivational factors that cause them to strive for their goals and comparing them to the environment will prove more valuable than assessing the specific action of an individual.
Security

Introduction

This chapter is about the concept of security as it pertains to protecting individuals in the type of everyday caseload that most assessors will work. It is not a chapter on executive protection and all the different aspects of protecting individuals in a variety of settings using the most sophisticated methods available. To learn more about that type of process, there are endless books (some of them good) and numerous courses (again, some of them good), that you can pursue. If protectees have the resources to hire standing teams of protective personnel for weeks or months at a time, then they are extremely lucky. This rare victim does not make up even 5% of my caseload, the majority of which is in the private sector.

In the realm of violence assessment and intervention, security is the foundation of the overall process. Security from physical violence is what the process is meant to achieve; at the same time, it is a reality that can never be completely obtained. The joke in computer security is that to make a computer completely secure, you would need to encase it inside an impenetrable housing, with no connection to the outside world in any form, including any human connection. This, of course, would make the computer effectively useless.

The same is true with security of people. We can make them incredibly secure, but then their quality of life becomes nonexistent, making them almost dead to the world. So, in a real sense, security is another type of balance, this one between safety and quality of life. Many victims understand the essence of this dynamic and that is why they may make decisions and act in ways that seem to jeopardize their safety. Our job as assessors and assessment teams is to provide victims a well informed model of projected risk and suggested mitigation methods involving monitoring, intervention and security. It is not a failure on our part if they are fully informed and choose a course of action different from our choice. That is their right. It is a failure for us when we have not provided them with the best possible understanding of our assessment and mitigation strategies and worked to help them implement any that we can, even if they are not our first choice. The phrase, “to serve and protect” comes to mind, not “judge and dismiss.”

As I have written before, the basic concept of security is to divert someone from committing an unsafe or harmful act and, if diversion does not
work, to delay perpetrators as long as possible so that someone can respond and stop them from completing or continuing the act. Professional security, even proactive security, can only create the perception of protection, create physical barriers to delay result, provide monitoring and notification systems and then refine response to minimize the time in stopping the harmful acts. It can never stop all loss from occurring. On a practical basis, this means that security in a violence intervention context is about altering perception, hardening sites, providing notification methods, preparing response plans and staging qualified security personnel — depending on the assessed level of projected risk of physical violence.

**Perception**

In the area of perception, we have to address two different issues, the perception of the victim and that of the instigator. We have to educate victims concerning the tools they can use to alter their own internal perception and the perception that others have of them. We need to alter how instigators view the likelihood that they would be successful in committing an act of violence against the victims.

**Victim Perception**

The first perception that has to be addressed with victims is their sense of the situation. Most victims facing a potential threat of physical harm end up falling into the two extreme ends of perception, either that there is no real risk (denial), or that there is nothing they can do to stop the risk (fatalism). Neither of these perceptions is helpful to the victim and, therefore, to safe resolution of the situation. Ironically, they both lead to the same result, no action on the part of the victim to take preparatory steps to address the risk. So the first step in a security plan is to alter the victim's perception away from either of these two poles. This involves discussing the process of violence assessment, educating victims concerning their role in the process and getting their commitment to work with you and the assessment team to keep themselves safe. In cases where either denial or fatalism is very strong, I attempt to change the perception and commitment of the victims by demonstrating a larger context for the process. I explain to them that they have the right to make a decision that will affect only their safety, but, in this particular context (e.g., home, office, community, etc.), their decision could impact the safety of others (e.g., children, family members, co-workers, innocent third parties, etc.) and they should recognize that they have a responsibility to help protect the safety of these other people, even though they do not feel personally that they want or need to participate. This tactic often gains their cooperation because it validates their sense of control and acknowledges the legitimacy of their choice, while providing them a face-saving way to comply with the
requests of the assessment and intervention team. I have found this particu-
larly helpful with self-directed high-functioning people who seem to be
more scared of acknowledging a perceived loss of control than they are of
the possibility of physical harm.

Once we have passed through this first step with the victims, the next
step is to provide them increased awareness. Security professionals who pro-
tect people recognize that their primary job is to use a heightened sense of
awareness to identify risks before they are manifested and then change the
situational dynamic to preempt the possibility of an attack. If an attack
occurs, even as they respond, in a larger sense they have already failed because
they have not prevented the attack from starting. Since, in most cases that
violence assessors will work, victims are going to be primarily responsible
for their own safety for the majority of the time on any given day, we need
to teach this heightened awareness to the victims. That means we need to
teach them to monitor their environment for cues that show they are at
potential risk (countersurveillance) and then teach them what to do when
they are aware of these cues. This is actually a fairly simple process and one
that many people, particularly women, have had to exercise, at some level,
all their lives.

First, we have to give the victims permission to trust their instincts
concerning when they may be at risk. Most adults can provide examples of
situations where they have felt suddenly at risk, even though they may not
be able to articulate why they felt this way. This is an ancient survival mech-
anism we all have built in, even though we make excuses for it and are usually
too embarrassed to act on it. We address that directly by asking victims when
they have felt a sudden risk in the past, what they did about it and how they
felt afterward. Using that information, we apply each of those past incidents
to a possible situation in the current case (e.g., exiting the home, office, store,
etc., and seeing a suspicious person or the instigator at a distance when
walking or driving; coming upon a situation or a person of concern while
walking in the open or an enclosed space, like a hallway, or while driving;
being confronted by someone while at home, office, store, church, etc.) and
give them a new way to respond and getting them to ask questions and then
agree to think about this new response. By working through these examples
with them, we, the “professionals” are giving them permission to act, by
removing the greatest barriers to action — rationalization and the fear of
embarrassment. This works best when you can give them some actual phys-
ical actions they can use to remind themselves to exercise their new awareness
skills. Some of these actual physical actions include:

- Suggesting that potential victims carry a pad of paper and a pen with
  them at all times to record information concerning what they see,
rather than relying on memory. This includes putting a pad of paper and pen next to each of their phones at home, at work and in their car. I suggest that, if they see, hear, or experience something unusual or spot the instigator in an unusual place, they write down the date, time and all the information they can capture. In the case of a domestic violence situation, where victims are still living with instigators, I suggest that they keep the information in a location where the instigators will not know they are doing this, such as a trusted friend’s or relative’s home, at their offices, etc.

- Teaching the victims how to exit their homes, offices and other locations in a manner that will allow them to scan and assess the environment before they get too far away from a protected space.
- Teaching the victims how to park, approach and start their vehicles to minimize the possibility of someone’s successfully attacking them.
- Teaching them what to do if they find out they are being followed on foot or by car.
- Teaching them what to look for as they approach their homes, offices, churches, schools, workout facilities, etc., and what to do if they note something of concern.

**Instigator Perception**

Taking the aforementioned steps will enhance the ability of potential victims to spot a potential risk situation before it escalates into a real risk situation and will give them proven ways to respond that will minimize the immediate risk. This education will change how the victim acts, which will also change the situational perception of the instigator. Instigators who are targeting victims will note changes in their awareness, pattern of movement and response to particular interactions. They may even note an increase in confidence and poise when harassing or confronting the victim. This will cause instigators to make changes in their future behavior, either by discouraging them from continuing, since they are not getting the desired response, or increasing their level of engagement to reassert control over victims. Timing the change in their perception of the victim, with changes in the perception of security around the victim, can have the cumulative effect of ending the problem behavior(s). This ending of behavior can mean that instigators divert their attention to another target who will not be as much work to manipulate for their own ends.

This shift in perception leading to cessation of behavior is most often seen in victim–instigator dynamics involving nonintimate relationships. My hypothesis on why we see this in our caseload is that the level of emotional energy present in nonintimate relationships is much lower than that in intimate relationships, therefore the commitment to continue adverse behavior
in light of increasing resistance, coupled with the availability of less-organized targets, enables the instigator to move on at lower thresholds of intervention. Intimate relationships, with their higher levels of emotional energy, require higher levels of intervention to divert instigators from continued action. Therefore, when dealing with the assessment of cases involving current or past intimate partners or family members, assessors should anticipate that enhancing the awareness and response capabilities of victims will lead to a perceptual shift of instigators that may cause an immediate escalation of their physical actions to reestablish their sense of control over their victims. This would be a corollary to the understanding that the most lethal time for domestic violence victims is the time immediately after they abandon the joint residence and their aggressors have lost physical control of them. Consequently, the assessor and intervention team should plan to implement a block of security changes at the same time, anticipating any initial escalation in the actions of the aggressor and putting security measures in place to address the anticipated course of escalation, rather than attempting to linearly address these issues. Playing “catch-up” (defensively or reactively) in response to an instigator’s actions is a sure way to get people hurt. As learned in the martial arts, people who act always have an advantage over people who react.

Site Hardening

Site hardening is a term for encompassing all the physical security changes that can be done to make the target less vulnerable to attack at any given location. These changes can occur at any location, including the victim’s job site or residence. It might also include the hardening of a vehicle by adding optional protective equipment. While all the options cost money in some way, a range of lower-cost options are available that, when implemented, can provide a significant increase in safety.

The first level of site hardening is establishment and enforcement of basic security procedures. The cost of these procedures is generally reflected in the cost of the time required to change the pattern of movement into and out of a given space and the time necessary to check that the procedures are continually being followed. Doors and windows (vehicle, office and residential) are kept shut and locked at all times. In the case of offices or office buildings, rear and side exits that can be locked down are kept locked and people are directed to enter the space by one door or set of doors, preferably being forced to pass by a receptionist or other person who can observe and potentially screen arrivals. These screening procedures might include the implementation of some form of identification to check and track (e.g., sign-in sheets, badge issuance, etc.). In the area of residential security, this process would entail not opening the door to anyone and being unwilling to admit them to the residence before verifying who they are. This would mean
locating places that family members could physically observe the person at the door, before approaching and talking with the person. This would allow family members to hide the fact that anyone is home, if the person at the door turned out to be the instigator or was acting suspiciously. Also, family members should be trained to talk through the door to people (or in the case of vehicles, remaining locked inside and talking through closed windows), rather than opening the door a crack to talk. If the caller is wearing the uniform of a utility or law enforcement agency, family members should request a call-back number to an office or supervisor to confirm who the person is. The channeling of people into one avenue of entrance that is monitored and requires some form of identification to allow admission, increases the perception of security and the likelihood that instigators can be identified and stopped before they are able to get into physical proximity to the victims.

The next procedure to address is answering questions in person or over the telephone about the current activities or location of the victims. Family members, co-workers, children and others (e.g., child-care workers, etc.) need to be taught or reminded about what to say if they are contacted by someone asking about the victims. This is a good practice in general, but clearly important in these types of situations. Children can be taught to say the person can’t come to the door or phone and never to provide any information about themselves or their family members to anyone not approved by their parents. Receptionists and other co-workers can be taught to say they don’t know where the person is or what they are doing, but they will take a message and forward it to the person of interest. Anyone who is asked to protect information on the activities and location of the victims should also be asked to notify a designated individual if someone requests this information. This notification system will be a good device to track attempts to gain information on the victims. This tracking can provide information that can help assess escalation of risk by revealing patterns of increased frequency of contact, changes in the type of information requested and emotional tone when requested. There would be a significant difference between someone calling in once a month and asking, “Is Jane in?” vs. someone who called once an hour, called a variety of people in the building or company and became increasingly hostile in their inquiries over the course of a day.

The last general procedure that should be developed or enhanced is how to notify people in the protected building or site that there is an intruder, along with a special plan for verbal confrontations and another for someone with a weapon, including how to evacuate the premises to maximize safety. Remember, in an incident of dynamic violence involving weapons, there should be a plan for floor-wide, building-wide and site-wide notification and

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evacuation. The evacuation plan should have everyone fleeing the area of the weapon — by stairwells if multistory buildings are involved — and directing them to run and scatter away from the building until they are several blocks away and out of sight of the location. They should then enter the nearest public space (e.g., shopping center, office building, store, library, etc.) and dial 911 and then call a designated number at their company that can record who they are, what unit they are from and where they are. They should then make their way home and not return to the site until they have been able to contact a phone number or website that will provide them with an all-clear, or wait until they have been contacted directly by the company and asked to return. Only if the armed person is between them and the stairwells should they seek shelter inside the office space. First, they should head for any office rooms that have been outfitted as “safe rooms.” If these are unavailable or also blocked, they should enter any office and barricade the door, staying out of sight of any glass that allows oversight of the office. If that option is unavailable, they should hide in cubicles, stack objects around themselves and remain very quiet until help arrives.

Having said that, let me emphasize that hiding should be the very last resort. The important lesson of the 101 California St. shooting in San Francisco in July of 1993, the Columbine High School shooting in Colorado and in other incidents of dynamic violence inside structures, is that those who run live and those who hide die. I disagree with the current strategy at schools to “shelter in place” during an internal incident and hope that help gets there quickly. Most school classrooms have glass in and around the doors or have windows that will allow a gunman to shoot into, if not enter, the classroom. That classroom now has a huddled mass of targets and hostages. If kids run out of the classrooms, down the halls, out the doors, through the fields and into the neighborhoods, they could be hurt or killed, but the gunman will quickly have fewer targets who are much more difficult to hit, rather than stationary pools of victims who can be shot or blown up. I also realize that this idea will make law enforcement response more difficult, because it creates more confusion that can aid in concealing the perpetrator, but the central issue should be increasing the safety of the victims in the opening 15 minutes, not trying to contain or arrest the instigator. In those cases where the incident is in the area of the school property, but not occurring within the school buildings or enclosed areas, seeking shelter in the building is an appropriate strategy because it draws the children and staff out of the open space into protected space where the incidents of collateral injury can be reduced.

After the procedural options have been exercised, the next level of site hardening increases costs in the form of physical improvements to the sites of concern. These changes can take many forms, so I have grouped them, below, by type of site. These ideas should not be considered comprehensive,
but an attempt to remind assessors and their assessment teams of some options that can be considered appropriate.

**Vehicles**

- Never allow a vehicle to have less than half a tank of gas.
- Provide cell phone access, if not already maintained for personal security.
- Equip vehicles with “run flat” tires, which are commercially available and allow for driving dozens, if not hundreds of miles, when someone has attempted to disable the vehicle by slashing, stabbing or releasing air from tires.
- Install a locking gas cap.
- Install engine compartment (hood) locks with internal releases.
- Remove any door lock release parts that can be “hooked” to gain entry.
- Use a remote keyless entry with a panic function.
- Equip auto with a burglar alarm with internal space sensor and pager or cell phone notification.
- In very extreme cases, strengthen glass and car panels where it is financially possible.

**Residences**

- Cut back or remove shrubs, plants and trees that block either the flow of light around the property, or sight lines when entering the property or, when inside the house, to approaches to the residence. This would include eliminating greenery where someone could hide either to ambush or to maintain surveillance of the residence and activity within.
- Increase lighting around the residence to maximize the opportunity to see people approaching the residence. Remember, when lighting is increased by adding light fixtures, a decision needs to be made concerning the purpose of the lighting and, therefore, its placement. If lighting is placed in a yard it will illuminate certain areas but leave dark places with shadows in other areas. If light is placed at a perimeter facing toward the residence, it will backlight and illuminate people in the yard and on the outside of the house for people looking at the house from the street, but can make it difficult for occupants to see into the light and identify more than shapes (think about what the speaker sees when talking from a stage). If lighting is placed on the residence and illuminates the area, people in the house can see, but when approaching the house, they could be blinded. The best approach is to use a mixture of lighting to increase general illumination.
Maybe spot lighting for the driveway and approaches to the house and a mixture of house and perimeter lighting at the front, back and sides, depending on usage and exposure.

- Install locks on the windows, sliding glass doors and utility boxes for both power and telephone.
- Install deadbolt locks with 1.5-inch or longer deadbolts in all entry doors and make certain that the receiver for the deadbolt is anchored in the door jam by screws that go all the way into the framing timber around the door. These deadbolts, like the door knobs, can be reinforced with a strengthening plate if there is fear of someone punching out the lock with a sledgehammer.
- Install a sign at the driveway or a sticker at other entrances to the residence that state that it is protected by an alarm and solicitors are not welcome. This type of signage gives the perception of protection, which may be enough to divert a less-committed instigator.
- In some cases, consider replacing main entry doors with steel doors and frames or solid hardwoods with no glass panels.
- Install peepholes in all entry doors that will allow for wide-angle use and no direct means to reverse the peephole and look back into the room. An example of this type of peephole is the “Door Spy,” which can be used in a variety of locations and provides not only a side-to-side view, but also straight down to see if something has been left on the doorstep.
- Consider installing an alarm system for all windows and doors. The system should provide for both local annunciation (horn and strobe light) and monitoring of all alarm functions by a monitoring service. If a system is to be installed, additional consideration could be given to panic buttons, pager or cellular notification of alarm and cellular backup if the phone lines are vulnerable to tampering and the assessed risk is high.
- Consider the installation of window film that will dramatically increase the tensile strength of the glass in windows and doors, while also, because of the film’s reflective properties, make it more difficult to track movement inside the house when it is lighter outside the residence (daylight hours). These will not make the glass bullet resistant, but will make it much more difficult to smash and enter the residence. An example of this type of glass film is 3M Scotchshield Ultra Safety and Security window films.
- In very high-risk situations, consider the strengthening and locking of a bedroom door or other location that will make an interior “safe room” or area for use if the intruder gets into the residence. This room should have one entrance, reinforced and locked, with a cellular
phone inside (programmed with the local police dispatch number, not 911), some bottles of water, a fire extinguisher and possibly a large-caliber firearm, if the resident has been trained to use it properly. The purpose of the room is to shelter occupants for the 10–15 minutes it will take for law enforcement to arrive and stop the perpetrator.

**Offices or Office Buildings**

- Install signage at each entrance to the property, facility or office space that clearly states that the area is private property and contains whatever “trespass” language is required by state, county or local government law or regulation to enforce a charge of trespassing.
- Increase lighting in the parking areas, walkways, entrances and interior spaces so that individuals can enter and leave the area with a clear view during either day or night, to see who and what is going on around them.
- Limit access to each building or office space, as mentioned above, and monitor that access for individuals coming and going. Requiring all individuals to show some form of identification and visitors to identify themselves and sign in is a good practice.
- Consider whether it would be possible or helpful to program elevators to lock off a particular floor without the use of an additional access card, code or key.
- Consider hardening the reception areas of the building or office space by constructing walls with access-controlled doors that will keep a person from walking past a receptionist into the general area of the building or office space. This may require constructing meeting rooms in the lobby or reception area, or bathrooms in a building lobby, so people cannot access the protected space by claiming they are going for a meeting or need to use the restroom. In some cases involving long term exposure, the hardening of the reception desk and walls by the use of ballistic glass and armor plate might be necessary, though this would most likely occur in areas of ongoing terrorist action or offices or buildings trafficking in high-value products or strategic information.
- Consider the use of an alarm system or closed circuit television monitoring of locations that are less subject to ongoing observation, including parking garages, site perimeters, remote doors and storage areas, etc.
- Consider adding panic alarms at access points, sensitive reception areas and parking areas for use in case of emergency. Obviously, for these systems to be useful, response plans would need to be developed.
• As mentioned above, install or expand public address or emergency notification systems and establish evacuation plans for incidents of dynamic violence. Remember that the plans for use in fires and earthquakes will not be adequate because they rely on the ability to move people to holding areas around the buildings, which will only create a pool of potential victims in violence situations. This concern is further heightened when bombs or incendiary devices could be used.
• Consider the creation of “safe rooms” on each building floor.
• In high-risk situations, consider the use of armed personnel, trained at local law enforcement level or above. They should be trained in both verbal, less-than-lethal and lethal confrontation methods. This is a very costly option and should be used only in very high-risk situations and only for the highest-risk times. Cost of a two-man team can run, in the United States, from $500 to $1500 per 8-hour shift, depending on geographic location and market conditions. In one job that lasted 5 days, when we had to cover a high rise in a major metropolitan area while a dangerous and aggressive former foreign military operator was located and arrested, the bill exceeded $70,000. See the security personnel staging section below for more tactical information on this option.

Monitoring and Notification Systems

Monitoring and notification of any behavior or activity are important because they allow for continued updating of the assessment, in real time, which can be essential for making response (intervention) decisions. These systems break down into two general categories: proactive behavioral monitoring and notification systems and reactive incident-response notification systems. Both categories have a variety of different elements, any of which might be used, singularly or in various arrays, during any given case.

Proactive Behavioral Monitoring and Notification Systems
This system is the most important system for ongoing case management because it increases the flow of behavioral data to the assessor, which improves the quality of their assessment and can shape the intervention plans. In any given case, the potential members of this system are victims, their family and friends, residential sources, co-workers, employment sources, law enforcement, the courts and correctional facilities. The initial information available from these sources was covered in Chapter 3 and touched on the issue of ongoing information. It is further explored here.

To utilize any of these sources for ongoing information flow, assessors must establish a rapport and connection with them, make it easy for the sources to reach them and provide them some form of incentive to make the
effort. That does not mean that the assessor just waits passively for information (passive monitoring), because there will always be reasons that sources of information will not follow through. Rather, it is recognized that assessors must first establish a willingness and commitment of sources to contact them, often for reasons linked to feeling good about themselves—personally or professionally, then actively follow up (active monitoring) on those cases that have a high risk or are in a particularly volatile period.

As we have mentioned before, victims will make decisions about how they will act based on their rapport with assessors and their own personal insight as influenced by their upbringing, experience and current needs and the ease of contact. Consequently, during the initial interview, the assessor will be overcoming issues of denial through to hysteria, getting a commitment to work together and learning about the perception the victim has of various possible support groups, including family, friends, neighbors, co-workers and the criminal justice system (law enforcement, courts and correctional departments). Once the victim has identified positive or neutral perceptions of these sources of ongoing information, the assessor begins to make a list of those to create a proactive notification system. Some sources, particularly criminal justice sources, will usually be employed as relevant anyway, but the assessor must be careful in how and what they communicate to the victim from these sources, if there is an obvious prejudice against them. Presenting information to victims from any suspected source will only strain the rapport, particularly when this information changes the assessment away from whatever direction the victims want it to go.

To ease the information flow and help verify and document contacts, I suggest assessors establish toll-free numbers for information flow. Any established telephone number can be given such a number as a connecting vehicle. The advantage of these numbers, particularly if established as nationwide numbers, is that the assessor’s company or agency pays for the call from anywhere in the United States and can have access to the originating call telephone numbers, including unlisted numbers, that are received through the toll-free line. This provides confirmation, by date and time, of the originating number of any call and its duration. It also means that the source is not paying for the call, which eliminates the excuse that they could not pay for the call or did not have a phone they could call from (most public phones have agreements to allow placement of toll-free number calls for no charge, including a coin to start the process, though cell phones will still be charged for outgoing airtime). Certainly, on certain cases, you could also include other means to ease contact, depending on the sources’ desires, including an e-mail address,
cell phone number (maybe with a toll-free covering number), pager, etc. If it is not easy, they may not call.

Once the sources of future information have been identified, they must be contacted and a relationship must be established. Cooperative victims should request the support of family and friends who are closest to them and introduce them to the assessor or assessment team member. If victims are not cooperative, I would still let them know what the plan is, so they are not surprised and perhaps begin to lose trust in the idea that they are working with the assessor in managing the process. During this initial introduction to family members or close friends is a good time to use the same ECI interviewing style discussed in Chapter 2. This will allow the assessor to understand the personal perspective of sources on this matter, what type and depth of information they might be exposed to and the degree of cooperation they can anticipate from these sources. Just because victims trust these sources and believe they will help does not mean that the sources want to get involved or feel as if the victim might not actually be the problem. This is always an issue to be explored, particularly in cases involving domestic or co-worker violence, where the sources have had direct contact with the instigators and may have formed a positive perception or relationship. If assessors know that certain sources have had direct contact with the instigator, it is important that they explore that contact in a neutral way, assuming, for the sake of safety, that the content of the whole interview may be communicated back to the instigator. This will be an opportunity to use the interview for two additional purposes — intelligence gathering and situational modification by information perception management (spin).

For the intelligence gathering part, provide a unique piece of information, not shared with others, to each source and see whether it is communicated back to the victim from the instigator. This will show that the source is in active contact with the instigator. My suggestion is that you do not tell the victim that you are doing this so that you can receive the information without an uncontrolled response by the victim. Specifically, I would be concerned that victims, having heard a piece of planted information from instigators, would either confront the instigator or the source with the fact they are communicating, thereby limiting the use of this connection for future indirect and uncensored input to the instigator to manipulate their perception.

For the “spin” piece, assume that everything said will be given to instigators, so spend time talking about the situation from their perspective and why they might feel it was appropriate to act this way. Not only does this establish the assessor’s neutrality and objectivity, which can reassure reluctant family members or close friends who might know both victim and instigator that the assessor has not been “taken in” by the victim, but, if their confidence...
is communicated to the instigator, it will reinforce the idea that someone is trying to sort through the situation in a fair and even-handed way, which may provide a valuable return to assessors, if and when they have an opportunity to interview the instigator.

After learning what you can about peripheral sources’ knowledge of the instigator, you ask them if they would be willing to help further. If they agree, give them your toll-free telephone number and ask them to call you if they see or hear anything, directly or indirectly, about the instigator and his actions. Let them know that, even though the victim might know these things too, they, as sources who are not directly involved, might be in a position to let you know more quickly what is going on — speed can often make a critical difference. This action begins to build a network of sensor points that can feed the assessor information about the case development. Over time, assessors may get multiple reports of similar activity, but a great deal that has not been heard will surface as well. Each connected source, other than the victim, is a hedge against “victim fatigue” in which the victim becomes worn down by the situation and stops recording and communicating new behavior. Obviously, each source is also a potential means of continued validation of the authenticity of what the victim is reporting, especially in those cases where false victimization or process manipulation is suspected.

When contacting residential sources (e.g., neighbors, landlords, etc.) careful thought should be given to any negative consequences that could occur to victims or their families prior to contact. Neighbors have been known to ostracize victims or to limit play with their children because of their fear of being caught up in the violence. Landlords have even tried to evict victims for fear of future violence. Consequently, these sources may be of limited overall value. However, if the victim has a good relationship with these sources, they can be approached and can provide valuable information, becoming a valuable source of future information based on their proximity to the victims’ residence. As law enforcement officers have learned, often a “nosy neighbor” can be a wonderful source of information about what is going on in a neighborhood and can become a valuable resource to monitor activity in and around the residence in question.

Co-workers, who have a vested interest in maintaining a safe workplace, can be a good source of initial and ongoing information. Care must be taken to maintain the right level of confidentiality and privacy around an employed victim’s circumstance, but co-workers often have information about what has happened in and around the victim and can provide ongoing information. In some cases, including them can also serve as a means to fulfill the enterprise’s “duty to warn.”5 Receptionists and company operators can be a particularly good source to explore because they monitor the coming and going of the office staff and, in many cases, receive and transfer calls to the
victim and others. If the instigators are an intimate partner, customer or vendor, they may already recognize their voices and be able to play a role, not just in information gathering, but, in some intervention strategies such as diverting the person or call to others who have been designated to manage contact from instigators.

The criminal justice system provides a variety of notification systems, informal and formal, both pre- and post-conviction, that can be used in assessment cases. The first and best source of ongoing criminal justice information is a good relationship with investigating officers of any criminal investigation involving victims and instigators. These officers make decisions about how to pursue their individual cases and assessors have to determine how they can engage the officers in making their particular cases those that will get continued attention. First, this means making the case a positive experience for the officers by providing information in depth and on time, facilitating access to the victim and keeping the officers fully apprised of any new information that is learned. In exchange, it would be appropriate under many “victim rights” laws that victims, or assessors as the victims’ representative, depending on the case and the relationship to victims, could be informed of the existence of any prior violent activities, weapons ownership, drug-related offenses or current restraining orders. As the case progresses, victims or assessors will attempt to maintain the relationship so that they can check in periodically to talk about the progress in the case and any new information or receive prior notification of any actions on the part of the officers that could cause a reaction in the instigators (e.g., interview, search warrant service, probation violation, parole violations, weapons confiscation and arrest).

Another good contact and source of information is investigators in the District Attorney’s office. If a criminal case is forwarded to that office, investigators may get involved to help manage the case. Such people are usually seasoned investigators who have a little more time to manage their caseload than the average investigator. They can provide a wealth of information about the progress of a criminal case and some early warning if the person is to be released. Victim or witness advocates in the District Attorney’s office are another source of information to be cultivated for ongoing help and information. They also can provide ongoing case information and support for victims if there are any hearings or a trial, as well as connections to county and state resources, including, in some cases, monetary help, to aid victims through the process.

Following arrest or conviction, many jurisdictions have a Victim Information and Notification Everyday system in place that can provide automated information on individuals who have been jailed. These systems are available 24 hours per day and, in many cases, can be set up to provide automated
notification of pending or actual release or escape of a jailed individual. Most state correctional systems and the Federal Bureau of Prisons have victim or witness notification systems for providing information on the release, escape, furlough, parole hearings and deaths of inmates. This information is often provided only by mail, so timeliness can be an issue, however, access to another means to monitor case information should always be of interest. We have used these formal systems and sometimes have learned about changes in the status of an instigator before law enforcement has been notified.

Other post-conviction or -incarceration notification and monitoring sources can be probation and parole officers who have been assigned to the individuals. However, care has to be taken in approaching these officers, as they may be limited in their ability to help and also in their interest, due to a possibly different agenda. In our experience, many probation and parole officers are focused on rehabilitation, which is an important goal, but sometimes clashes with the specific goal of the assessor, which is the safety of specific victims. Consequently, on top of the crushing case loads that the majority of probation and parole officers contend with that limit their ability to monitor any particular subject, there may be some protectiveness of their probationer or parolee that would limit their effectiveness as a resource for violence assessment and intervention cases. Like some psychiatrists who have treated instigators, we have had several probation and parole officers actually tell their charges that we had made inquiries and tell them what we were interested in knowing. This leakage of information was not helpful in managing the cases in question and reinforced the lesson for us that care should be taken in the initial contact to gauge the value of any contact vs. the risk of having that person in the process, before the assessor discloses any sensitive information. Given the search and detention provisions of most probation and parole agreements, these officers can be a wonderful resource for tactical involvement in some types of interventions, particularly when there is need for a rapid search of a residence or person to locate weapons, collect evidence, or just place a person on an immediate hold to interrupt a particular course of action. Also, if the subject is normally difficult to locate, they can request a meeting with the subject that will provide a means to serve legal papers and establish interviews.

It should be noted that in this section I have not suggested using or relying on any mental health professionals who have, or are, treating the instigator. This is primarily because of the medical privacy and confidentiality laws and regulations that make it difficult for them to share information. I certainly would encourage consideration of initial contact in those cases where a release can be obtained or when the case is so serious that the potential benefit of contact outweighs the potential exposure of the contact or attempted contact to the instigator. If contact is made, the assessor should
remind the provider of the confidentiality issues around the contact and that notifying the instigator of the contact could cause physical harm to the victim. Then, absent a release from the patient to talk to this provider, assessors can inform mental health professionals of information they have and ask if this is new information to them. Providing information is not against the laws or regulations for an assessor and giving currently treating mental health professionals more information to form their opinions can be very beneficial. Assessors can also ask whether this new information brings up any Tarasoff issues, which may provoke an information response of value to the assessor. If nothing else, when contacting mental health professionals who are treating instigators, assessors are placing them on notice that a problem is being assessed and the mental health professionals may decide to seek more information on their own or take other intervention steps themselves that may not have been considered before. Thus, with the exception of a Tarasoff notification, mental health professionals may be of limited value as an element of monitoring or notification for case assessment and management.

**Reactive Incident Response Notification Systems**

These systems are used during an actual incident for the notification and direction of people during a dynamic incident of violence. This will usually be a segmented process, starting with smaller, private means of notification, like a hand-held radio or cellular phone and escalating to a building- or complex-wide public address system. The general concept is a system of individuals charged with the responsibility to watch for particular people or individuals exhibiting certain behaviors, who notify others when such people show up or exhibit those behaviors. A response plan is then activated that may require a small team response or a building-wide response, depending on the extent of the threat and how the incident escalates or deescalates. Response plans will be covered in the next section.

The use of cellular phones is limiting because they provide only point-to-point contact. This limits notification to one party at a time, slowing notification to everyone who might need to immediately know the information. The exception to this problem is the use of the NEXTEL network, which combines cellular phones and radios into one device and one network. However, like dedicated-frequency radios, the equipment is expensive, beginning with the monthly fee for cellular access, and the coverage is not always good. Using dedicated-frequency radios can work for small campus settings and single-building issues, but there can be problems with reception in buildings with various construction materials and in high-rise buildings. In addition, if multiple teams are working the same problem with incompatible radios, communications between teams can become a significant problem (e.g., the controversy surrounding emergency communication problems at
the World Trade Center during the early phases of the September 11th response). The first problem, interference issues, can usually be addressed by placing a “suitcase” repeater in the area to strengthen the radio signals. The second problem can be effectively addressed only by creating a central dispatching person or group to monitor all the different radio frequencies, or by expanding the number of hand-held units on one frequency to include all necessary individuals. Hand-held radios can usually be rented in most United States and European metropolitan areas for use, with contracts that will charge less for longer use (monthly or yearly) and more for week-long or single-day use.

In recent years, the use of Family Radio Service-frequency hand-held radios has greatly reduced the cost and portability of radio communication. Hand-held radios on these frequencies can be purchased for $30–$50 each, require AA batteries to run all day and do not require Federal Communications Commission licensing (unlike commercial-grade hand-held radios). Most come with the ability to work well on a combination of 14 frequencies with 38 different code options and in a variety of environments. Dropping one of these radios, which can be replaced at any Wal-Mart, is preferable to the hundreds of dollars and inconvenience of attempting to replace a dedicated-frequency radio. Their drawbacks are lack of power (optimum range 2 miles; real range can be as low as 100 feet in some concrete or steel environments that are rich with electromagnetic interference from computers) and the possibility that the communications will be overheard by others who have access to the same range of frequencies. The first drawback cannot be easily addressed, but the second can be handled by using short, not specific statements, such as “the subject has arrived,” not “John Steinbeck is in the building,” and using an unusual combination of frequency and coding for the radios being used.

Public address systems are necessary to communicate to everyone when there is a need for immediately locking down an area, or to start an evacuation process. In buildings where a public address system is not available, but companies have dedicated phone systems, the phone system can usually be configured for this purpose, by either programming the system to allow for an “all-call” function for each phone extension (assuming the handsets have speaker phone capability), or by adding overhead speakers to the space to be covered and having them wired into the key service unit or processing unit of the phone system for activation at any handset with a particular code. If neither a public address system nor a dedicated phone system is available, then the current generation of electronic bullhorn can be substituted as an alternative.

Finally, with the new technologies that are developing, eventually intervention teams might be able to use a blast message through a short messaging
system or a blast e-mail to all cellular phones, Blackberry pagers, or other e-mail-enabled devices, but the issue of coverage areas and “dead zones” would still need to be managed. Wi-Fi networks or other wireless networks might one day solve these problems, but I think hand-held radios may still be the most flexible and immediately deployable technology for the next 20 years. Time will tell.

The reality is that because of the various problems inherent in all these forms of notification, a blended approach that incorporates a backup system is usually the best option. The first decision to be made is who needs to have instant and direct communication; those people are usually assigned radios as their primary form of communication, possibly with cell phones as backup. Security team leaders, having a radio, cell phone and access to any public address system, usually assume the job of communication and response coordination. The next tier of team members is usually reachable by office extension number and cell phone. This blended approach allows for rapid response while balancing out the cost of establishing a network that may be needed for only a short time.

Response Plans

Response plans are essentially the same as intervention plans, but originate from a different professional vocabulary. The term “response plan” is military, law enforcement, or security terminology, while “intervention plan” is medical or mental health terminology. In this section, we will use the term response plan to denote the security response in an overall intervention plan to divert or stop an act of violence.

Response plans in the area of violence intervention generally separate into several types of plans geared to the various types of problems that need to be addressed. These problems include security response for the interviewing process at a residence (“knock and talk”) or in a commercial or work setting; security for a termination meeting; site security for the victims at their jobs but rarely at their residences; and dynamic security for those cases in which the victims may be exposed to a high degree of risk in a short-term environment, such as court hearings, board meeting or shareholder meetings, social gatherings, etc. We will address the basic approaches for each one of these situations, however, each case and each situation is unique and the response plans should be created in each case by a qualified security professional with that in mind.

The Interview and Termination Process

Response plans for both interviewing and termination processes are basically the same. The plan needs to address the issues of how to get the individual to an interview space, how to respond into that space to protect the partic-
participants, how to keep the situation in the space (containment) if a hostage situation should develop and how to have the person leave the space with minimum opportunities for disruption when the meeting is over.

The general security element for these plans is a two-man team that has been appropriately equipped and trained in interacting with emotionally and mentally destabilized persons, using verbal de-escalation techniques, nonlethal and lethal physical response, team tactics and room entry techniques. Both members of the team also should have the necessary physical conditioning to effectively use their training. The two man team is used because, in a confrontational situation with a single responder, the instigator may decide they can overcome a single responder, whereas, if there are two responders, the instigator may hesitate to act. In reality, a single instigator with the appropriate motivation and effort can overcome two or more responders on some occasions. But, most often, the two will prevail and be able to subdue the instigator with minimum injury to themselves and the instigator. I have had situations where an angry instigator has said, “You know, if it was just you and me, I would kick your ass, but, since you have a friend, I’ll have to catch you on another day.” Thus, having two responders allowed the individual to back down with a reasonable excuse, avoiding a physical altercation — a good day for all. More two-man teams can be assigned to a case, based on the size of the site and the response time that can be tolerated. Response plans are designed to provide the response time that can be tolerated and defended for any particular situation. The more teams you have, the closer they will be when the action starts and the quicker their response time. We will discuss this more in the following section on site security.

In office settings, a space for interviews and termination meetings should be chosen to minimize the number of people in the area who would be aware of the meeting and traumatized by any action that could take place. Ideally, it would be a small conference room (small, to minimize the space to be controlled), on a ground floor (if removal was necessary it would not be down a staircase or in an elevator), near an exterior exit (so law enforcement could extract the instigator with minimum time on the scene and minimum observation by others) and near an office where the security team could be placed. The door would have no glass beside it or around it so that people walking by would not be able to see in and know what was going on. A covert wireless video camera would be placed inside the room (no audio if legal issues preclude it) so that the security team could monitor the activity in the room and the assessor could provide hand signals for desired response. The instigator would normally be asked to come to the room to meet with a company representative, the day of the interview (no prior notice, if possible) and would meet with that representative and the assessor. If there was concern
about the instigator carrying weapons, the security team would observe the individual coming to the meeting to see if they could detect any obvious “tells” (involuntary body movements that are made to accommodate the unusual presence of a weapon). If there was evidence of a possible weapon, an agreed-upon plan would need to be activated. This plan could be to admit instigators into the room without stopping them or it could be searching them by metal-detecting wand or hand search. It would be preferable to not search subjects, if safety will allow that, because that would reveal the presence of the security team. Also, the search would elevate emotions that must be deflated before a productive interview can proceed.

Ideally, instigators are called to the interview room, interviewed at length, allowed to leave the premises under their own power and have no knowledge that there was even a security team present. The theory behind this is, if violence is committed by instigators to establish or reestablish control, which they perceive to be necessary, controlling their perception is one tool to mitigate violence. Therefore, if assessors or the security team interact with them with the outward expectation that they will control themselves and they perceive they have some control, it lowers the probability of violence. If we openly display security, that is, treat them as if we expect them to act inappropriately, we tend to lower their perception of control and possibly their inhibition to act violently. People have a tendency to live up to, or down to, our expectations of behavior, so, by our process, we want to show hope for the best, but we must be prepared with a plan for the worst. As they said in the movie *Road House*, “Be nice, until it’s time not to be nice anymore.”

If, during collateral witness interviews, there should be a significant concern that the instigator might attempt to disrupt the interview process, a response plan should be developed for this contingency, including a security team positioned for these interviews. The management plan would consist of an initial plan by the assessor and any co-interviewer of how to handle an instigator who interrupted their interview with witnesses. Normally, I suggest that they dismiss the witness being interviewed and interview the instigator right away. This allows them to interview instigators when they are agitated, which can be revealing, while not allowing them to continue to escalate in the workplace and possibly raise anxiety in the workforce or intimidate future witnesses. Once instigators in a workplace setting have been interviewed, they are placed on “leave, pending the outcome of the investigation” and told to leave the premises. However, a secondary intervention plan would have to be developed stating when the security team should intervene and how. Away from the workplace setting, the assessor should have a plan for leaving at the close of the interview.

This secondary response plan, involving security team intervention, would be roughly the same with any instigator interview, regardless of how
it came about. Any interviewee has the right to leave most interviews at any
time they wish, consequently, this secondary plan has to encompass what to
do if instigators leave the room mid-interview, particularly if they are in
emotional turmoil. It also has to address what to do if instigators stand up
and begin to scream at assessors so that they believe they need help to control
the subjects, or if they attempt to physically harm assessors or produce a
weapon and position themselves to hurt anyone coming into the room.

If instigators “rabbit” from the room, the general strategy is to have the
security team stay in proximity and monitor their progress until they stop
or do something that alerts the team to the possibility that the instigators
are about to physically harm others. If and when they stop, the security team
calmly suggests that they need to leave the premises and remain “on leave”
(if appropriate) until it is decided what the next steps (in the process) will
be. If instigators become belligerent, they are talked with; if they become
threatening, they are warned that the police will be called; if they start to act
in a way that the security team believes poses a risk of physical harm to
themselves or others, the security team takes whatever steps are necessary to
stop the possibility of physical harm.

It is very important that the security team understand the difference
between being disruptive and being physically harmful. If a person gets on
top of a desk and begins to shout in the work area, I suggest that employees
in the area be evacuated and the person talked down, not brought down.
However, if the person makes any move to physically harm others, the secu-
rity team reacts immediately to take the person into custody, calls law enforce-
ment to take over the arrest and has the person processed appropriately. A
verbal confrontation and defiance should be met with words, imminent or
actual acts met with acts.

If the person becomes emotionally and verbally aggressive inside the
interview space and help is called for by the assessor, my first suggested
intervention is distraction. A security team member comes to the door, opens
it quickly and says, “Oh, I didn’t know this conference room was being used,
how long will you be?” This distraction will break the instigators’ momen-
tum, allowing the assessors time to address the question and then, when the
door is closed, suggest to the instigators that they would be willing to listen,
but not be shouted at. In many cases, instigators will sit down and resume
the conversation in a more controlled manner.

If the instigator gets angry with the interruption and verbally attacks
the security team member who looked into the room, the team member
who opened the door can make the choice to step into the room, leaving
the door open and ask, “What is going on here?” The second team member
should approach the room and be outside the door, but out of sight until
needed. If the person can be talked down and the assessor signals they will
resume, the team member can leave the room and resume observation. If
the instigator remains agitated and the assessor signals that the meeting is
over, the instigator can be asked to leave and the team member, with his
backup, can escort the person from the site, if necessary. Normally, under
these circumstances, I would not let instigators roam the site, but would ask
them what they need from their workspace to go home right now and have
someone who is “on call” (e.g., a human resource or security person sitting
by their phone extension during the interview), get the property and bring
it to the interview room. Then the individuals are escorted out the nearest
door and brought to the general area of their vehicle and allowed to leave.
As the vehicle is approached, I usually inform them that they should not
return to any organization location until requested to do by the organization
(trespass language for that jurisdiction) and inform them that if they have
any questions they can contact X, who is the person designated to commu-
nicate with them.

If the instigator becomes physically aggressive in the interview room, the
security team responds by coming immediately into the room, taking verbal
control or physical control of the instigator, ending the interview and escort-
ing the instigator from the site, using the same procedures outlined above.
In the case of a need to physically control the subject, the security team should
have a plan about how they will subdue the subject and how the assessor and
witness should get out of the way and out of the room to provide more space
for action; they should educate the assessor and witness about this plan before
the interview begins. Normally, I suggest that one security team member take
initial responsibility for physical contact while the second team member
makes sure the assessor and witness get out of the room. The second person
then engages when they see an appropriate opening. Certainly, the use of
nonlethal weapons by the second team member (e.g., Air-Taser®, baton, etc.)
would be an option.

If the instigator produced a weapon and threatened the assessor or wit-
ness and it was believed by the security team that they could respond, then
the assessor and witness would need to go to their preassigned location in
the room for this possibility (e.g., retreat to a particular corner, etc.) and the
security team would have to enter and engage with firearms.

If the instigator produces a weapon and threatens the assessor or witness
in a way that seems to preclude entry without significant loss of life, the
security team would need to have a plan to close off departure from the
room, evacuate that area of the building, establish communication between
the instigator and the security team and wait for law enforcement to arrive
with tactical support and hostage negotiators for situation resolution. The
plan should be that armed instigators are not allowed to leave the interview
room until they are under complete physical control sans weapon(s). This
strategy contains the potential for harm to a small area and a small group of people. Don’t forget that most ground-floor rooms have windows, and the outside perimeter may need to be cleared and controlled as well.

Concerning instigator interviews at the individual’s residence or other space not controlled by the assessor and the security team (sometimes called a “knock and talk”), the security team should try to conduct some form of intelligence gathering concerning the location and make decisions about when and where to approach and how to handle similar concerns for safety. Restaurants are problematic because they can be noisy, distracting environments that are not conducive to long interviews and, if the situation should escalate, innocent third parties might be adversely affected. Meeting the instigators at their own living quarters increases their sense of control and can lower their anxiety, but it substantially increases the risk to the assessor because of the possibility of weapons access and other family members’ becoming involved in the interview. I have conducted interviews at the instigator’s place of work and those have been successful when I was able to show sensitivity to not embarrassing the instigator and minimizing the impact on their work environment. I have conducted interviews at Starbucks and other small coffee shops and in small, quiet bars, including bars in the lobbies of major hotels during the daytime. These venues are quieter, neutral, with less need by the sales staff to interrupt or be concerned about the length of time of the interview, have less third-party exposure because of smaller numbers of people and have an increased safety factor away from weapons that might be stashed in the residence or vehicle. However, based on need, we have also conducted interviews in living rooms, back yards, front yards and on front porches.

The majority of off-site interviews are conducted in a two-person format, with the assessor and a security person and are backed up by a second security person in sight of the first watching for anyone approaching and for additional support as needed. If assessors are inside a business or residence, the placement of the second security person can be problematic, but if they are outside in the car, they are useless. In these situations, safety must be balanced with information gathering and the assessor must work harder to establish rapport and have the instigator forget about the additional people and what they imply about the situation.

Site Security
A response plan for a fixed site is based on how much response time can be tolerated. There will never be enough budget and manpower to provide a completely staffed solution, so it is necessary to first identify the most likely points of access to the site and the most likely target and then place the primary response teams between those access points and the most likely
target. We usually place the teams in unoccupied offices or conference rooms so they are less conspicuous, which keeps the organizational anxiety down. It is a myth that security makes people feel more comfortable, except for short periods of time. Over a period of a week or more, the presence of security, particularly armed security, just keeps reminding people they are at risk. Unarmed security and other individuals (e.g., receptionists, supervisory employees, etc.) can be used as "eyes and ears" to provide information on the approach of the instigator and then the trained protection personnel respond and engage with the instigator. The plan normally calls for instigators to be approached, identified and asked why they are there. Once that is understood, they are usually asked to leave the premises or are escorted to a safe location for further discussion, depending on what type of interaction is desired. If they refuse to cooperate, they are given the choice of either leaving or having law enforcement called (if the security element is law enforcement, then the option might be arrest for trespassing). If they attempt to harm others, they are subdued and removed to a holding space for transfer to jail. Certainly, if a subject arrives on the premises with an exposed weapon, containment is preferred, with shooting an option if the subject poses an immediate danger to the security personnel or protectees. Should the response team be called to the scene of an individual with a weapon, then dynamic two-man team movement through the space to identify the location of the instigator and contain the incident will be required. A number of firearm-training schools now provide this type of training for two-man teams, including Tactical Firearms Training Team (T.F.T.T.), Thunder Ranch and others.

For site security that is positioned at certain venues for a short period of time, the security team needs to incorporate dynamic security personnel assigned to the known targets, if any, and some two-man team elements in the areas of the site where the targets will be stationary for longer periods of time (e.g., meetings, dinners, receptions, etc.). Having this combination of a person or people with the targets who link up with people at a more stationary site who have checked the site, identified the access points and evacuation paths and located the most advantageous place for the targets to be in, is a tremendous advantage. However, this falls into the area of executive protection, which requires training in movement, communications and special response for open, dynamic situations.

Summary

Security, as a part of violence assessment and intervention, provides a framework of safety against violence for both assessors and victims. It is designed
to keep people physically safe from violence as the assessment personnel assess, intervene and resolve potentially violent situations. It provides security training for participants, site hardening against risks, monitoring of behavior for assessment and intervention and direct response to confrontational situations. Security provides the barrier to prevent violence if assessment and intervention fail.

Endnotes

2. A safe room is designed to hold someone at bay for a short period of time until a responding force can arrive. In the case of office buildings, a basic safe room means a room with no glass windows, a solid-core door with a peephole and a deadbolt lock with throw inside the room, and a means of communication with the outside, like a telephone. People are trained to go into the room, remain quiet and not let anyone in unless they recognize them and are sure that person is not being held hostage as a means to get the door open.
3. July 1st, 1993, Gian Luigi Ferri entered 101 California Street, San Francisco and began killing people in the law firm of Petit and Martin. The incident started at 2:55 pm and eventually migrated from floor 34 to floors 33 and 32. Ferri killed himself in the stairwell between floors 29 and 30 before law enforcement could locate him. Eight people, including Ferri, were killed and six were wounded.
4. The Door Spy, model DS-6, by Rudolph-Desco Company, Englewood Cliffs, New Jersey. This model provides separate views straight ahead, on each side and directly at the base of the door. It is rated by Underwriters Laboratory for use in fire-rated doors and has an exterior that can be painted.
5. See Chapter 7 for more information on the legal concept of Duty to Warn.
6. See Chapter 7 for more information on Tarasoff.
7. There was a tragic example of this in Richmond, CA where, on April 27th, 1995, a Housing Authority worker was being terminated from his job and law enforcement was called to stand by. They were posted outside the Housing Authority office when the subject went into the bathroom during the termination and returned with a gun, shooting both individuals in the meeting to death. Law enforcement officers then went into the building and arrested the person.
The Law of Violence Assessment

Introduction

This chapter will address practical aspects and issues presented by the various laws that one may encounter in any violence assessment. It will focus on United States law, but the concepts for certain sections apply internationally. The authors are not lawyers, so none of the information in this chapter should be interpreted as legal advice. Also, the law continues to evolve constantly and some of the information presented could be outdated in the weeks or months surrounding publication. Both of these considerations are sufficient reason to have competent legal counsel available for consultation. In some cases, especially the more serious ones, there may be a need for two types of legal counsel: one who specializes in criminal law and one who specializes in civil law.

On the criminal law side, an experienced prosecutor in the jurisdiction of the case would be ideal. This individual would be able to provide legal advice during a criminal investigation and prosecution, but also might personally know the judges who would be ruling on search warrants, bail hearings and other important procedural matters, which would allow effective case presentation at critical junctures. On the civil side, our experience is that a skilled employment law attorney who has experience in seeking restraining orders and litigating (not just settling) claims of harassment, discrimination, sexual harassment, age discrimination, wrongful termination, defamation, invasion of privacy and “whistle-blower” (claims of violation of public policy with retaliation for reporting) cases, is the best counsel a company or organization can have when cases involve either a perpetrator or a victim who is an employee of the organization requesting the violence assessment. A similarly experienced family-law specialist could be invaluable in matters involving intimate relationships. Legal counsel should have a personality that works well in a team environment and a strong understanding that their role is a critical, but not central, part of keeping the victim safe. The law is a socially acceptable form of confrontation and it works when all parties agree to abide by its rules, which may not be the case with perpetrators who pose a high risk of violence. Consequently, the best practice is that attorneys must, like all members of a violence assessment team, realize that,
at certain times in the process, they will be leading the group — but only at certain times and not all the time. Lawyers sometimes forget that it is better to be sued than killed, and the fear of getting killed should supersede the fear of being sued.

Now that all these caveats are in place, let’s get to work. We will discuss how specific laws or concepts of the law might be involved in cases, as well as some case management considerations that are important to keep in mind. We expect that if you are interested in any of these areas, you will conduct your own research and seek out appropriate people with whom to discuss your interests.

**Federal Law or Regulation**

In the United States, it is generally understood that when there is a conflict between federal and state law, federal law supersedes state law. States are allowed to make their laws more restrictive, but they cannot be in conflict by being more liberal than federal laws in the same areas. It is also understood that the Rules of Evidence are different between federal and state law. What this means for the violence assessor and case manager is that there is a need to “shop venue” when looking at any case in which it may be possible to use either federal or state law to intervene in a case. This requires an intimate knowledge of both the applicable federal laws and state laws so that one can be flexible in how to proceed with the case, depending on the options the case facts open up.

An example of this would be the use and enforcement of restraining orders. A stalking and threats case had occurred by telephone from Texas to California. Via voicemails captured on a California company phone system, the individual in Texas had repeatedly threatened to harm the victim. After a violence assessment had been conducted, the victim’s company sought a “corporate restraining order” in California and served it on the individual in Texas. In the beginning of the 1990s, any state-issued restraining order would have had limited or no value in a case such as this, because most state courts would have been neither willing nor able to enforce a state court order on an individual in another state, unless that individual came within the jurisdiction of the court, meaning, in this case, traveling to California. However, this order was issued after federal law had been modified to allow for interstate enforcement of restraining orders. Consequently, if this individual, as he was informed at the time of the service of the order, chose to violate the order, it could be prosecuted under federal law. This was sufficiently worrisome to the perpetrator to cause him to cease his behavior, an obsessional pattern of behavior that had plagued this victim for more than 10 years.
years. This knowledge and use of state and federal laws to patch together an effective intervention strategy for a particular case is exactly what each of us should be striving to provide for the victims we serve.


This was a foundational law in the area of violence intervention. It initially contained language that created an office in the U.S. government that would be responsible for conducting research into issues involving domestic violence, restraining orders, stalking and related areas such as civil restitution for violence, etc. Incorporated into this act and its following amendments are several sections that are of special importance for violence assessors and preventors to know. These are sections of Title 18 of the United States Code (U.S.C.), specifically: 18 U.S.C. § 2261 (Interstate Domestic Violence), 18 U.S.C. § 2261A (Interstate Stalking), 18 U.S.C. § 2262 (Interstate Violation of Protection Order) and 18 U.S.C. 2265 (a) (A Full Faith and Credit of Restraining Orders). These provisions and their subsections provide very powerful tools to use in the United States for the prevention of violence. Following is a brief outline of each of these sections and discussion of case management issues. An Assistant United States Attorney (AUSA) is assigned in each United States Attorney’s office to be the Violence Against Women Act (VAWA) specialist. These individuals can be valuable sources of both knowledge on these sections of the law and how the United States District Court in their area has interpreted these laws in their judicial districts. Another valuable resource in each judicial district is the United States Marshal’s Service office. The marshals are responsible for the safety of the federal judiciary, which can provide them some unique insights, and we have found them to be very practical, professional law enforcement personnel who are highly motivated to help in any way they can.

**18 U.S.C. § 2261 (Interstate Domestic Violence)**

There are two possible ways to activate this statute, either by traveling in interstate or foreign commerce (or entering or leaving Indian country), “with the intent to kill, injure, harass or intimidate a spouse or intimate partner” or in causing a partner to travel in interstate or foreign commerce (or to enter or leave Indian country) “by force, coercion, duress or fraud” and then committing or attempting to commit a crime of violence against that spouse or intimate partner. In other words, if the perpetrator approaches a spouse or intimate partner across a state or international border or causes them to travel across a state or international border, regardless of whether they are driving them away or enticing them to come to them, and then attempts to or does commit a “crime of violence” against that victim, it is punishable by fine and:
(b)(1) for life or any term of years, if death of the victim results;
(b)(2) for no more than 20 years if permanent disfigurement or life
threatening bodily injury to the victim results;
(b)(3) for not more than 10 years, if serious bodily injury to the victim
results or if the offender uses a dangerous weapon during the offence;
(b)(4) —special maritime or territorial jurisdiction applications—
(b)(5) for not more than 5 years, in any other case or both fined and
imprisoned

Those reading this who have experience in dealing with the criminal
justice process will find this law very interesting, because, if the individuals
have been married, have cohabitated “as a spouse” or had a child together
and cross a state, territorial, commonwealth, District of Columbia or inter-
national borders, separately or together and a “crime of violence” is attempted
or committed, the law applies and the penalties are generally much stiffer
than many state penalties are for the same acts. This allows us to take a look
at the case facts and determine whether the state laws involved or the federal
law are more applicable or even if both laws apply simultaneously. In some
cases, you can pursue prosecution for both the state and federal law violations
simultaneously, keeping the perpetrator in custody in either the state or
federal system, possibly without bail in one system, while the cases are being
brought to trial. This may provide a very important window of safety for
victims by allowing them to increase their security, while allowing further
evaluation of perpetrators with a goal of learning what, if any, behavioral
levers we can use to redirect them away from the victim.

18 U.S.C. section 2263 deals specifically with the pretrial release of a
defendant and the fact that an alleged victim of a defendant charged under
sections in this chapter (Chapter 110A) “shall be given an opportunity to
be heard regarding the danger posed by the defendant” when considering
release or conditions of release. Careful consideration should be taken by
victims about whether to exercise this right. A personal appearance by
victims, in sight or hearing of perpetrators, may energize the latter and
encourage them to continue their behavior, not stop it. Certain obsessed
individuals would consider any action on the part of their victims as con-
firmation that the victims care for them or love them. Some perpetrators
are capable of sitting in court and, when victims pleads their fear, they
actually hear words of endearment rather than the actual words being said
on the record. Other perpetrators may be sexually or emotionally stimulated
by hearing that their victims are afraid of them, thinking that it makes them
more powerful. Consequently, before testifying under this section, a thor-
ough assessment of the perpetrators, their behavior and their possible reac-
tion to this testimony, should be completed before the victims choose to
exercise this option.

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18 U.S.C. § 2261A (Interstate Stalking)

This section states that “whoever travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, …with the intent to kill, injure, harass or intimidate another person and in the course of or as a result of, such travel places that person in reasonable fear of the death of or serious bodily injury to that person, a member of the immediate family (as defined in section 115) of that person or the spouse or intimate partner of that person; or (2) with the intent (A) to kill or injure that person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or (B) to place a person in another State … in reasonable fear of the death of or serious bodily injury to … that person; … a member of the immediate family (as defined in section 115) of that person; or … a spouse or intimate partner of that person, uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of or serious bodily injury to, any of the persons described … shall be punished as provided for … in section 2261(b).”

This section provides penalties similar to those mentioned under Interstate Domestic Violence for acts that are caused by individuals when they travel or use the mail or any facility of interstate or foreign commerce (e.g., phones, cell phones, pagers, e-mail, private mailing services, etc.) to kill, injure, harass, intimidate or to place a person in reasonable fear of death or serious bodily injury to that victim or to certain people close to them. This language moves away from just the domestic violence relationship by expanding the definition of the victims and the behaviors that trigger the statue. In many cases, both sections 2261 and 2261A can be charged, which can increase the time that the perpetrator may be held in prison.

18 U.S.C. § 2262 (Interstate Violation of Protection Order)

This law is based on language similar to the Stalking law, substituting behavior that violates a protective order for behavior of stalking. There are two offenses in this law as well, one involving the travel or conduct of the offender and one involving the causing of travel of the victim. The penalties are identical to the penalties for violating section 2261. An interesting aspect of this law is that it includes violations involving contact, harassment and physical proximity. This means that the law recognizes some of the subtler behaviors that individuals use, short of threats and violence, to destroy the peace of mind of victims. This law is enforceable when the conduct would violate the order in the jurisdiction that it was issued in, not the jurisdiction that it occurs in. In some cases, the fact that the behavior would not constitute a crime or violation of a restraining order where it occurs, but does in the
issuing jurisdiction, means that victims can be protected in places where local enforcement would not have been possible. This provision is strengthened by the advent of the full faith and credit provision discussed next.

18 U.S.C. 2265 (a) (A Full Faith and Credit of Restraining Orders)

This section is very important for the protection of victims. It states that any protection order that is issued by any court of one State or Indian tribe, that is consistent with two provisions, “shall be accorded full faith and credit by the court of another State or Indian tribe… and enforced as if it were the order of the enforcing State or tribe.” The two provisions that have to be met are that the state or tribal court that issued the order had “jurisdiction over the parties and matter under the law of such State or Indian tribe; and reasonable notice and opportunity to be heard is given the person against whom the order is sought sufficient to protect that person’s right to due process.” It goes on to state that, in the case of ex parte orders, notice and opportunity to be heard had to have met the requirements of the state or tribe issuing the order “sufficient to protect the respondent’s due process rights.” From a practical perspective, this means that victims who are traveling outside the state or tribal area that issued a protective order should carry a copy of the papers filed to obtain the order, showing the hearing dates and the proof of service for their orders. This will allow them to provide those papers quickly to law enforcement to substantiate their claim that their order has been violated.

The law then addresses the idea that a protection order is not entitled to full faith and credit if an order has been issued by a state or tribal court against someone who has “petitioned, filed a complaint or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner,” “if no cross or counter petition, complaint or other written pleading was filed seeking such a protection order; or a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.” In other words, no full faith and credit is provided if someone obtains an order against a person who has prior claims of spousal or intimate partner abuse against the order seeker, when the victim of the prior claimed abuse did not have the opportunity to contest the order or the court did not make a specific finding concerning who, if anyone, should be entitled to the order. This provision, though difficult to sort out in the streets of another state, recognizes that sometimes orders are sought by harassers to further harass their victims and until a court sorts out the claims and counter claims, that type of order should not be granted the enforceability as a standard order.
**Fair Credit Reporting Act (FCRA)**

This act, which is found at 15 U.S.C. 1681-1681u, establishes rules of conduct for all investigations conducted by third parties that affect the rights of consumers, including the granting of credit, issuance of insurance and obtaining or being retained in a job. This law, which originally had a very narrow scope, was changed in 1996, thus creating a huge impact on the way investigations could be conducted, so the rights of consumers could be protected. There have been ongoing discussion and proposals for amending the law, but, as of this writing, none have been enacted. In relation to violence assessments, this law has the most bearing when the assessment is being done by an employer on their employee and the gathering of information during the process is partially or wholly conducted by a third party (nonemployee of that employer) and the results of the assessment could have an “adverse impact” (e.g., reduced compensation, reduced promotability, loss of business reputation, loss of employment, etc.) on that person's employment. Since it is very difficult, if not impossible, to conceive that a valid violence assessment, at its outset, would not have a potential to create an adverse impact, it would fall under this law. This law would not pertain to the assessment of any third party (nonemployee) to the company or enterprise or an assessment for a private person on another person where no employment relationship existed.

This law requires prior notification to consumers (targets of the assessment), when it could have an adverse impact and requires their permission to proceed with the assessment (investigation). It also requires that a copy of the report, whether verbal or written, generated by the process be provided to the consumer (employee), before any adverse action is taken. Given that many violence assessments are being conducted on individuals whose volatile and aggressive behavior has been the cause for seeking the assessment, prior notice and consent are not usually viable options. This is particularly true when there are competing provisions such as the general duty clause of the Occupational Safety and Health Act (OSHA) that requires employers to maintain a safe workplace. Consequently, employers, working with employment counsel, should weigh the competing laws, penalties and responsibilities to their employees and make an informed decision about how to proceed.

A series of actions, when taken in concert, have served as a “workaround” in assessment cases. This packet of actions is not meant as a complete shield from all claims under this law and has not been tested in front of the Federal Trade Commission (FTC). It is meant to possibly lessen legal exposure under this law while maximizing the ability to conduct a valid assessment, which is viewed by most people as the higher priority and the greater exposure. The workaround is as follows:
If the employer retains a third party violence assessor or third parties in the assessment process, such as outside legal counsel, investigators or investigative resources such as databases, then the:

1. Organizational representatives (employees) conduct initial interviews of knowledgeable parties and provide that information to the assessor.
2. Violence assessors conduct a background investigation of the aggressor, without notifying the client that they are doing so. Assessors use that report for the purpose of enhancing their assessment opinion, but share no specific information on the material discovered with the client. Although assessors could share the information with another third party (e.g., outside counsel) if so desired, as long as clients (employers) are provided no information from any background, they could not use that information for any adverse employment decision.
3. Assessors conduct a direct interview with any collateral witness or the aggressor, an employee of the organization is also present at the interview. The employee takes notes of the interview that would be used as the basis of any adverse employment action and the assessor takes notes for the purposes of their assessment. None of the assessor’s notes are ever provided to the client.
4. Assessors deliver their opinion of risk with no suggestion or guidance to the client about what type of employment action to take in relation to the individual and do not specifically mention any information that was not provided by witnesses or aggressors in the presence of an organizational representative.

It should be noted that many states have their own version of the FCRA, such as California’s ICRAA, which may have slightly different rules that have to be managed for legal exposure, while also attempting to accommodate the federal law. Care should be taken to craft an assessment and intervention process that threads a path that creates the least disturbance through these legal thickets. This is important not just because no entity likes getting sued, but, from a violence management perspective, assessors and organizations should recognize that if the rights of the aggressor are trampled, such treatment can become a validation or rationalization for them that the only way of “protecting” themselves is by the use of violence. Thus, if we are careful in maintaining our efforts to protect the rights of aggressors while conducting the assessment and intervention, we may be lessening the available emotional or psychological fuel they could use to launch themselves into a more violent trajectory.
Americans with Disabilities Act (ADA)

This act is often discussed in the violence assessment process because of its requirements to make reasonable accommodation for an individual’s disabilities. Many of the behaviors that lead to violence assessments in the workplace initially are thought to have some connection to medical conditions (psychological, emotional or physical) that may cause the behavior of concern. The good news is that, even though it will always be important to consider this law in relation to any case in an employment setting, it does not shield people whose behavior meets a certain level of harassment, threats or violence regardless of their medical condition. The U.S. Equal Employment Opportunity Commission (EEOC) issued Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities and placed a copy of it on their website on February 22nd, 2002. This document is one example of a long stream of material that provides guidance on how the ADA applies to given circumstances. That document addresses a series of compliance issues in a question-and-answer format. Question 32 asks: “How should an employer deal with an employee with a disability who is engaging in misconduct because s/he is not taking his/her medication?” The answer is “The employer should focus on the employee’s conduct and explain to the employee the consequences of continued misconduct in terms of uniform disciplinary procedures. It is the employee’s responsibility to decide about medication and to consider the consequences of not taking medication.” Footnote 72 of the document goes on to state: “If the employee requests reasonable accommodation in order to address the misconduct, the employer must grant the request, subject to undue hardship.” This shows an example of the reasoning of the EEOC as they interpret the ADA. They believe that misconduct is misconduct and can be disciplined as such, as long as the discipline is uniformly applied in the workplace. However, if a reasonable accommodation is requested to address the underlying cause of the misconduct, which may reasonably be understood to be based in a circumstance related to a disability, then reasonable accommodation is warranted.

The next section of this document, after question 32, titled Direct Threat, goes into the regulations concerning dealing with a “direct threat,” which is defined as “a significant risk of substantial harm to the health and safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.” The footnote (75) goes on to cite 29 C.F.R. § 1630.2(r) (1996) and states: “To determine whether an individual would pose a direct threat, the factors to be considered include: (1) duration of the risk; (2) nature and severity of the potential harm; (3) likelihood that the potential harm will occur; and (4) imminence of the potential harm.” This section then goes on to state: “The determination that an individual poses a “direct threat” must be based on an individualized assessment of the individual’s present ability...
to safely perform the functions of the job, considering a reasonable medical judgment relying on the most current medical knowledge or the best available objective evidence.” It concludes by pointing out that: “an individual does not pose a “direct threat” simply by virtue of having a history of psychiatric disability or being treated for a psychiatric disability."

From a practitioner’s perspective, this “individualized assessment” is exactly what we are concerned with in this book. Rather than just looking at the psychiatric condition and the professional literature’s quantification of violence risk for that condition, the process of assessment looks at the behavior, the motivations or causes of the behavior, the likelihood that it could lead to substantial risk and the nature, severity and imminence of the potential harm. A valuable book on the specific subject of “fitness for duty” evaluations has recently been written by Anthony V. Stone³ and, if you are interested in this topic, we would encourage you to pursue it by reading this book. Remember, people have the responsibility to manage their conduct to the level required of all employees. A disability does not give someone a “magic card” that absolves them from responsibility for their own conduct.

**Title VII: (42 U.S.C. § 2000e)**

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex and national origin.⁴ In a violence assessment context, this law is often involved in cases where the aggressors claim that the cause of their inappropriate behavior is discrimination on the part of the victim population. Violations of this law are also regularly claimed when individuals have been terminated and they file a wrongful termination claim, stating that they were not fired because of their actions, but because of some protected attribute. The important thing to remember as a practitioner is making certain that you stick to assessing the behavior of the individual. If you stay focused on the behavior, not being influenced by any of the protected attributes, you will be able to defend yourself against any claims of discrimination. If you are not an employee of the entity that has asked you to do the assessment, remember that you should not be involved in guiding or directing any employment outcome related to your assessment, but you can provide information about how you believe the person might act if certain employment actions are taken. This also will fortify you against claims of discrimination. Certainly, employers should always consider the employment action they are planning to take in the context of whether it is similar to or different from what they have done in the past under similar circumstances, and whether their action is in line with their employment policies and conduct rules. If there is a change in this case, it should be clearly
documented as to why they made their decision, so that a claim of discrimination can be successfully defended. Concentrating on behavior will inoculate you from most claims under this section of the law.

**Occupational Safety and Health Act of 1970 (OSHA)**

This law was passed to form the Occupational and Health Administration and create the ability for the federal government to aid the states in enhancing worker safety. Over the years, OSHA has become involved in a variety of issues related to violence in the workplace. The first duty cited under this law (29 U.S.C. § 654) is: “Each employer shall furnish to each of his employees employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;...” In the area of violence assessment and threat management, this clause has been interpreted as a mandate that requires employers to recognize and intervene to protect their employees from foreseeable acts of violence. If employers who fall under the OSHA do not maintain employee safety, they can be cited and fined. In the early 1990s, as employers were waking up to the issue of violence in the workplace, this law was a major factor cited by legal staff and other employment professionals to get the resources necessary to begin the process of violence assessment program development and implementation. By the beginning of this century, most businesses in the United States had moved beyond the need to be reminded of their obligations in the area of violence assessment and management. Consequently, this law will continue to be relevant to most practitioners only in the most egregious cases of violence, when the employer has ignored repeated notifications of the possibility of violence or did an inadequate job of managing an incident. Most, if not all, states also have their own versions of this act and employers can also be subject to citations and fines from their state agencies for negligence in managing the threat of violence or acts of violence in the workplace.

**Expert Witness Presentation of Violence Assessment in Court**

This discussion is relevant to violence assessors because of our need, in some cases, to enter a court and justify decisions that we have been a part of making, particularly those that affect someone’s life or liberty. At the federal level, most of these discussions begin with Federal Rules of Evidence and move quickly to the Daubert decision and keep going. We are going to stop at Daubert because it brings up the major issues we want to address about expert
testimony. The Daubert decision looked at several things, but was centered around whether Rule 702 of the Federal Rules of Evidence superseded an early legal decision called Frye and United States Supreme Court found that it did. The majority opinion, written by Justice Blackmun, does an excellent job of defining what the job of a trial judge is in determining whether an expert can testify and to what. It is interesting that, in our research of this decision, we discovered that much written on it actually appears to misstate the decision in Daubert, making up certain requirements that need to be met in every case to meet the standard. It is best to do your own research in this area and, when working with attorneys in preparation for your testimony, to talk with them at length about the process and how they plan to approach the *voir dire*, the process that the judge will use to determine whether you will be qualified to present expert testimony in the matter being tried.

Rule of Evidence 702 states: “If scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training or education, may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods and (3) the witness has applied the principles and methods reliably to the facts of the case.” Rules of Evidence 703 and 704 go on to make clear that experts must have disclosed, prior to the trial, the facts and data they will be relying on to form their opinion and that there are certain areas where an opinion would not be admissible because such decisions that would have to be made by the “trier of fact (jury, or judge in a nonjury trial) alone.”

The Daubert decision builds on Rule 702 and specifically states that first the judge has to, “pursuant to Rule 104(a),” determine “whether the expert is proposing to testify to (1) scientific knowledge that (2) will assist the trier of fact to understand or determine a fact in issue.” The opinion then goes on to state that they would “not presume to set out a definitive checklist or test,” but they do suggest several possibly relevant lines of inquiry, including (1) whether the scientific theory or technique has been tested, (2) whether the theory or technique has been subjected to peer review and publication, (3) whether the court has considered the “known or potential rate of error” of the theory or technique and (4) whether the theory or technique has a “general acceptance” in the scientific community that is interested in the particular specialized knowledge. Unfortunately, though this opinion clearly details how each of these criteria may not be relevant in a particular case, many commentaries on this decision have stated that these items are a checklist that needs to be met for evidence to be admissible.

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In a violence assessment context, each case should be approached as if it would have to be defended in court. That means that each practitioner should be focused in their ongoing professional development to enhance their understanding of the field in a way that will strengthen their ability to be found an expert by the courts. This process would therefore include continually absorbing the scientific information available in all the various fields that are encompassed by threat and violence assessment. It also means, at this time, to meet the current generally accepted “standard” of the field, you should:

- Use an assessment protocol that includes, at a minimum, the review of all legally available public and private records that can provide information concerning the subject’s past behavior and decisions
- Conduct interviews with available collateral witnesses.
- Consider the use of an organized system of information analysis (e.g., HCR-20, SARA, PCL-R, etc.) to provide a different perspective on your data.
- Interview the subject of the assessment — if at all possible, from a safety and logistical perspective.

We recognize that this last item, the interviewing of the instigator directly, is a point of difference among some practitioners in the field. The authors of this book have had discussions about this at length. Cawood always starts from the premise that instigators have the most knowledge of whether, when and why they will act violently, so interviewing them provides the most direct information that can be acquired. Then, as he gathers information from collateral sources in any particular case, he begins to determine whether an interview of the instigator can be accomplished in a safe and cost-effective manner and whether the interview itself is likely to make the current situation worse. He does not want to take any step in the assessment process that has the likelihood of making the situation more unsafe. So one must weigh all these factors to determine whether an interview of the instigator can or should be done and who should do it. After much discussion, Corcoran has been swayed toward this opinion, but still holds some reservations. For further discussion of this protocol, see Chapter 3.

Obviously, each state of the United States and every country with an adversarial court process will have their own specific rules of evidence that apply to the qualification of experts and the admission of expert testimony. However, a good grounding in the principles stated above will go a long way to begin the process of preparing to be an expert witness.
Protective and Restraining Orders

These orders, in all their various styles, are a well-known, yet eternally debated tool as an intervention for a potentially violent situation. Currently, in the violence assessment and intervention community, there is much discussion about their use or misuse in various case scenarios. Complicating the discussion is that the criminal justice community, not only in the United States but in many industrialized countries, has, to a great degree, decided that all cases that it encounters that present certain case facts, such as domestic or intimate violence, require it to recommend, in some cases forcefully, the acquisition of such an order. In some cases, the presentation of this recommendation implies to victims that if the order is not obtained, follow-up law enforcement response for future requests for assistance will be delayed or not forthcoming at all. We recognize that this implication is false in the vast majority of the jurisdictions, but if victims perceive that this is the case, it still affects their decisionmaking.

Protective and restraining orders are court orders that require the party who is the subject of the order, either individual or entity, to comply with listed behavioral guidance or face criminal penalties for violating a court order. Protective orders, in most jurisdictions, are issued in conjunction with another criminal matter under adjudication (e.g., assault, stalking, spousal battery, battery, etc.), and restraining orders are generally issued in a civil court, either as stand-alone cases in which harassment, threats or a credible fear for physical safety are alleged or as a part of other cases in which conduct of one party has led to a request for the order. Emergency protective orders (EPO) are a variant of the protective order that allows an order to be issued in some jurisdictions after a law enforcement officer requests the order verbally and an on-call judge agrees to issue the order immediately, due to extreme circumstances.

All of these orders can have one or a variety of behavioral boundaries incorporated into them. These boundaries could include a “stay away” provision for a variety of settings including home, work, church, child-care sites, relatives’ homes and other locations of regular attendance, a “no contact” provision for all forms of contact (e.g., direct, through a third party, electronic, through the mail, etc.), a weapon provision (e.g., no new acquisition, no possession, surrender of weapons, etc.), custody or visitation provisions, “kick out” orders for leaving a shared domicile, etc.

All the orders require that individuals who are subject to the order be, at some point, notified of the order (e.g., through a court proceeding in which they are in attendance, through a service of process or through contact with law enforcement) and that they will have an opportunity to contest the order and have it modified or removed. However, in many jurisdictions, the
order remains valid during the period of contention, and until a formal ruling has been made. This ability to contest an order is a requirement for the federal enforcement of an order, as mentioned above.

In the case of civil orders, the normal procedure is that a person seeks an order by filing a request with the court. This order can be sought in two ways, first, *ex parte*, in which the party, for a variety of reasons, seeks the issuance of a temporary restraining order (TRO) prior to notice of the request for an order (service of process) being provided to the subject of the order or, second, in a regular fashion in which the persons are served with the court papers and appear at a court hearing if they wish to contest the order, with no TRO having been issued. There is normally a delay of several days, if not weeks, between the filing of the order and the hearing on the order. In California, it is normally in the 15-day range. In the vast majority of the cases we have worked in relation to violence assessment, the restraining orders are sought *ex parte* so that victims can get the protection of the order immediately and have an opportunity to serve the subjects without providing them an ability to flee the area to avoid service. After a hearing is held, the judge decides whether to issue a permanent restraining order or to vacate the order. In case of issuance of the permanent order, the subjects of the order have to be informed of the result, either by being in court or by subsequent service of process. Then the order must be filed with the relevant law enforcement agencies so that it can be enforced. The order is usually valid for a period of 3 to 10 years, depending on jurisdiction and case circumstances, but some orders can be issued or renewed for a life-long term.

A variety of issues need to be considered when the use of a protective or restraining order is being contemplated. The most important consideration is whether the violence assessment indicates that the order will significantly escalate the likelihood of violence, rather than have no effect or a de-escalating effect. In most studies that have been conducted and reported in the last 10 years in the United States, the majority of the orders have helped control the behavior of the subject of the order eventually and have increased the victim’s perceived sense of safety, as well as actual safety of the victims who sought the order. One study that did not find restraining orders to be of great benefit was conducted by Harrell, Smith and Newmark (1993). In this study of domestic violence orders over a 1-year period, they found that 60% of the women reported violations of the order. It was also reported that women who had not obtained orders and those who had done so reportedly experienced similar levels of continued physical abuse. Grau, Fagan and Wexler (1984) reported similar results. A more recent study of 2691 abused women in Kings County in the state of Washington, conducted by University of Washington researchers and published in August, 2002, in the *Journal of the American Medical Association*, found that women who received permanent
protective orders, lasting a year or more, experienced 80% less physical assault than women who did not seek an order or who had only temporary orders. In fact, physical violence increased during the period of the TRO, over women who did not seek any order and it is speculated that this is because of the attempt to regain some control by the abuser over a woman who is breaking away. What is unclear is whether these results would be confirmed in populations of victims who had obtained the orders for reasons other than domestic violence (such as stalking, threats, intimidation and harassment) that were not based in a domestic relationship. Certainly, as these contrasting perspectives illustrate, no action in a violence intervention should be taken based on the statistical likelihood of any particular outcome, as each case is unique and all studies have a certain percentage of cases in which escalation has occurred. There have been many media accounts of victims who have obtained protective and restraining orders only to be killed in their homes, work sites or on the courthouse steps, which is exactly what we hope to avoid by doing violence assessment and intervention.

In general, we see protective and restraining orders being most valuable in two particular ranges of cases: (1) those assessed in the lowest 20% for potential physical violence and (2) those assessed in the top 20% of potential physical violence. In the first range, the lower 20%, we are not concerned at the moment with immediate escalation to physical violence, but, based on all the factors involved, we may recommend obtaining a protective or restraining order to test perpetrators’ ability or willingness to control their behavior when official consequences can occur. The behavioral information learned during the process of obtaining the order plus the behavior that results after the order can provide a rich set of data to enhance the ongoing assessment and intervention strategy, assuming the behavior of concern does not stop immediately. In the second range, the upper 20%, when we recommend the orders, we do so with no expectation that the order will curb the potential for physical violence and we believe that the potential is so imminent that we have already implemented a protective (security) process that is comprehensive and can address the possibility that seeking the order could stimulate a retaliatory response. We seek the orders at this level for the purpose of showing “due diligence” on the part of victims in using all the remedies available to them, as well as the possibility that the order will provide enhanced law enforcement and court attention, if necessary. In all cases, but particularly the 60% of cases that fall between those two ranges on the assessment spectrum, we are very cautious when recommending seeking an order, due to the uncertainty of the behavior that can result.

Some of the factors that we consider prior to recommending seeking any order are:
• **Do we believe that the case facts would allow the issuance of the order?** We never recommend the pursuit of any order unless we are extremely comfortable that it will be granted. Seeking and failing to get an order can provide a host of negative consequences including:
  (1) empowerment of the perpetrators, since they have “won” against the victim or “beaten” the court system
  (2) increasing the victims’ fear that they have no means of protecting themselves — particularly if they had to testify as a part of the process of seeking the order
  (3) the potential exposure of entities (e.g., employers, victim organizations, etc.) or individuals (e.g., family members, co-workers, friends, etc.) who assisted in the process and now might become additional targets of the perpetrator without the benefit of protection from the order, possibly removing these supports as potential sources of safety for the victim, the revealing of intervention strategy, etc.

• **Has the person been subject to an order in the past and what behavior has resulted from the implementation of the order?** Certainly, if people have been subject to past orders and there have been a series of violations, seeking the order would be of limited value because we should have no expectation, based on past behavior, that the order would be effective. However, if they stopped the behavior after the past order was issued, this increases the probability that an order could work in the case at hand.

• **If the order was issued, do we have a high degree of confidence that the protectee(s) and the law enforcement jurisdictions involved will follow up on any violations of the order and arrest the individual for those violations?** If we do not believe that the protectee(s) of the order will document and report violations in a timely manner or that the law enforcement jurisdictions involved will arrest for violations of the order, then we are very hesitant to recommend an order be sought. This is because both of these elements, reporting and an active law enforcement response, are required to provide the enforcement of the order. The threat and reality of order enforcement is required to provide the visceral and real behavioral constraint the order is meant to instill in the perpetrator. Repeated violations with no significant consequences strongly increase the probability that the perpetrator will perceive that the order has no power. Therefore, it becomes useless as a deterrent to future inappropriate behavior and may actually empower perpetrators by allowing them to believe that they are more powerful than a court order and therefore the court.
Actions speak louder than words, consequently, arrest has more effect than asking perpetrators to stop their behavior.

- **Have perpetrators told victims that seeking an order will have no value in stopping their behavior?** In cases where this has been stated, we are always concerned that seeking the order may cause perpetrators to react just to show that they are not making idle boasts. Therefore, seeking the order could have an escalating effect because such people feel a need to protect their image of themselves as a “truthful person.” As a part of the violence assessment, answers to questions of these persons’ prior behavior when having stated they will act in a certain way if particular situations arise, would be helpful to evaluate here also — the value they have placed in the past on being perceived as “persons of their word.”

- **What will the effect be on the other stabilizers in the perpetrator’s life, if we seek and obtain the order?** This question addresses the public nature of these orders and the impact they can have on a person’s family relationships, employment opportunities and future rights as a citizen. Many employers are now conducting background investigations of prospective employees and the presence of a restraining or protective order is a significant hurdle for an individual to overcome in being hired these days. Is the value of the order judged to enhance the safety of our victim to a greater degree than the reaction the order may cause if it becomes more difficult for the perpetrator to get a job or change jobs? (In other words, if the order means the perpetrator will never be gainfully employed, will that increase the risk to the victim?) Our goal is to enhance the safety of the victim, which, when we take any particular step, requires us to consider the entire dynamic, not just the perspective of the victim. Safety of the victim should be our first priority and, if the seeking of an order or any other intervention is considered with the impact it will have on the entire dynamic, we will be meeting our most important obligation.

- **Can someone else get the order and have our victim as a secondary beneficiary?** This strategy is often considered when there are multiple victims of a perpetrator, but the violence assessor is not responsible for all of them. The idea is that, by not having our protectees as the people or entities seeking the order, they may not be perceived as directly responsible for action. Therefore, we increase the possibility that they would be a secondary, rather than a primary target for any escalated behavior caused by the order, while yet receiving the benefit of the order. We recently had a case in Oregon that illustrates this idea. An individual who had been sent to prison for
threatening federal officers was getting out of prison and, rather than seeking a separate restraining protective order for our protectees, the United States Attorney sought a protective order listing our protectees and over three dozen other persons to be protected. Since it was the government seeking the order, it appeared that it was deciding to take this action on its own, while we received the benefit of the order. If we had decided to seek our own separate order, we would have created an individual dynamic with the perpetrator that would have increased his focus on our protectees — not a good thing, especially when, as in this case, the perpetrator is a criminal psychopath.

- **Will the order strengthen, in the mind of the perpetrator, the bond between the perpetrator and the protectee?** When an order is obtained, it links the protectee and subject of the order together for 3 or more years. In some cases, this linkage serves as a constant reminder to the perpetrators that the protectees have impacted their lives. This might continue to feed an obsession, instead of allowing it to end. We were consulted on a case in California involving a young man who was obsessed with Chelsea Clinton while she attended Stanford. When contacted by the Secret Service, he stated that if they did not get a restraining order against him, he would get on a bus and come to Stanford to marry Chelsea. We were contacted concerning certain restraining order questions and we counseled that, given the case facts, it was possible that the perpetrator was requesting the order to “prove” a linkage to the victim and therefore the order would fuel his obsession with her. We suggested that an order not be sought until he proved by his actions he was willing to come to Stanford without “being kept away.” A useful question in pursuing this question of linkage is whether perpetrators have been known to seek or obtain objects related to the victim as a way of fueling their obsession. If so, what could be more powerful than an acknowledgment in a court of law that there is a connection between them?

**Anti-Stalking Law**

The first anti-stalking law was passed in California in 1990, section 646.9 of the California Penal Code. By September of 1993, all 50 states and the District of Columbia had some form of anti-stalking law. In 1996, the U.S. Congress passed the federal stalking law that has already been discussed in this chapter. These laws were enacted because individuals were engaging in courses of conduct that were causing victims to fear for their safety and the safety of their families before restraining or protective orders had been obtained and
violated. Therefore, these laws were meant to provide an additional tool to stop the escalation of behavior prior to violence being committed. In most jurisdictions, these laws require a series of acts (following, harassment, threats, etc.) carried out over a period of time less than 24 hours, that cause victims to fear for their safety or the safety of their families. In many states and other jurisdictions, the laws have been fine tuned since their inception to incorporate new technology that stalkers use including pagers, cell phones, e-mail and other forms of electronic communication. Many of the laws have provisions for various levels of behavior to trigger various penalties. The important questions for all violence assessors to ask with all laws such as this are:

1. What are the various provisions of the current statute in the various jurisdictions where the case may reside?
2. Which jurisdiction is most likely to provide the level of prosecution believed to be necessary to increase the safety of your victim?
3. Will prosecution under this law increase or decrease the safety of the victim? In other words, how do we believe the perpetrator will act when arrested and convicted under this law and will that benefit or harm the victim’s chances of long-term safety?

Other Statutes

A myriad of other criminal and civil laws could be relevant to violence assessment and intervention. These include harassment statutes; trespass laws; terroristic-threat statutes; laws related to the intimidation of witnesses and victims; the use of electronic means to intimidate, harass and threaten; the use of interstate services, including the mail, to intimidate, harass, threaten or harm another, etc. The more knowledgeable one is concerning the various laws and their application, the more tools are available to victims to help divert an individual from harming them. Remember, a law or penalty will not stop a person from acting in a violent way if they are intent upon doing so. But the law can be used to make it more inconvenient for people to act and the distraction, obstruction or delay that enforcement of the law may create, can cause them to choose to divert their path from violence or redirect their behavior away from the current victim. Compendiums of laws related to stalking or other threat crimes are available at the federal level and in many states or jurisdictions, which can simplify the process of learning about these types of laws. Many abused-women’s organizations and the legal staffs that work with them have put together such materials in any area where a case may be located. It is always a good idea to educate yourself on the law, rather than relying on others who may not be as knowledgeable about how
to use it, from a behavioral perspective, in the intervention process. As an example, the type of legal compendium I am suggesting has been issued by the District Attorney’s Office for the County of Los Angeles concerning California law, titled *2002 Stalking and Criminal Threats*, as part of their Stalking and Threat Assessment Team, Target Crime Series. It covers the penal, elections, government and motor vehicle codes, protective orders and process, restraining orders and process and other miscellaneous and important legal tools for use in cases involving the potential for violence. All practitioners should have something like this available to them and keep it updated for their use in any jurisdiction that they work in regularly.

**Other Concepts**

**Duty to Warn**

This legal concept is embedded in every workplace violence-related case. It involves the idea that, if people have not been told about serious or hidden dangers and get hurt, those who knew about the dangers can be held responsible, either civilly or criminally.14 An evaluation of possible violence in the workplace will require a discussion of who needs to be informed under the duty-to-warn concept and what they need to be told. I envision concentric circles of notification. Actual victims or directly named potential victims are in the centermost circle. Members of the immediate, physical workgroup of those victims are in the next circle out. Members of the workgroups on the same floor or in the same building as the victims are in the next circle out. Any employees on the same corporate campus are in the next circle out. Finally, all the employees in the entire company are in the last circle. Depending on the level of risk, visitors to the work site, such as customers, vendors, subcontractors, etc., may need to be considered as part of this process as well. The higher the assessed probability of physical harm, the more important the need to consider notification.

The important issues with duty to warn are “nesting messages,” considerations of privacy, confidentiality and defamation, and recognizing that the duty to warn needs to be balanced with the reality that information can increase anxiety in the workforce and misjudging that balance point may cause more harm, in some cases physical harm, than not saying anything at all.

The concept of “nesting messages” comes from mathematics where you “nest” equations inside each other. This concept, like concentric circles, reinforces the idea that certain issues are separate but interdependent. However, the math equation has to be solved in the right sequence (inner equation outward) to correctly solve the overall equation. These concepts of individual
dynamics coupled with interdependence and solving from the inner circle outward are central to an effective duty-to-warn strategy.

The potential or actual direct victims of physical violence have the most rights and the employer (and society in terms of victim's rights laws) has the greatest obligation to provide identified victims with information that will allow them to take measures to protect their own safety. Therefore, violence assessors, when they interview the potential or actual victim, should have a plan for how they will communicate an understanding of how this interview fits into the process of violence assessment, what that process entails, who will communicate with the victim as the process continues, what it will be possible to communicate vs. what is privileged or falls under privacy or other restrictions and how that victim can communicate with the violence assessor when new instigator behavior comes to the attention of the victim. This communication during the initial interview constitutes that first step in documenting actions that fulfill duty-to-warn obligations.

If this first step is not appropriately handled and, in some cases, even when it is, the victims, often the violence assessor’s best source of ongoing behavioral information, begin to withdraw from the process and start taking their own actions, actions that can be very disruptive to managing a violence situation. They may decide to begin their own investigation, inflame the situation by talking to other people, begin a secondary legal process for restraining or protective orders without understanding the consequences that could occur, hire their own security who may not understand how to best protect them, or take other actions that become counterproductive. If their actions affect only their own safety, it is one thing. But in most violence assessment cases, the safety of others is involved as well — children, family members and co-workers. If the violence assessor or violence assessment team keeps in regular contact with the victims and continues to provide updates on the process and the assessment, we can minimize possible disruptive behaviors while continuing to meet our obligations.

The next part of the process is deciding what information needs to be shared with members of the other concentric circles and when. Crafting of these other messages should recognize that members of each of the circles will most likely talk to each other, regardless of requests for confidentiality. The messages must be congruent, even though they will not be identical. Our obligations to each of these groups is different, which, in general, means that we have to provide less specific process and assessment information to each circle as we move outward. The information we give each circle should be an extension of the information from the middle, or more disruption will occur. In plain language, if anyone in the process is given information that is not a “watered-down” version of the inner circle information, but is obviously contradictory to what other people have been told, they all begin to
distrust the process and start their own less educated process, leading to disruption and possible disaster. As an example, we cannot tell victims that we have great concern about their safety at a specific moment and communicate to the general workforce, in that same moment, that there is no immediate cause for concern.

The question of when the information is communicated can help, in some cases, solve the “what is said” concern. As stated already, the process of duty to warn starts immediately with the victims or directly identified potential victims, but generally all other circles are only provided information on a “need to know” basis until the initial assessment process has been completed and the intervention plan has been formed. Need to know, prior to these steps being taken, is driven by people who approach and ask what is going on because they have heard rumors in cases in which additional protective measures have been rapidly introduced to the environment, thus raising concerns. In the case of people coming forward based on rumors, it is suggested that those people be used to identify sources of leakage and given general messages deflecting them for the moment. This might be reflected in a conversation like:

“John, I wanted to stop by and ask you what the heck all the activity in the conference room is about. The rumor is that someone is going to come in and kill us.”

“How many people are talking, Randy?”

“Quite a few.”

“Why do people think the activity in the conference room is violence related?”

“I don’t know specifically, but after you interviewed Patrick, he came out and talked to a few people and it picked up from there.”

“Well, I can’t share with you right now exactly what is going on in the conference room, but I can tell you that if I believed anyone was going to come into the company right now and hurt anyone, I would be certain to let all of you know that. I appreciate your letting me know what is going on in the rumor mill and will commit to you that, when we get further along in understanding the issue we are assessing, we will get people together and let you all know what we can.”

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After that conversation, John should inform the violence assessor or violence assessment team about the conversation and someone should quickly re-interview Patrick and ascertain who he has talked to and what he and they have said. This information may accelerate the process of providing information to the workgroup to get ahead of the rumor mill and decrease organizational anxiety.

If additional protective measures, due to immediate concerns for safety, are instituted rapidly in an environment, then an equally rapid communication with the group affected is important to minimize disruption. Such a communication needs to address the reality of what is being done, but temper the speculation until thorough assessment and intervention planning can be accomplished. Such a message might come in an e-mail with a subject line like “Enhanced Security” and a message of:

“Starting on Monday, the company has decided to enhance the security of the site by closing doors that have been propped open, placing new emphasis on the wearing of badges and increasing the use of security personnel in public areas. We have taken these steps because a situation has come to our attention that we are currently assessing and in an abundance of caution we decided that it was appropriate to increase security. However, we also believe that these efforts reinforce the idea that the safety of the workplace is important to everyone at … Company and hope these measures refresh everyone’s awareness of their responsibility to participate in helping increase that safety. We will keep you informed as we move ahead and thank you for your understanding and participation in increasing safety at … Company.”

An e-mail like this tells a limited version of the truth, wraps in some other focus (general safety) to soften the message of concern and explains some of the more visible steps that the company has taken to enhance security. This will cause 95% of any work group to move on to their real work, while 5% will contact someone for more information, where they should receive an interaction such as that scripted above between John and Randy.

It is important to note here that anything you communicate, whether orally or in writing, might not only be used against you later in court but, more importantly, could be heard by or communicated to, the instigator and cause a reaction. Violence assessors and violence assessment teams should always craft their questions (since all questions provide knowledge of what the assessor is interested in) and any information they give anyone in the
process, to take into account what the instigators’ reaction might be if they heard that piece of information at the time of the assessment. This care in handling information and possible behavioral reactions to it, from both the instigator and the other interested parties, will pay handsome dividends in successfully preventing violence, reducing victim and organizational anxiety and meeting legal obligations.

**Tarasoff Warning**

A “Tarasoff” is a specific type of warning provided by any mental health professionals who are told by patients that the patients plan to harm a named person or target and the mental health professional believes, in their judgment, the threat is credible. This warning, at its various requirements arises out of case law, specifically, Tarasoff v. Regents of University of California,15 and follow on decisions further refining this decision and laws and regulations that have been promulgated to encode this legal decision. I will not give a full explanation of this, as it is readily available in other publications and on the World Wide Web, but from a practitioner’s perspective, several things should be noted about this type of warning:

- When a client or other party receives this warning it establishes, from a legal/organizational perspective, a very high immediate level of presumed risk, which should trigger an immediate assessment process with discussion of a security plan for physical protection. Whoever is receiving the warning — the potential victim, the victim's employer or law enforcement in the state of the victim (a state Department of Justice) or local jurisdiction, depending on how this decision has been encoded into the laws or regulations of the mental health professional who is providing the warning — is being told that, in the mind of the person providing the warning, this is a credible threat. So it is essential that persons receiving the Tarasoff begin their own process of assessment and intervention. The reporting party is not obligated to do anything but provide notification, consequently, safe management (e.g., assessment and intervention) is the responsibility of the victims and those responsible to protect the victims. Until further information is gained and evaluated, high risk should be presumed for the protection of the victim. To not respond accordingly will raise liability problems if an action should occur and appropriate defensive actions were not taken in an attempt to protect, as required by law or regulation.

- In the majority of Tarasoff warnings I have been asked to respond to, mental health practitioners who issued the warnings had no grounding in the literature of violence assessment and therefore were making
a “gut-level” decision because the patient’s statements scared them and they, in turn, were covering their legal obligations. They have no obligation and, in most cases, no legal right, to share the details of the specific behavior threatened or reasons that they consider the information to constitute a credible threat. They just have the obligation to notify the victim and law enforcement in the appropriate jurisdiction. Therefore, you should not expect to be able to call the mental health professional back and get details for your assessment. If that happens, it is wonderful, but in most cases, all you may be able to get is confirmation that the Tarasoff was provided and information about who, other than your known victims, might also have been notified.

- Because of the nature of the Tarasoff warning, its limitations and what obligations it sets in motion, it is very important that a wide range of personnel in organizations you work in or work with be trained to identify and route these warnings to the appropriate internal personnel immediately upon receipt. These contact personnel could be switchboard operators, receptionists, desk personnel in law enforcement, human resource or personnel employees or managers or supervisors in any organization. They should be trained on their obligations under the law and organizational policy as it pertains to these warnings and who they should notify that they have received one. Ideally, what would occur is that a call would come in and the person who receives it could identify that it qualifies as a Tarasoff, ask the caller if this is a Tarasoff warning and then transfer the caller to the appropriate intake personnel designated to receive the call. These individuals should be trained to not only capture all the information that the caller provides, but attempt to probe to gain specific information about when the threateners made these statements, what specific type of violence they mentioned and when they said they would act out this threat. It is possible that, in the heat of the moment of notification, callers will reveal information that they would not otherwise reveal, particularly after their anxiety recedes and they think about their other legal obligations. It is best to train people to take advantage of these opportunities, just as we train them to talk to people who call in bomb threats.

**Privilege, Confidentiality, Privacy and Defamation**

I address these concepts together because they all deal with appropriate handling of communicated information in the violence assessment and intervention process. As noted above, this can have both legal and behavioral (physical) consequences.
The issue of privilege, meaning legal privileges in the nondisclosure of certain communications, both orally and in writing, arises in most violence assessment situations. The practitioner should always consider this issue as the assessment and intervention process moves along. If assessment and intervention work is done under the direction of legal counsel, in anticipation of civil litigation alleging various torts (negligence, wrongful termination, discrimination, harassment, invasion of privacy, defamation, etc.), various protections against release of information can be claimed, including work product privilege. This means that if legal counsel is present on conference calls or in assessment team meetings, most of those discussions can be privileged against certain types of release. When certain types of reports are released and work product privilege is claimed at the beginning of the document, they also can be shielded. These protections can be activated by someone bringing this to everyone’s attention during a meeting or call or noting it on a document with a statement such as:

*This is a confidential communication. This report and all information contained herein has been completed at the direction of legal counsel. It is to be considered as being of a confidential and privileged nature and subject to the attorney–client privilege and work product doctrine.*

Sometimes this protection should not be sought because the document would be released to parties who would raise the question of whether the privilege has been waived by claiming it and then breaking it. An example would be trying to privilege a report given to a threatener under the Fair Credit Reporting Act. If that report were privileged and then released to the threatener, who then sued for wrongful termination, the issue could be raised that release of the document outside of the company waives the privilege as well as the privilege to all other parts of the process, including discussions, that led to the report. Because of this, legal counsel should be intimately involved in making these decisions at every step of the way. Not only will care in managing this issue potentially save tens or hundreds of thousands of dollars in legal fees and settlements in some cases, but not revealing certain evolving discussions and perceptions of an organization toward an instigator can also reduce the “narcissistic wounding” that an instigator could feel when these discussions or thoughts are revealed, lowering the chance for ongoing violence.

Confidentiality is an issue that every victim, actual or potential, and every witness interviewed either raises or thinks about. They wonder who will know what they have said, including the instigator, and how will they
be thought of or what might be done to them because of it. In addition to the legal issues of maintaining the confidentiality of investigations, once again there is the reality that if we do not appropriately address this issue, victims and witnesses will withhold certain key information from us and jeopardize the assessment and intervention process. During my interviews with both victims and witnesses, I make certain to address this issue at some point during the interview. I usually will say something like:

“I am sure you are concerned about who will know what you tell me and how the information will be handled. First, the information you provide will be shared with only a small group of people in the organization who need to know the information for the purposes of the assessment and any intervention that the assessment drives. We are not telling people we interview, including the instigator (assuming we are interviewing the instigator in that particular case), exactly what any individual person said or didn’t say. However, you can assume, as we do, that each person may make assumptions about who might have known or said certain things. We are asking each person we interview, as we are asking you, not to discuss the questions and answers given in this interview with anyone else in the process, because that may influence the information we get and therefore the results of the investigation. At some point in the future, if any action is taken that leads to consequences that involve a legal process (e.g., arrest, employment action, etc.), the information you provided may have to be released as a part of that legal process.”

A statement like this wraps several important concepts together for both the organization that is conducting the assessment process and the interviewee. It explains that confidentiality will be maintained, but there are limits to that confidentiality. It foreshadows that some information may later appear to have leaked from the process, but it was just people drawing their own conclusions. Finally, it is requesting that the interviewee maintain confidentiality and explaining why that is important.

Sometimes a victim or witness will come forward and start a conversation with the statement, “Before I tell you anything, you have to promise me that you will not tell anyone else about this.” They say this because they are frightened or very concerned and they want reassurance. In most cases, that type of absolute confidentiality is not possible, due to other superseding
duties on the part of the listeners (e.g., their role as a police officer, doctor, manager, supervisor, etc.). So the listeners should not promise what they cannot deliver, but can say something like:

“Obviously, you are very concerned or you would not want to tell me. Why don’t you tell me what is going on and then we can discuss what to do about it.”

If the person continues to press for some kind of promise, the listener could state:

“I can see that this really concerns you. I would like to promise I will not tell anyone else, but I can't. If you say certain things, I have a responsibility (to the community, the organization, your co-workers, etc.) to let certain people know so we can take steps to keep you and others safe. But, as I said before, we can talk about what we might do, after I know what you are so concerned about.”

This type of acknowledgement of their concern, but with honest and realistic boundaries to confidentiality, will usually allow the person to feel comfortable enough to move forward, without binding the listeners to an inappropriate and indefensible course of action. Indefensible, either because they have to break their word in fulfilling their more significant obligations or because they maintain the confidence and others are hurt because of it.

**Privacy** is a hot topic right now for much of the United States, post 9/11. The question is how much individual privacy we can maintain while yet allowing us to gain information to thwart further terroristic acts. In the area of violence assessment and intervention, including counterterrorism, this has always been an issue to address. Several states, like California,\(^{17}\) include a clause in their state constitutions mentioning the preservation of individual privacy. Invasion of privacy is a tort action and can be classified into several categories including intrusion, publication of private facts, false light and misappropriation. For the purposes of violence assessment and intervention, the important thing to remember is that you should not share what you learn about any individuals or their actions with anyone who does not have a legitimate, defensible reason to know that information. In the case of organizations, that means those individuals who have been designated to know sensitive personal information, like attorneys, appropriate human resource or personnel staff and only the appropriate level and number of management to meet the needs of safety. Disclosure to these people only will help protect you from claims. In line with this, all written reports and other documentation should be
designated confidential and maintained in a way that shows an effort has been made to not have that information shared outside the appropriate circle.

Another area of invasion of privacy that needs to be addressed is background investigations that accompany violence assessments. It will be difficult for the average citizen, including employees of any organization, to claim invasion of privacy if background investigations are conducted in a legal manner, with care taken during the interviews to avoid inappropriate disclosure of personal information about the subject of the investigation. Employers engaged in investigations for the purposes of violence assessment, if they follow legal information gathering processes, should be able to defend against most, if not all claims of invasion of privacy. Surveillance of the subject by private organizations while not on a company site, even though a legitimate investigative tool, may be found to be an invasion of privacy under some circumstances. Surveillance by law enforcement can bring charges of harassment. Chapter 6 addresses the other risks associated with surveillance as a security tool in violence case interventions.

Defamation is defined by the fifth edition of *Black's Law Dictionary* as "holding up of a person to ridicule, scorn or contempt in a respectable and considerable part of the community." It can occur either in written form (libel) or oral form (slander). The absolute defense against a claim of defamation is the fact that what was written or said is proven to be the truth. However, using that defense in a violence assessment case, though legally powerful, may not stop an act of aggression from occurring for a variety of emotional and psychological reasons. Calling a criminal psychopath a criminal psychopath in an inappropriate setting may trigger a violent event where none would have otherwise occurred. Being truthful does not always provide safety. Guarding against this claim, for both legal and behavioral reasons, is as simple as not saying anything to anyone who should not know about the information and not providing anything in writing to anyone who should not have it. Basically, the same guidelines that apply for confidentiality and privacy concerns also apply in this area. So take them to heart and make them operational in your assessments and interventions.

A good World Wide Web source for United States law is the Legal Information Institute site at [www4.law.cornell.edu](http://www4.law.cornell.edu). It allows access to the current law, as well as parallel authorities and topical references.

**Summary**

Knowledge of the law is a powerful tool in violence intervention. But, like all powerful tools, it must be intimately understood from a practical level, not just theory. Use the right laws at the right time, but always have other contingencies to protect physical safety.
Endnotes

1. See 18 U.S.C., Part 1, Chapter 110A, Sec. 2266 for the United States Code definitions of these terms and others used in the sections mentioned in this chapter.
3. A copy of the act itself can be found on the EEOC website at [www.eeoc.gov/laws/vii.html](http://www.eeoc.gov/laws/vii.html).
4. 29 U.S.C § 650 et seq.
5. Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers — OSHA 3148-1996 and Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments, to name the two most prominent.
8. An example of this is found in Chapter 5 of *Domestic Violence and Stalking: The Second Annual Report to Congress under the Violence against Women Act*, which summarizes a report, “Civil Protection Orders: The Benefits and Limitations for Victims of Domestic Violence” issued by the National Center for State Courts. It goes into very great detail concerning these issues for three separate jurisdictions in the United States.
11. National Center for Victims of Crime, Legislative Database.
13. See California Penal Code section 387, titled Failing to Disclose Serious Concealed Danger, but in California referred to by some as the “Be a Manager and Go to Jail” law.
15. See *Chapter 2*, but also see an article by Roy F. Baumeister, Violent pride: Do people turn violent because of self-hate or self-love? published in the April 2001 edition of *Scientific American*, p. 96. This article is fascinating in reinforcing the idea that I heard from Dr. J.
Reid Meloy that wounding a narcissist may be one of the most significant triggers for violence we can identify.

16. California Constitution, Article 1, Declaration of Rights. Section 1. “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing and protecting property and pursuing and obtaining safety, happiness and privacy.”
Consultation Issues

Introduction

While there are many times you will want to consult with an outside expert on the best approaches to handle given situations, there are some times where it would not only be most appropriate, but bordering on negligence if you did not. We would like to believe there can never be a time where others could demean you for asking for assistance or assurances of proceeding properly, but both authors have seen where an organization has limited this ability for its in-house experts for a variety of political, economic or emotional reasons. This chapter may appear to address some of the more obvious times where consultation is necessary. However, the ramifications that surround managing these incidents without a full understanding of how convoluted many of these cases become, the ethical considerations for the safety and security of those directly and indirectly involved in an incident and the potential legal accountabilities that are becoming more evident and applied preclude not discussing this topic so any assessor will better understand these important considerations and can share these concerns with everyone else during the “do we really need them” process.

In the Beginning

Two essential principles for dealing with a crisis or situation requiring an assessment for the potential of violence are: First, planning to prevent a crisis may seem useless by some and overkill by others. Very few get past the “good idea” stage unless you are thoroughly prepared from the beginning when given the opportunity to design or implement a violence prevention program. And second, once into a crisis you really don’t have any other option but to get yourself out of it.

Preparation is emphatically critical as long as you understand two more things. First, whatever you plan for, and however you plan for it to occur, will never happen. But second, and much more important, because you have stimulated the process of preparation in that “computer” brain of yours and hopefully in those around you, you will find answers or solutions much quicker than if you had never prepared. Reaching these conclusions pulls
from a myriad of old memories and experiences and, in a sense, preparation is the “primer” to get you propelled toward resolve.

In any organization, it is almost a given that a crisis will occur. It may not be life threatening but the law of diminishing returns suggests it may eventually become so. It might be the attractive nuisance of the building that emits strange noises next to the local school. Even though it’s posted with No Trespassing signs and there is a 10-foot chain-link fence all around it, a local youth tries to climb over the fence, falls and breaks his leg. Perhaps the insecurities of a newly hired employee, the jealous husband of a female employee or a disgruntled vendor who recently lost his contract with your company might lead to possible retaliatory acts. Or the cause of the crisis might simply be a natural act, such as a fire, an earthquake or a tornado — all of which can cause tremendous damage as well as personal injuries.

Therefore, preparation is important in addressing a crisis. It is, in essence, the first step toward resolution — assessing the risks to prevent the catastrophe. Thus, the first question for those conducting assessments must be whether they are qualified to conduct these evaluations to determine the violence potential of an individual. Most likely the types of circumstances previously described can never be controlled. Some of them are the unfortunate constant of a particular organization, while others are acts of nature. But, through training as well as appropriate policies and procedures, you can control those issues that contribute to the potential risk of the occurrence of violence. You can also control the proposed necessary responses to mitigate further problems — but only if you are prepared yourself, through understanding the process and necessity of a complete assessment, which often means the use of a consultant.

For example, it is an unfortunate truism at the time this book is being written that domestic violence is all too common in the workplace. Thus, it is highly likely that your organization may have such a problem and, since it generally begins outside the workplace, there is little you can do to control this issue. But how far it goes and whether it becomes a crisis depends on what has already been put into place. What training has been offered to supervisors on what to look for and how to approach an employee they feel may be having some problems at home? What is your policy at work concerning the reporting of potential “family” problems coming into the workplace? Who has been identified to contact when this concern arises, both internally as well as externally?

It is this type of “prevention” that supports a strong deterrence to a crisis. It is the first step in dealing with a crisis, and it is one that generally requires consultation, perhaps for the initial evaluation or perhaps for the training. If you take on this challenge yourself and cannot show adequate background and experience in dealing with what you are offering, you (which also means
your organization) may become liable for negligence because of not ade-
quately knowing how to stop the crisis that occurs.

Both authors have been approached numerous times, especially at train-
ing seminars, by individuals in human resources, security, facilities manage-
ment, etc., asking, “I see the value of this but how do I get my administration
to see it as well?” Often this comes down very simply to a dollars-and-cents
issue — the cost of implementing the necessary training (bringing in a
consultant, time off for employees, etc.), the distraction from the usual rou-
tine that personnel will now be subjected to or the “it won’t happen here”
attitude. Again, the value of preparation is evident. A little research into
regulatory agencies and case law (look up what OSHA recommends, contact
the corporate attorney, etc.) should help to show liability concerns. And
again, a consultation with a qualified expert may prove useful. Then present
facts — what are the realities of violence occurring and, if it does, what are
the costs of dealing with the issue as well as the aftermath vs. a preventive
program?

Once the preparation is in place, it is necessary to plan for when the
procedure doesn’t work. Remember, the first axiom of preparation is that
whatever you planned generally won’t happen. Accordingly, you must now
prepare for the myriad of other things that can happen when disaster strikes.
Not only must you look at how you will respond to the event, but you must
also include how you are going to communicate to others and, of course,
who are you going to communicate to. What do you have in place that will
allow you to slip from talking on one two-way radio to another when utili-
zation of such a device might only make matters worse (transmitting radio
waves after a reported bomb threat for example)? Who else has been desig-
nated to talk to the press when you have a domestic-violence-turned-hostage
situation or murder/suicide and your main press-information person is on
vacation?

Drills will always, always, help to exercise concepts and quickly point out
deficiencies, so this would be an obvious “must do” regime. But until you
have tested all these issues, appointed who is going to be doing what and
when, who are the backups for each of these positions and what are the
backup means of communications, consideration might be given to looking
for outside consultation in establishing all this.

**Putting It Together**

Before deciding who to call, it is necessary to determine why and when you
should call others, as well as what it is you really need them to do. To do
this, you must understand their role. It is also a good idea during the
preparation stage of this step that you confirm that consultants are qualified, that they can do what they say they can, that they understand their role in the process for you or your organization and that they are willing to stand behind their work (write a report, go to court, etc.). The following explains how to put together a good violence prevention program for your organization and who you may want to consult with at various times before, during and after an incident.

**Assembling a Violence Prevention Team**

We recognize the need for fewer people in an organization and that means that those who are left are expected to wear more than one hat. But, when it comes down to actually running or overseeing the program, one person should be in charge. However, as the reader must have determined from reading all the previous material in this text, to make the call on whether someone has the potential for violence should probably not be made by one person alone — often not even by one outside expert. Hence, in any organization, a resource and monitoring team should be put together for the program. The intent is to bring more talent and experience into the pool of the decision making process, as well as making the job of an assessment more manageable and realistic. Therefore, the size of the team is not as critical as the function, which is described in the following paragraphs.

Basic, this group would:

- Establish safe and secure ways to report threats (e.g., internal or external anonymous hotline).
- Set a clear policy encouraging reporting.
- Decide when and if outside consultation should be made.
- Mandate appropriate training and either supply the training or have qualified personnel present training.
- Clearly define disciplinary actions for incidents.
- Determine how best to utilize EAPs (employee assistant programs), mental health services, fit-for-duty evaluations, etc.
- If warranted, establish guidelines for first responders to an incident, which may include calling local law enforcement.

**Group Members and Their Functions**

**First Team Member (The Leader)**

This designee should be skilled in handling people, have superb communication skills and be able to take responsibility for the implementation of appropriate training to all supervisory personnel. The most important qualification for this individual is the ability and authority to make decisions or
be able to contact someone who can make decisions *immediately*. Potentials for violence will not wait for a committee.

While most organizations designate a human resources or personnel department supervisor for this position, you can select whoever you feel most meets these qualifications. This person must also have an alternate designee and one or the other should be available or at least on call 24 hours a day. This person should also be readily available to all personnel.

**Duties**: To collect all initial information about the incident; confer with the individual’s immediate supervisor; review the individual’s personnel file specifically in reference to performance appraisals; and determine what, if any, further action is necessary.

**Second Team Member (The Attorney)**

The next most important individuals on these teams are labor law attorneys. They should be brought into the discussion of the facts as soon as possible for guidance, but, more importantly, for the issues of confidentiality, procedure and liability or negligence issues. Hence, all verbal and written communication between those involved, if done under the cloak of attorney–client privilege, or if considered attorney work-product, may be nondiscoverable for court or other legal proceedings. These individuals need not be on site. But care must be taken that these people are not just “corporate” attorneys, as they must have a sound understanding of labor law and ADA rulings, as well as numerous other employment law, privacy law and regulatory agency issues.

**Duties**: To supply necessary legal information and protect the confidentiality of any inquiry or scrutiny of the individual. Also, these designees should review all data received and direct the relevant information to the appropriate individuals to maintain the attorney–client privilege. Appropriate training for periodic necessary legal updates would be an additional role for these people.

**Third Team Member (The Boss)**

The next member of these groups who should be consulted and informed on all matters are high ranking management persons who should be designated chairpersons. It should be their responsibility to oversee all of these incidents brought to their attention via the team members. Again, it is important to have viable and available alternates to these people so that someone at this level is available 24 hours per day, seven days a week.

**Duties**: The primary function is to offer insight into the overall organization’s feelings of the proceedings; coordinate all team member activities; decide who else needs to be contacted about the matter, including but not limited to outside resources and conduct debriefings of all incidents with all
parties involved to determine whether additional steps should be taken. These people should also prepare for dealing with the press, either directly or through a designee.

First Optional Team Member (Security)
This should be a safety or security designee at the basic equivalent level of the manager of the team. This individual should be generally familiar with local laws and OSHA regulations that the group may want to consider before taking specific action. This person would also generally have direct control and training over those individuals detailed with the role of first responder in times of crisis within the organization, unless, of course, this task is turned over to an outside resource.

Duties: Security’s main concerns are to prepare appropriate security procedures for dealing with the possible instigator or lessening fears of co-workers and to oversee those members of the organization who may be called upon as first responders, which includes ensuring their continued specialized training. Also, they should be ultimately responsible for the delineation of what is necessary for the safety and security of the organization, which may include conducting site surveys and offering recommendations to make them safe and secure.

Second Optional Team Member (The Violence Assessment Professional)
Behavioralists, occupational psychologists or forensic psychologists or psychiatrists who have sufficient background, training and experience in dealing with human behavior, especially in the workplace arena, are the final members to consider as part of these groups. Actual hands-on field experience in negotiations and handling such situations or individuals is a considerable plus. These individuals must also be people who can fully explain their findings in a manner that is understandable and useful to the rest of the team and are willing to stand behind their findings, even if they may develop into legal proceedings.

However, the matter of confidentiality must be broached and clarified with these individuals prior to utilization, as most clinicians have an ethical duty to not breech the doctor–patient confidentiality pact. If clinicians are used to interview subjects, unless there is a finding of a potential threat or they feel someone is in danger, information revealed to them might not be revealed to the organization, unless the appropriate releases are sought from the interviewees prior to the beginning of the interview process. It is therefore possible that valuable information might not be shared with the organization’s assessment team to best decide how to proceed in this matter, unless the team acquiesces entirely to the mental health providers’ findings.
and direction (in which case, it would seem unnecessary to put together such a team). Therefore, qualified people who are not licensed clinicians may be of greater value in any situation in which seeking or obtaining consent for the release of information could be a barrier to completing the assessment interviews.

**Duties:** The mental health professionals’ sole purpose is to provide valuable insight as to the probability of continued behavior so that a better determination can be made by the team for the most prudent course of action. If appropriately qualified, they can render an opinion of the potential for violence. This should be followed by probable future behaviors and specific recommendations on how to handle the incident and the individual. The ability to respond either in person or via phone 24 hours a day to advise on immediate handling or negotiations with a subject is advisable. (A written evaluation and assessment from this team member can prove invaluable for certain legal actions that may be initiated.)

**Other Optional Team Members**

**EAP:** Many organizations have an employee assistance program already in existence for their members. This service can play a vital role in the overall well-being and achievements of the organizations, but care must be taken when considering this service as a viable team member, as most organizations consider the EAP to be a mental health service. Hence, the authors have observed several mental health professionals who happen to work for the EAP represent themselves as capable of conducting violence potential assessments when they really have little more than counseling experience behind them. At the same time, because of the increasing demand for expert professional assistance in dealing with these types of issues in today’s workplace, more EAPs are beginning to place qualified and experienced specialists on staff.

If the EAP is used for violence assessment, another issue to address is conflicting perception of duties. Employees referred to an EAP expect confidentiality, however, in the case of a violence-related issue, a Tarasoff warning (see Chapter 7 for more information) could be issued if the EAP violence assessor determines that the employee is an immediate risk. This decision could lead to termination. Employees may shy away from using the EAP because their perception is that a visit to the EAP could mean getting fired. The organization cannot share with the employees the real reason for the termination (confidentiality and privacy) and, because the role of the EAP in helping people was confused with the role as a violence assessor, a mixed message results that can cause harmful disruption of an important helping process.

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On the other hand, the EAP is probably one of the most underutilized services for exactly its specialty — counseling after the event. Critical incident debriefing requires crucial training and experience to convey caring and appropriate concern as well as assistance after times of violence or other critical incidents. EAPs are generally fully prepared for such situations. However, this needs to be verified, as this author witnessed an international company experience an employee mass murder, and the EAP representative told the client they had no one to respond, as it was a weekend, but they would be there first thing Monday morning.

EAPs can be valuable resources for other issues that mitigate the violence potential. Truly, they are more than mental health professionals, as their primary role in any organization is to assist employees who are having difficult times. While this is generally associated with behavioral problems in the workplace that may include drug or alcohol abuse, sexual harassment and other inappropriate activities, sometimes it is dealing with an employee's financial difficulties or outside family problems. Hence, a good EAP resource can offer some valuable insights into the best approaches to potentially violent situations, as well as quick and shrewd methods of correcting problem circumstances that may lessen violence potentials.

Media Representative: I served as a press information officer (PIO) for a moderate size police department for approximately 3 years. The common perception by the police in this case was that the press was biased against them and viewed them in a negative light. They realized the importance of trying to liaison with the press and hence attempted to create this position. It was also created because they wanted to have one person to focus on these individuals and vice versa. The press could be told to contact the one person who was their main contact for any and all information so the police would be left alone to do their work. The police also hoped that having one person dealing with the press would allow them to have a better handle on what the press was actually trying to find out so that appropriate steps could be taken to protect valuable evidence while, at the same time, trying to steer the press onto other options.

But isn’t this exactly what any organization would want to do? No one wants to have “strangers” trampling all over their property (the organization) after a crisis. No one wants the press to make public those things that may prove embarrassing. Yet the press has a job to do, protected by certain constitutional rights, and can often play a pivotal role in broadcasting important information that can only be of benefit to the organization. Reporters are going to do their job whether you talk to them or not, so why not have a designated individual who can be “point” for events in the hope of establishing some link of cooperation and assistance.
The way the media goes about gathering the information depends chiefly on which medium of communication they represent. Television may be the most difficult because the reporters need lead time consideration if you want to make a statement and, when they are on the scene for immediate broadcast, they need sound bites with quick, concise statements. Radio also needs quotes, but a spokesperson who is especially articulate and knowledgeable is preferred. And, because radio has more frequent, continual broadcasts than television, more-frequent updates are necessary. Finally, the print or newspaper people need more in-depth information than either radio or television. They need media releases and printable quotations and, since they have deadlines to meet for all this plus background information, they tend to look for more people to interview as well as ask more questions.

An organization should then be prepared to handle these needs, hopefully through prearranged meetings and liaison with the local media. Most organizations have neither the time nor the manpower to focus on this venue. But, for a team that may have to deal with a potentially violent ordeal, preparation seems only logical in this area because the media will certainly want to cover the event if it becomes violent. Therefore, at least designate a specific press area where the press members are safe, out of the area of operation, yet where they can observe and film or photograph that which is reasonable (although it is generally private property, any concession that would allow them to obtain what they need will go a long way toward building a positive relationship). Remember, they need timely and accurate information, preferably in a written press release, and they want to be able to interview appropriate personnel during the event.

Having press or public information representative designees on teams may not be practical, but the tasks they would be expected to perform are legitimate concerns. Preparation then, once again, becomes the key to success in this endeavor. Do not overlook this position, if not from an actual body being assigned or, if not contracting for such services from an outside consultant, then by designating someone on the team to be prepared for the eventual media blitz if and when a critical incident occurs.

When this team has been created, it is now time to put into words what the program is. However, this cannot be accurate or suitable for any organization unless the team understands what really needs to be addressed and how it should be implemented. Hence, the next step is training.

**Training the Decision-Making Team**

The organization should have policies and procedures in place to handle potentially violent situations. Unfortunately, simply copying the sample policy that can be downloaded from the OSHA website is not enough, although
it is an excellent start and certainly better than nothing. Before you can design a policy or procedures plan, you have to show why you need the things you say and why others are expected to do certain things. How do you know this without training?

We recommend that all decision makers within an organization go through this initial training but we are realistic enough to understand that only the team will do so, and, in some instances, the “team” might just be you. Either way, this training should be something you feel is not only appropriate for you and your organization but is presented by a qualified person or group. How long it should take and what specific areas it should cover are variables that differ with every industry and organization. Your guide for what level of training is necessary is that quantity that makes you feel very comfortable in answering why you did what you did, if you are asked in a court of law after an employee in your organization has been killed by another employee. We readily agree with one of our colleagues, who compared the odds of someone’s being a victim to violence, especially in the workplace, as about as likely as being bitten by a shark when swimming in the ocean and then, upon limping out of the water, being hit by lightning. But, if it should happen to you, those odds don’t really mean much.

Once you, and preferably all those who are going to be charged with putting together the policy and procedures, have received this education, it is important to apply it to the specifics of your organization. This may be addressed by a consultant brought in specifically for training in your organization — at least, one would hope the trainers were qualified and sufficiently experienced to design the program for their audience. But one additional step would be for you to confirm with others in your field (similar or same businesses, associations, groups, etc.) what they are doing or have done. In a lot of instances, you may find they have done very little if anything at all. Nevertheless, it is important that you look into this matter to determine what the industry standard is and whether you have met or exceeded this standard.

Once training is obtained, the team should be ready to tackle the next phase of designing and implementing policies and procedures for a violence prevention program.

**Policy and Procedures**

The main focus of the policy is to establish what you want and why you want it. It is not sufficient to indicate you decided to put together a workplace-violence-prevention policy because such events occur in our country. The policy must state why your specific organization has decided to implement this (there have been potentially violent instances in our industry) as well as why it is necessary for all within the organization to be aware of these policies.
and procedures (we value the safety of our employees) and follow their directions.

A policy does not have to be lengthy; they can vary from one paragraph to several pages. The procedures part may be longer, as this must go into more definite components of what to do and who to contact. And, while numerous books and articles in print show examples of these, we recommend visiting the OSHA website and utilizing its examples. Much like the issue raised about the training of decision makers, it is necessary to be able to explain why your policy and procedures documents state certain things and give specific directions.

For example, it is necessary to have the specific names and ways of contacting the organization’s team members and their back-ups listed in the procedures document and available to all personnel. This will require someone to keep the document current, an important element of consideration for any preventive program. It is also advisable to list inappropriate behaviors and consequences for such behavior so there can be no claim of ignorance of the protocol. The consequences can be worded in a general way, such as, “This offense may include disciplinary action, up to and including termination.”

Because of many considerations when putting this together, you may want to refer to the guidelines of an expert in this field to assist you in designing such a document, for this is the basis of your whole program. The cost for such advice, especially if you have already gone through the training, should be minimal and it certainly helps for mitigation of legal liability issues. Besides, bringing in someone from the outside who can look at your framework from the “big-picture” angle may give you some excellent insights on how to make the program even more successful.

**Training**

The entire organization must understand the nature of the program, its purpose and how it works. There is no better way of accomplishing this understanding than through training. If the team feels comfortable in supplying this to the other members of the organization, then they should do so. There is always the use of the outside consultant to do this as well, but we recommend a combination of the two for the most effective program. Regardless how much expertise the outside consultant may have, the organization does not know this person and oftentimes the training is not accepted as readily if it comes from within the organization. Ideally, the consultant would instruct on those issues of general concern and liability and the members of the organization’s team involved in the training would go over the policies and procedures and would correlate other areas of the training to the specifics of the organization.
It is also recommended that supervisors receive a different level of training from the line personnel's, as there is a higher level of duty expected from supervisors to act upon issues as they are the direct representatives of the company to the rest of the organization. Consultants are often called upon to instruct the majority of the supervisors and management personnel within an organization, and one class videotaped by the consultant and administered by in-house designees serves as a supplemental part of the training for others. Hence, the use of consultants for this phase can be minimal, depending upon the need and casualness of the organization. What is most important is that all personnel within the organization understand what is expected of them, that it is their duty to become part of the solution instead of part of the problem and that they know what to do about an issue they have concerns about. Thus, in-house training is continual and essential, but should only be conducted to the level of comfort and efficiency.

**Acquiring the Consultant**

It doesn't matter whether you are looking for a good labor or employment law attorney, a mental health professional, a security expert, a media liaison person or a violence assessment expert, the roles they play in the assessment process are all important. But you must first determine who is going to be the best consultant you can acquire. We discussed the concepts of making sure they are experienced and qualified and we outlined their basic roles and duties, but what else is important?

Background checks may be a consideration but this is generally too impractical. Getting a referral from a trusted resource is usually effective. Asking those of a reputable organization, such as a local law enforcement agency or district attorney’s office may give you some leads, but, because they are public organizations, they are prevented from giving you anything more than just names and contact information, leaving you to still do your homework. Reputable groups such as the Association of Threat Assessment Professionals (ATAP) for a referral may prove helpful (located in most major cities) as these are mental health, legal, law enforcement and security people from around the world that deal mostly with these issues. And the fact that a consultant may have great credentials or may have written a book is not sufficient.

So the key is the preparation process, looking for the right consultant before there is a problem, interviewing them to make sure they fit into what your needs are and the culture of the organization and, finally, a contract. It should be complete for your needs and the needs of the organization. It also puts the consultant on notice that you are a professional seeking professional assistance and will hold the consultant to the highest standard possible.
The contract should begin by simply outlining the job to be done (conduct an assessment to determine the potential of violence). The exact names of the parties involved are not usually included, for the service is to provide an assessment for the safety of all, establishing liaison with the media or to provide legal guidance on issues of labor or employment law, etc. The idea is to identify and delineate the specific service for the organization, not just as it may involve one or two people. The contract should discuss fees and the payment of same. If there are different aspects of the services, these should be broken down and clearly defined, as well as listing the specific fees for each service (travel, room, background checks, handout material, etc.). The contract should outline severability (who can cancel the contract, when and how) and what happens if there is a disagreement (binding arbitration, jurisdiction of deciding court, etc.).

**Public Entities**

Local law enforcement individuals can be your most important associates. If there is a crisis, especially if it is a violent event, you or anyone in your organization, will probably call 911 before doing anything else. It is, therefore, an excellent idea to get together with law enforcement prior to any event.

Often, such liaisons are successful primarily because neither entity has a truly clear understanding of what the other’s role was until after they have met and conferred. The police are used to getting 911 calls and simply taking over and handling the situation. The organization is used to being in control and being able to tell outside resources what they expect them to do. But, if they start from the common goal shared by both, the ultimate safety for all personnel, then a successful game plan can be achieved.

Many police or sheriff’s departments have crime prevention specialists. Many have developed some expertise in this workplace violence area, since it does occur and there are businesses in their jurisdictions. Even those who do not have that specific expertise understand why it is necessary to prevent violence before it occurs. Hence, asking them to come and visit the organization to look at the physical construction of the site can be an excellent beginning.

Law enforcement has been a pioneer in the concept of crime prevention through environmental design (CPTED). Its premise is that the physical construction, the placement of lights, plants, desks, etc., can all contribute to the psychological component of the environment to promote good feelings of safety and increased productivity while, at the same time, discouraging crime and feelings of violence — sort of a corporate *feng shui*, if you will.

The benefit of using this system is that it can utilize the environment already in place, identify areas where significant problems could occur, demonstrate to personnel how they can take back some control over their
environment and, since they already pay for the service through their taxes, have no initial cost out of pocket. You now have the expertise of a qualified professional to show you how to make your organization safer and less vulnerable to violence.

Additionally, whether the local police force has such an expert on staff or not, getting anyone from the police department to respond for a meeting prior to an event can prove very constructive. The police realize that a violent event could occur at any place and at any time, so they welcome the opportunity of seeing what is in place should they have to respond during a crisis incident. They want to know the “lay of the land,” who is in charge, how many people are on site at any given time and just exactly what the organization does (are there any hazards present). At the same time, this affords the organization the opportunity to confirm how and when the police would respond, what they will actually do and what they expect or need from the organization. In this way, realizing what the police will be able to do, the organization can also assess the best idea for establishing a first-responder group.

Finally, local law enforcement can be an invaluable source for information concerning crime and other such concerns in the organization’s area. They can share the latest crime statistics so that steps can be taken to “harden” targets (a recent theft of car stereos in the area can alert employees to be more aware of who is in the company parking lot, for example). They can discuss crime demographics with the organization, which may help to determine, because of projected crime rates or problems, if moving to another location would be more advantageous than expanding the current site. Also, they can often alert or share certain information with the organization concerning special problems with radical or fanatic groups that may be of interest.

Part of this law enforcement group, in a general sense, is those officers of the court and their investigators, such as the city or county district attorney’s office. Often very knowledgeable in understanding potentials of violence from a workplace-violence perspective, a domestic-violence perspective and even a stalking perspective, the wealth of information they may be able to share can often prove extremely helpful. They are not as available to you as local law enforcement, for they are handling specific cases and will often refer you to the local police. But their expertise in handling numerous cases involving these matters makes them a tremendous asset and they should be asked for their advice and counsel. They cannot give you legal advice, but they can tell you very clearly what the law is, whether you have a violation of law and what would be the next best steps to take when you have a potentially violent situation.

One caution concerning the interaction with law enforcement: Recognize that they are bound by the law and department policy to respond to certain
situations in a certain prescribed way, regardless of the nuances of any particular situation. As mentioned in another chapter, in many jurisdictions if you tell them that a person in a domestic relationship has been physically struck, they are obligated to take a report, attempt to confirm it and then make an arrest. This may not be in the best interest of the victim or victim’s organization, depending on the assessment of the instigator’s current mental or emotional state. So, prior to approaching law enforcement on any specific case, care should be taken to understand what law enforcement may be obligated to do or will do in that jurisdiction, before making a report and that may mean, in some cases, that no report will be made. Another alternative is to report another crime that has occurred and then establish the liaison under those circumstances. An example would be the above referenced case, when, as often happens, the instigator has been making harassing and threatening calls to the victim’s family members as well. Now the case can be reported to law enforcement as a “harassing calls” or “terroristic threats” case, depending on what is said and the laws of that jurisdiction. No one mentions the behavior that could lead to mandatory action that may not be desirable. As in all things, judgment must be used about when and how to work with any resource, including law enforcement.

Guards

There can be no greater fear than having your life threatened and, from everything you see and feel, believing it. We have received more frantic calls from organizations where an instigator has just threatened to shoot a victim and, because there is a “history” between the two, everyone believes it can happen. The organization wants protection and they want it right away. But who do you call?

While not an easily believable concept in the beginning, we have experienced it for over three decades of service to our clients and we are comfortable in saying that, about 80% of the time, “guards” are not needed. Approximately 10% of the time, it is strongly recommended and the remaining 10% is up for grabs. Unfortunately, many others in this field, especially those whose primary economic profits come from protection contracts, do not share this feeling. Some are all too happy to supply personal protection agents for the client, as that is what has been asked for and it is generally a good profit producing activity.

Naturally, when an active threat is made, it is difficult to convince anyone to slow down and conduct a violence assessment before bringing in protection. And often, supplying such personnel, while perhaps unnecessary from the standpoint of the actual potential for violence, goes a long way in calming fears and letting employees get back to their business. So how do you know
when to request this service, exactly what is it you need and where to find the right people for the job?

If you have the luxury of having a security person as part of your organization, this should be discussed with them and they should already be doing their homework to have the answers to these questions. If not, you are going to have to do the research. Start with those in the field you may already know, either through members of your assessment team, security companies or associates in other organizations who may have had occasion to need such assistance.

Do you want armed or unarmed guards? If someone is threatening to harm another and you are going to try to prevent this, the person to whom you entrust that job must have whatever is necessary to accomplish the goal. If such people do not have the tools and they get injured, you may be held liable for placing them in harm's way, because you knew the instigator was threatening injury to another. On the other hand, if the instigator has never shown any signs of violence before and has not really made a violent threat, you may just want someone to be present to give the appearance of security.

Unarmed guards, those you see standing at the entrance to a Wal-Mart, wandering around a McDonalds or sitting at the front podium of a business meeting, have only one real responsibility — to observe and report. They are not there to intervene if there is an altercation. They are not there to neutralize an aggressive act. They are there to observe what is happening and, if it is something threatening, to report it to the appropriate person. Expecting any more from them, when they average little more than minimum wage, is unwise. This is why, if you consider hiring a guard service for any reason, the service and performance really depend more on the company than the actual guards, because the guard companies all pull from the same pool of people living in your area.

If you have decided you want to have armed guards, but you really don’t want them to look like something out of the Old West with a sidearm on their hip — even the clean, crisp uniformed appearance of a professional off-duty police officer is a little much for your conservative office location. The need is for a well-groomed person who dresses to fit into the environment and is armed, but in such a way that you cannot tell where the weapon is actually carried. Armed guards should be big enough to look like they can take care of themselves in any struggle, yet present themselves as sociable, calm and professional.

Nothing can substitute for experience in choosing qualified personnel, and, although we are always looking for new people, as you can never know too many in this field, we seem to keep coming back to the same ones we have used and trusted in the past. Our guideline is that they ultimately
represent us, so we will not recommend anything less than those we know will act professionally and know what they are doing.

Without a referral source running interference for you, keep in mind that you are not simply looking for off-duty police officers because they can carry a gun and are often inexpensive. There are several reasons, from the type of training they receive to their in-field experiences, that prevent us from strongly recommending off-duty police officers for these types of assignments. But this is not necessarily a given, as we have discovered some of our best and most reliable protection personnel in retired police officers. But the primary concept you should keep in mind is that, while you want people who are professional in demeanor as well as qualified, their primary mindset must be that they are willing and able to do whatever is necessary to neutralize the level of aggression they encounter. This, hopefully, means nothing more than confronting a hostile instigator and convincing him to go away, but, if placed in a life-threatening situation, they cannot hesitate. They must be prepared to take another’s life.

It is because of this you must be prepared to pay (actually more due to insurance coverage, workers compensation and other administrative costs) anywhere from $55 to $125 per hour, per person. That per person concept is very important, for it is rare that a protection assignment, especially if there has been threatened violence, will be handled by fewer than two people on duty at any one time. The object is to prevent violence and the presence of two people is certainly more psychologically intimidating than one.

Even if you decide to acquire the protection agents up front, assessment must still be conducted. If assessment is not done, when does the security coverage stop? If you stop it on a whim, with no assessment to support the decision, and an incident then occurs, the standard of protection you have set by placing security personnel on site will be the standard that proves negligence for having removed them prematurely. Thus, another consideration when looking at hiring protection agents is how far to go in providing protection for your employees. Consider this: If you think the situation is dangerous enough to hire an armed presence because Larry has threatened to shoot Carol, at what point is Carol out of danger? She is your employee and if it weren’t for your hiring Larry, Carol would never have met him, so do you have to accept part of the liability for placing Carol in harm’s way? If so, are you required to provide Carol with personal protection 24 hours a day — even at her home? These are questions you need to consider before they actually come up and thus, consulting with the appropriate experts may prove helpful (attorney, violence assessment expert, etc.).

You must also answer who is to be protected — just the victim or all the employees within the organization? If the threat is made by more than one
person and there is more than one way to gain access to the site, you may need more than just two protection specialists.

Finally, what is your liability if the instigator shoots someone and is about to shoot another; the protection agent fires but misses and kills an innocent bystander? A “good shoot” is one justified by legal standards; most jurisdictions agree the instigator would be the one charged with the killing of the bystander. However, what about your civil liability? You knew there was this potential for violence, unless you found out differently from an assessment, so, it might be argued, shouldn't you have taken the precaution of warning visitors? These are necessary points to clear up prior to the event.

Other considerations go more into the training and qualifications of these individuals and will not be hashed out here. Suffice to say, numerous reflections must be discussed with all involved. Odds are, you will never have the need for this service, but if you do, last-minute phone calls may prove more stressful than dealing with the instigator.

**Case History**

The following scenario patterns many cases we have been involved in. The discussion may seem to digress a bit from the main focus of this chapter, but it does serve to demonstrate many of the usual issues that need addressing when deciding how best to proceed in handling such a case. It shows how a case, without the presentation of any real violence, can benefit tremendously by use of the proper consultants.

Pete is a 32-year-old man who has been working for a company for a little over 8 years. He is actually a mechanic by trade, but drives a fork-lift for this company. Everyone describes Pete as a “hothead” at times, moody and just generally hard to get along with. He recently claimed to have hurt his back on the job and so is off work but, because he has abused his sick leave in the past, he is about to run out of this, vacation and other paid leave he can take. Ted, Pete's immediate supervisor, has just been informed by human resources that this is the case and he must now call Pete to determine his status — something Ted is not looking forward to, as he and Pete have had numerous run-ins over the last couple of months. In fact, just prior to Pete's going off on this job injury, Ted had given him a written reprimand for not doing what he was told to do and arguing with his co-workers over an assignment.

Ted now telephones Pete to tell him of his status and he can tell Pete is under the influence of something — and it is only 10:00 am. Pete says he doesn't have to come back to work as he has a doctor's note and Ted keeps telling him no one knows about that and if he doesn't come back to work...
by Friday he will be terminated. Pete replies, “F... you. You’ve been after me since I started working there. You can’t fire me if you’re dead!” and he hangs up on Ted.

Was this a threat or merely a statement of fact? Certainly Ted believes it’s a threat; he tells the human resources people, they contact the company’s attorney and the decision is made to have security contact Pete to explore his statement. For the sake of this scenario, let’s assume the company’s assessor has done everything right up to this point, following the guidelines of the assessment process we have been discussing in this text, including utilizing some of the tools in Chapter 4, such as the Assessment Grid. Following the Response Grid in the same chapter, you have initiated a criminal background check, you’ve conducted appropriate interviews with Ted and others and you have reviewed Pete’s personnel file. Not surprisingly, there are numerous discipline notations (including a 2-week suspension for insubordination) and performance problems noted in his file and there are convictions for driving under the influence (one) and public intoxication (two) on his criminal record.

The interviews produce important background information. You confirm there are no organizational problems and there are no apparent personnel problems other than with Pete. Everyone tells you Pete has a quick temper, that he walks and talks like he is real tough and everyone just better keep their distance — which they do anyway. Everyone seems to agree Pete is a loner and, when he does interact with people, it is to try to con them into doing something that would benefit him. You also learn from a couple of his co-workers that Pete mentioned he once threatened to stab another kid when he was 14 because he caught him cheating on his share of the marijuana they were selling to classmates. Everyone seems to agree that Pete smokes marijuana, snorts cocaine, seems to love to get drunk and then threaten to beat up those in authority — as long as they are not present.

In addition, his supervisor tells you he is fearful of Pete and believes Pete wants to kill him. You know this supervisor and his reputation in the company; there is no indication he is unreasonable or has any problems with others. And finally, human resources tells you, through the privileged communication of the attorney, they would just as soon never have to see Pete again. Your “homework” done, you are faced with just one last question.

What is the best way to contact Pete — or should you?

Here is where a consultation with a violence assessment specialist or someone who is versed in understanding human behavior and also has the experience of dealing with potentially violent people becomes valuable — not only because of the ability to assess the violence potential, but to address the question of approaching Pete and how to do it in the safest fashion. It is also a good time to consult with a labor law attorney concerning the
Americans with Disabilities Act (ADA) issues, workers compensation, the Family and Medical Leave Act (FMLA) and other legal concerns. This will also allow you to speak quite frankly about what you have, what you want to do vs. what you are legally required to do and what are the legal ramifications, if any, of one set of actions vs. another.

The advantage of psychologist consultants is that they could advise you that Pete is probably an antisocial personality. This comes from common psychological concepts that have been researched and developed over many years. Why is this important and what does that mean for you? It offers insight into the behavioral aspects on how best to approach Pete or someone like Pete, as we have identified a likely personality trait that has some consistent expectations. It is important to note that it suggests some consistent expectations, because there are many variations even in this psychological category — some very extreme. For example, it could be said that Jeffrey Dahmer was antisocial, which is putting it mildly. But, at the other extreme, you may have a neighbor who is described as antisocial but has never committed a crime in his life.

So, assessing Pete a bit more, it can be suggested that his “tough-guy” role is probably not only something he is comfortable with, but perceived by Pete as the only way to get what he wants — or at least to guarantee that no one will take advantage of him. This also tells us his general demeanor is his crutch, his mask, his security blanket; call it what you like, it is critical to him. Is this the kind of person you can approach and not expect him to get angry? And what does his anger really mean? Will contacting him push him over the edge where he may harm someone?

Actually, from a clinical perspective, you need more information before attempting to answer these questions. Thus, this may be a consideration as to whether you use clinical psychologists in such a matter, although they are often called upon to assist in these types of cases and explain many questionable behaviors. However, the best resolution can only be achieved after talking to Pete.

It is possible to effect an assessment without talking to the instigator — in essence, in this case, a probable character disorder was chosen to label Pete. From that label, reasonable assumptions can be made about his behavior. One can certainly make an educated guess about likely conduct and, at the very least, if a certain action occurs, because it has been determined that Pete is an antisocial personality, reasonable recommendations can be made of the best manner in which to respond to that action to either mitigate a volatile act or direct him toward a more reasonable action. But, in this case, not only are there obvious ADA issues to consider, but we want to be sure Pete is left intact. You are not a therapist and it is not your job to help Pete change his character disorder. You want Pete to feel good about his position.
of control while at the same time convince him continued employment with this company is not reasonable or in his best interest. This will require a direct interview with Pete.

It is also important to learn the breadth of the focus of Pete’s anger. The more narrow the focus (he wants to harm only Ted) the more ascertaining his specific thought process to accomplish this harm becomes in determining his true potential for violence. If it is discovered he has narrowed his focus and devised specific plans for harming Ted, it may be necessary to attempt to broaden his focus, if possible, through talking to him. The same principle is applied when negotiating with those attempting to commit suicide. If there is one basic human emotion all humans share it is a desire to feel in control — at least over our own lives. The ultimate control one has is whether to kill oneself. While perhaps not as dramatic in this case with Pete, the same rule of trying to broaden those areas of control so that other alternatives not only seem realistic but attainable — to him, not to you — can make the difference between Pete's acting out his threats and not. Additionally, even if not successful in this endeavor to help Pete see viable alternatives, you now have valuable insight into his process, his motivations and his reality for a better determination of the true potential of violence. Therefore, it is not only necessary to talk to Pete, but the insights gained from a consultation with an expert will allow you to be better prepared for what to expect, how to respond and what should be your main areas of focus or concern during the interview.

Another concern is where to conduct this interview. Over the phone is out, as this allows Pete total control and he may not even answer the phone. Calling Pete into the workplace is going to remind him of the anger he still has for certain people, so this might be a disadvantage. Pete would feel compelled to demonstrate he is in control right away, which can be stressful for all. And, if you ask him to come in and he says no, what do you do?

Going to his home is another option. Many would disagree with this approach, but Pete will feel in control in this environment. Naturally, safety becomes a concern, as going alone does not sound safe. What if Pete should turn violent? It is necessary to consider being prepared to use whatever force is required to neutralize his aggression. This would be a good time to consult a security expert or even local law enforcement to discuss the feasibility of this plan and to solicit one of them to accompany you. Of course, you would still want to get a sense from the attorney what your liabilities are (for example, if he becomes violent, can he claim your presence was the catalyst?). A behavioralist can offer opinions to this, as a home visit would give some tremendous insight into Pete's environment, his perceptions of his power, how he operates to maintain control and how he reacts toward the introduction of another element he would perceive as a threat — his perception will tell him your visit is obviously meant to take back control. However, for a
case such as this, most expert consultants would probably recommend against this option. Unless you have a lot of experience, it could get too complicated.

What about a neutral area? Many experts prefer this, setting up a meeting at a hotel or even a coffee shop. While the issue of safety may be more easily dealt with in this environment, it is an unknown whether it will be comfortable for Pete — probably not. But it is an option, if you feel you simply do not want Pete back on the premises.

This would be an excellent time to turn to your team for discussion and advice. The recommendation would probably be that Pete should be called into work just as you would any other employee. Remember, he is still an employee you have some control over and you don’t want to change any organizational procedures if you don’t have to. You can make the interview area safe (hidden cameras, monitoring devices, others standing by, etc.) and hold it in any room you want (a room away from Pete’s co-workers, a room where you can make a quick exit, a room far away from his possible targets, etc.). Remember, even though he will approach you with the concept of wanting to take control, he still has many years of accumulated behavior at the site where he has felt power, so he will actually be fairly comfortable. In fact, this is almost an invitation for him to feel he can come in and clearly demonstrate he is in control and going to take back his position of power.

Now you need to put on a negotiator’s hat and plan the discussion to have with Pete. Psychologists, behavioralists, security persons, EAP staff and many other workplace-violence experts may be good to bring in for discussion on what might be the best way of talking to Pete. However, one of the best resources may be experienced negotiators from a local police department, providing they have many years of experience. Talking and negotiating with the Petes of this world is not an uncommon event for these people.

A hostage or crisis negotiator would tell you the following: With antiso-

1. Since we know Pete’s primary motivation is for power and control, the word or concept you want to stay away from is “no.” If you use the “no” in the conversation, you are taking away from him the very things he is trying to achieve…power and control.

2. Since antisocial personalities are rebellious and anti-authority, the last thing you are going to try to use on him is the nice-guy routine. He is not going to listen to your rapport-building patter and could care less about your concerns for his welfare. Remember, you found Pete was mostly a loner and about the only time he got close to people was when he was trying to use them. So, like most other antisocial individuals, Pete is not prone to form attachments with others and thus is not about to start with you. The antisocial personality generally
has a complete inability to understand aspects of attachment or empathy.
3. Since Pete wants to feel power and control, do not present a powerful and controlling presence. This is not the time to show that you are in charge. Thus, never be confronting, although there may be many good facts you could use to be so. Instead, use the infamous “Colombo” approach. Demonstrate that you can listen well, but you need direction and assistance, hence you seem to fall right into his game of manipulation and conning. You ask him to repeat his thoughts or demands, “to be sure you've got it right.” This ruse also helps you to play dumb regarding what might happen, perhaps saying, “Gee, I don’t know how that’s going to work. You know how management can be sometimes. But it sounds reasonable so let me go and check,” clearly lets Pete feel you may be on his side without demonstrating you want to be his friend.

This also lets you stop the discussion for a while if you feel it is appropriate, as you can now claim you need to go and consult with others. You will generally do this when you sense that Pete needs time to collect his thoughts or develop his game plan to better “con” you. Sometimes you might want to do this when he is coming on too strong, as it lets him believe you are a simple person who cannot take a lot and thus you are even more “manageable” than he first surmised.

This brings up a final rule every negotiator lives by that is true for any personality you may face. You are not the final word … even if you are. In this case, this really works to your advantage if you can convince Pete that you and he are working on resolving this problem through his controlling con of you.

Human behavior does require some study. But, once understood, the “read” on an action, a behavior or a statement can take you to an even stronger point of negotiation or, at least, understanding. Thus, you may want to even consider asking a consultant to conduct the interview with Pete, for anyone skilled in these types of cases would want to start pushing Pete a bit to test his potential toward violence.

For example, using Pete’s “faults” for the interview process would mean trying to get him to see that his current status and way of handling things are not in his best interest nor will they gain him control. Thus, after a brief introduction of who you are and your purpose (in this case, to determine the true nature of the conflict and how to resolve it) you might begin by asking Pete to simply tell you what is going on and why he thinks we have come to this stage. Obviously, Pete will relay a story that makes him look good, an innocent victim and how others in control (supervisor, etc.) are out
to get him. This allows him to spin his web of deceit and rationalization in his attempt to con you into control.

In so doing, many of his details can be pointed to as possible shortcomings for him to achieve the power you know he wants ("I know how management seems to think they can just make these crazy demands of us all. But do you think by not doing that task it will really cause them to back off?"). This is a way of suggesting he may not really be achieving the power he is looking for without challenging his obvious perception of being in control by simply not doing what he is told.

But, you must also be careful not to try to trick such a person. Pete and those like him have years and years of experience at this game and they can spot someone trying to con them a mile away. At the same time, realize that if he senses you are not responsive to his con, he may tire of you and begin elevating the stakes. These personalities generally need a fair amount of stimulation. Hence, if you do not keep him involved in this process, he may decide to make up a whole new scenario to make things more interesting (e.g., "Well, if Ted hadn't propositioned me last year, this whole thing would never have happened. Naturally, I couldn't tell anyone about this earlier because he's my boss, but I'm just not into guys.")

It is also important to remember the Petes of this world cannot focus on long-term concepts of gratification, such as suggesting that his present behavior is unlikely to get him a raise next year. They are into satisfying the impulses of the here and now. They did not grow up in an environment where they could learn how to model their "parent-self" (what psychologist refer to as the superego). Hence, they are dealing with the instant-gratification demands of their little kid (the id). And what we know of the little kid is that it basically really understands only two things very clearly — pain and pleasure. Pete is going to be able to focus only on short-term concepts; consequences are too subjective, too far away. The best results are achieved by getting Pete to find an immediate resolution with an obvious concrete negative consequence if the resolution is not achieved ("If you resigned today, you would take away their ability to fire you.").

You are also not going to intimidate or cause Pete to feel anxious about his position or his actions. Antisocial personalities have no fear of hurting others, disappointing someone or feelings of guilt, shame or embarrassment for what they have done to others. And, since anxiety requires a capacity for empathy, the antisocial generally cannot feel anxious. Thus threats of his being fired would have little effect on Pete. About the only anxiety Pete might ever feel is the fear of getting caught for doing some illegal act, but even this is transitory.

It is also interesting to note that these personalities have no real life goals; they live for immediate gratification, so how can they have any goals? Thus.
appealing to their future is not only a waste of time but may steer you into a whole line of useless discourse. If Pete decided to run with this, he would lie and rationalize something socially acceptable he believed you wanted to hear. If you buy into this, he might try to rationalize and con you into seeing how, since he is now the persecuted victim in this case, he should be allowed certain rewards and fewer punishments for his actions.

What are antisocials looking for, beyond the obvious need to feel they have the power or are in control? They need to feel strong and self sufficient. Since others are obviously out for their own power and control, then this additional need the antisocial has means he must do unto others before they do unto him. People who do not believe in this principle are weak and deserve what they get. Thus, in talking with Pete, allowing him to feel he is directing his opportunities in the process becomes an important element.

Continuing with a whole-case scenario here would take another chapter, as there are too many variables for how this discussion might bob and weave. But, with the information shared thus far, it is evident this meeting will take some time. It will go back and forth, with concepts of power and control. The end should be getting Pete to see how his resignation would be in his best interest (he is in control of his future; he has shown them they cannot control him; he has prevented them from firing him, etc.) It may mean a corporate compromise that is not always the most pleasant resolve but there is no reason that it should not end with the ultimate goal of the company being achieved. But, if the goal of this discourse is to present a “changed” person who now will comply with management and supervisory orders, that simply will not happen.

It is also important to realize these types of individuals, where they have not crossed the line from being antisocial to being psychopathic, are rarely openly physical. One can never say “never” in any of these cases, but their business of deceit and exploitation requires such a level of con to prevent getting into trouble with the law that their restraint from violence becomes part of their interwoven character. In this case, Pete seems to be creating an assertive persona; he wants others to “feel” him and then back off. In this way, he has to form no attachments and is clearly in control. This confirms that Pete has no other history of violence or physical controls, unlike many antisocial personalities who, especially in domestic-violence cases, not only use physical violence to maintain their control, but are actually proud of their physical prowess.

Although a bit lengthy, our point is nevertheless still germane. Determining the best approach to even the simplest of cases may actually be more convoluted than originally thought. Hence, proper selection of key consultants prior to events occurring can not only save you time in trying to draw the right people together to make an assessment, but may prove to be the
best way of deciding how to approach and handle someone to prevent further problems and perhaps solve the issues of concern to everyone’s benefit.

After the Crisis

Crisis and traumas in the workplace are not uncommon, so much thought has been given by many on what to do when they happen. But what about later? Think about each of these types of situations and how they would affect you:

- A co-worker or someone you know is shot.
- A co-worker’s family member is shot and killed.
- Your spouse comes into the workplace, accuses you of cheating and then shoots himself in front of your manager and several others.
- A female employee who has been telling you she has been getting an uneasy feeling from a male co-worker is raped one night in her home by that man.
- An employee is mugged one evening in the parking lot by a non-employee, and everyone has been telling you the lighting is bad.

Just as you would feel terrible following any one of these events, others may feel even worse, depending upon the relationship.

Much as you would respond to a family member in crisis, it is equally important to respond to an employee. Once any crisis or trauma occurs in the workplace, just as you would rush to the side of your significant other, rush to the side of those involved. If you have an EAP, use it. But be aware of how the EAP members operate as you don’t want to call them, only to have them tell you they cannot respond until a later time.

Local emergency responders (police and fire) can sometimes prove useful for these events as well. They often have specific persons, including chaplains and mental health professionals, on staff. Or they have their own consultants they contact for incidents who can reach out to quickly assist you. And, since they are used to the 24-hour-availability concept, they may prove beneficial for a late night or weekend situation.

What about the mess? A broken window or chair may be fixable in house. But who is responsible for cleaning up blood? After paramedics respond, they don’t clean up the scene, so who will?

Professional companies specialize in these types of responses. Some are more used to dealing with water damage from floods or repairing windows after an earthquake or tornado. But some of these same companies can offer you assistance in cleaning up “the mess” and will do it quickly and profes-
sionally. You may want to contact your local emergency responders for ideas of who to call. Whatever you do, have someone to call, someone you can reach 24/7.

Should you conduct your own debriefing? Violence assessors are often asked to talk to many employees about an event after it has occurred. Sometimes that involves a large group (the whole floor of a plant), sometimes just a particular department and sometimes just one. The psychological advantage to this approach is that the company is telling its employees that management is concerned enough to bring in an expert and will not try to hide from what has happened. It is important to have a high-ranking member of the organization present as well.

This debriefing should be arranged as quickly as possible. The literature suggests within the first three days is acceptable. Some even suggest it is better to hold off for a couple of weeks if necessary to give a distinct, well-thought-out debriefing rather than a haphazard, disorganized one more quickly. The debriefing’s being distinct and well thought out, not disorganized, is important. But we believe even going beyond a few hours is not the best. We have seen too many people become too entrenched with misinformation because the debriefing was put off to a later time. Rumors can’t be stopped entirely, but you can mitigate their power if you set the record straight as soon as possible.

We recommend getting a consultant on board with this part of your process as soon as possible. Call in someone who can address what has occurred and at least discuss some of the possible reasons for it. At the same time, this person should be someone who really understands what feelings are going to be experienced. It should be someone who can articulate what to expect over the next few days, weeks and perhaps even months — psychologically and perhaps even physiologically. You need someone who can suggest warning signs to look for in each other, in themselves and what to do once those signals are recognized, and someone who can show knowledge of what generally happens following these kinds of situations. And finally, these should be people who know their limits sufficiently to recognize when someone needs more assistance than they can give them, know this group of people or that person needs to be talked to again or has enough common sense to realize when they are talking and no one is listening and that something else must be done.

**Terminations**

Consider a troubled employee who has done many inappropriate things over the last few months. Fortunately, none of them are violent, but you have reached a point where termination not only seems appropriate, it’s what you really want to do. Is it legal? Have you sufficient documentation? Have you
considered ADA and FMLA rulings? Who should be consulted? A good starting point is a labor law attorney. Unfortunately, the in-house corporate attorney who is a whiz at contract law may not be the best option. You need people who know about all the rules, laws, regulatory agencies and union functions so they can advise you intelligently, those you can talk to honestly about the case and, because of attorney–client privilege, your off-the-record comments are never discovered by others.

The way is clear, the decision made, the termination is ready to proceed. When should you do it, and where — morning, afternoon, Monday, Friday, in the boss’s office, in the troubled employee’s cubicle, at a local Denny’s? Who should be present, you, the boss, human resources, a mental health professional, a police officer? There is no definite answer to any of these questions, hence the need to consult with an expert. Every case is different. The assessment process for a termination is as important in determining when and how to terminate as it is in determining the potential of violence.

You may have the luxury of handling a termination face to face in a comfortable boardroom with covert surveillance cameras monitored by armed associates or you may end up calling a person on the phone after he just arrived at work to tell him to go home, as he was fired. Which way is better? There does not seem to be an established protocol per se. But there are many considerations before deciding when and how to terminate.

In general, it is preferable to terminate early in the week as opposed to later. Regardless how prepared someone is for termination, no matter how many warnings they have been given, no matter how many times they have been talked to about their inappropriate behavior, when they are finally told they are terminated they seem to go into shock. Some become irate and some keep asking if you’re serious, but most simply act surprised. And when they get to this state, they are not hearing all you have to say.

Think of it as a death. Regardless how mad or angry you might get with a friend or relative, if you have a relationship with them and they die, you go through several stages of grief. Anyone who puts in time at work has developed a certain relationship with the workplace, if seemingly not with other employees. Thus, what is the first thing you feel when you learn of someone’s death? You may feel shock, surprise, disbelief, etc., but certainly not complacency. This, then, is what the terminated employee is going through.

Consequently, after the numbness wears off, there are usually many questions or negotiations these employees may want to go through. If you fire them on a Friday and they want an answer to what they believe is a very important question on Saturday but no one is available to give that answer, odds are, by Monday, these terminated employees are going to be so obsessed
and frustrated over this issue they may decide to try and take it out physically on someone at the company. If they were terminated on Monday, they would be able to reach someone Tuesday or Wednesday to ask their questions or begin their pleas or, quite possibly, get their tirades off their chest … all of which can prove very helpful in your continual attempt to assess the potential for violence.

Who should be carrying out this termination? If possible, the immediate supervisor should not be part of the team or the person to terminate an employee. The employee will probably believe this supervisor has been out to get him all along and now he is getting his way. Hence, the employee will never believe the supervisor did not have a lot to do with the firing. Also, even if the supervisor feels he has a good relationship with the employee, it is still more likely the employee will believe this is just one person’s opinion (the supervisor) and thus, unfair.

The best person to do the actual termination would be that person who is at least one step above the immediate supervisor’s position. Psychologically, this tells the employee the problem has been discussed with others with more power than the supervisor and it has still been decided he is to be terminated. This also helps to take the immediate supervisor out of the main focus of the employee, as now another person has been brought in to do the actual firing. This lessens the narrowing of focus these employees seem to go through, as the one person who may have caused the problem is now removed somewhat from the equation. This then helps to mitigate the employee’s potential for violence.

Specifically, who should do the actual termination? Should it be someone from human resources? Should it be a manager? Should it be an outside consultant? We have often been brought in as representatives of “corporate,” or “the home office,” or even quite simply as “outside consultants.” This not only helps to make the employee feel this case has been run all the way up the corporate ladder but also diffuses a lot of anger, because now complete strangers are doing the termination.

There are many possibilities and you should conduct an assessment to decide the who, where and how. In general, don’t do anything too out of the ordinary. Usually try to have more than one person conduct the interview, which should not take more than about 10–15 minutes. Design and stick to a script. First acknowledge those areas where the employee may have done good work (praise helps them want to listen more attentively in the hopes of getting more) but then clearly detail the problems as well as the directed corrections and their outcomes. Remember to base your comments on behavior and performance, not personalities. End the meeting with preparation of final payments, if possible, as well as the name of one person the employee may contact if there are any future questions.
Now comes the moment of truth — getting them out of the office. Should security escort them? Should there be a squad car waiting outside for them? Should they simply be allowed to get up and walk out on their own? Again, there are too many variables and no right answer. Remember, no one likes to be embarrassed or feel they are being ridiculed. We have personally walked them to their desk and then to their car. We have had associates in plain clothes do the same. And we have had uniformed police officers right outside the door escort the people to their cars, where a consensual search revealed a loaded handgun — and they were subsequently arrested. But in these and all cases, the first consideration was how best to help this person save face.

We have done terminations away from the office and told the employee his personal property will be mailed to him. We have done them at night or early in the morning when almost no one is around so that very few people see the exit. We have also had an entire floor emptied out during the time we were conducting the exit interview so when we were done, there was no one that would see the employee as he was escorted to his desk and then to his car.

Two other points on this topic are worth mentioning. Remember, termination means you no longer have any rights or controls over this employee. We have gone through many horror stories where an employer has recently fired an employee who has now begun a threatening campaign and the employer calls us as if we are going to be able to simply wave a magic wand and get the employee to stop. That is impossible, and is why we always recommend putting the person on leave (paid, unpaid, administrative, whatever) until an assessment can be made. For those who strongly believe it is critical to talk to the identified problem employee to conduct an assessment, terminating them prior to an assessment only makes this process more difficult and often impossible.

The other issue is one of surveillance, both during the process of the termination through the use of covert cameras and people following and watching the employee as he moves about his daily routine. Again, there are many pros and cons. One should first realize surveillance in the field, even when conducted with numerous agents and vehicles, often ends up losing the subject. It is very costly for the private sector and often produces minimal results. It also runs the risk of inflaming the subject if he sees people following him.

On the other hand, field surveillance can provide a bounty of intelligence. It has helped us develop our profile and thus our assessment almost every time we have been able to use it. And the covert cameras in the room where the termination is to be conducted is a constant rewarding influence. It lets the party doing the termination feel more comfortable by knowing help is monitoring the event and it may prove useful for future use — either for
intelligence by reviewing wording and behavior or for behind-the-scenes legal negotiations.

Finally, what if they simply do not get the picture? They continue to call, to show up at the work site and to contact other employees. Our advice is to start with the firm warning to cease and desist or there could be legal consequences. We often go to that attorney again and have a letter drafted saying exactly the same thing, threatening the ex-employee with legal action but now on an “officer of the courts” letterhead. However, just as it is never wise to threaten your children with something you would never actually do, don’t tell this former employee something you have no intention of following up on. You must follow up on everything you say. This just again substantiates the importance of the violence assessment so you know how best to approach this person and what is more likely to work than not. In many cases, a restraining order is necessary — individual or corporate. Sometimes just getting the local police to talk to them is enough, other times you may have to file a crime report that could cause the person to be arrested. Consider the facts, consider your alternatives, talk to a consultant and be ready to follow your words with actions.

**Summary**

We purposely did not make this chapter a simple listing of consultant types or personnel because there is insufficient literature on the use of consultants in such cases, except in the mental health field. But just as the purpose of this book is to get you to think, not to set ourselves up as the final word, we tried to give you many of the practical problems we have been exposed to that convinced us a consultation with another expert was a wise investment. We hope this has stimulated those thoughts in you and that you got at least one valuable new idea of when and why to turn to a consultant or to at least reach out for some advice.

Consultation issues are many and varied. No one has all the answers and no one answer is always correct. But, when faced with the barrister in that daunting black robe who may ask you one day why you did what you did, you’re going to feel better if you can say, “I consulted with X and Y and, based on their expert opinions as well as my own research and experience, I did what I did.” That certainly sounds better than saying, “Well, I thought it was the best thing to do at the time.”
References


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