

# Threat Assessment: A Partnership Between Law Enforcement and Mental Health

Michael G. Gelles  
Kim Sasaki-Swindle  
Russell E. Palarea

**ABSTRACT.** Over the past ten years, there have been significant changes in laws addressing communicated threats. Recently, law enforcement has developed strategies for responding to the increased number of threat assessment cases. This paper explores a model in which the investigator forms a partnership with a mental health professional in order to optimize resources for threat assessment investigations. The model describes the assessment of violence risk and management strategies through law enforcement and judicial interventions. The differences between employment reviews, workplace investigations conducted by private security and human resource professionals, and assessments in clinical mental health settings are also discussed. *[Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <getinfo@haworthpressinc.com> Website: <<http://www.HaworthPress.com>> © 2002 by The Haworth Press, Inc. All rights reserved.]*

---

Michael G. Gelles, PsyD, is Chief Psychologist of the United States Naval Criminal Investigative Service.

Kim Sasaki-Swindle is Special Agent and Program Coordinator–Threat Management Unit with the United States Naval Criminal Investigative Service.

Russell E. Palarea, MA, is a member of the psychology staff with the United States Naval Criminal Investigative Service.

Address correspondence to: Michael G. Gelles, PsyD, Chief Psychologist; Headquarters, United States Naval Criminal Investigative Service, Washington Navy Yard, Suite 2000, 716 Sicard Street, SE, Washington, DC 20388-5380.

Journal of Threat Assessment, Vol. 2(1) 2002  
<http://www.haworthpressinc.com/store/product.asp?sku=J177>  
© 2002 by The Haworth Press, Inc. All rights reserved.

**KEYWORDS.** Threat assessment, partnerships, law enforcement, mental health professionals, violence risk assessment, forensic psychology

Recent changes in laws concerning communicated threats (e.g., federal stalking and telephone harassment statutes, state stalking laws) have resulted in a more active role for law enforcement in the assessment and management threat-related crimes. These new demands for law enforcement have led to a partnership with mental health professionals, who provide a supportive role in threat assessment investigations. The responsibilities of mental health professionals include the analysis of threatening communications and subject behavior. These analyses are then incorporated into a management plan that is implemented by law enforcement. This model differs from private sector threat assessments conducted by security or human resource personnel, as law enforcement cases are supported by the judicial system. Furthermore, law enforcement officials have access to more detailed information than private sector personnel, such as arrest records, motor vehicle records, and drivers license photographs. Conversely, employers' access to information is limited by employment laws and regulations (e.g., restricted access to medical information under the Americans with Disabilities Act).

### ***LAW ENFORCEMENT'S NEW ROLE IN COMMUNICATED THREAT INVESTIGATIONS***

Due to the proactive nature of threat management, these cases were previously handled by private security companies and human resource personnel. As a traditionally reactive entity, law enforcement would not become involved in threat cases until an actual crime (e.g., physical assault or property damage) had been committed. This changed with the 1989 stalking and murder of actress Rebecca Schaeffer. In order to handle a large number of celebrity stalking cases, the Los Angeles Police Department (LAPD) created law enforcement's first threat management unit (Zona, Palarea, & Lane, 1998). The development of the LAPD's Threat Management Unit provided the foundation for a national law enforcement trend. Stalking laws have been subsequently adopted by all fifty states and in the federal code (Bureau of Justice Assistance, 1996), resulting in law enforcement's entrance into the threat assessment field. Law enforcement officials no longer react only to

physically violent acts evidenced by bodily injury to the victim. Instead, law enforcement officers are confronted with investigating communicated threats that are often evidenced only by the victim's subjective fear and emotional distress.

As a result of statutory changes, law enforcement moved to the forefront in actively dealing with threat cases, while the private threat assessment groups switched to a supportive role. The result has been a greater demand on law enforcement resources. In turn, law enforcement has developed strategies to better assess and manage threats while maximizing available resources. Based on the behavioral and psychological factors inherent in communicated threats, law enforcement investigators have found consultation with mental health professionals to be a valuable asset in threat investigations.

Threat assessment approaches were developed several years ago in response to growing concerns regarding workplace violence. Chris Hatcher (personal communication, April 1996) frequently commented on how workplace violence was originally a "boutique" crime. Threat assessments were often the responsibility of private security professionals, labor attorneys, or private threat assessment groups. However, changes in local and federal laws have required law enforcement officials to create new strategies and develop new relationships in handling workplace violence. One such response has been creation of the Association of Threat Assessment Professionals (ATAP). ATAP is a national multi-disciplinary organization, consisting of law enforcement, judicial, human resource, corporate security, and mental health professionals. Through ATAP's annual national and regional conferences, threat assessment professionals share their investigative experiences, security techniques, training models, and behavioral science research in order to further the art and science of threat assessment.

### ***MENTAL HEALTH PROFESSIONALS' CONSULTATION IN COMMUNICATED THREAT INVESTIGATIONS***

Violence risk assessment has long been a clinical endeavor for psychologists, psychiatrists, and social workers (Monahan & Steadman, 1994). It has traditionally occurred within outpatient clinics and inpatient hospital settings (Otto, 2000). Conversely, threat assessment occurs in uncontrolled community settings. This difference in setting is vital to understanding the threat assessment process. Kurt Lewin, the grandfather of social psychology, described human behavior as a func-

tion of the person and the situation (Ross & Nisbett, 1991). Consequently, Lewin's theory helps to explain why a subject's threatening behaviors will be different and require different assessment methods due to situational factors. Furthermore, since most violence risk assessment instruments and techniques were developed and utilized in controlled clinical settings, they are not applicable to the community-based threat assessment process.

The role of the assessor is also different between clinical-setting risk assessment and community-setting threat assessment. In the clinical setting, the mental health clinician's primary goal is to assess the patient's mental illness and devise a treatment plan to manage the illness and its associated behavioral problems. The clinician is able to consider a variety of clinical interventions, such as hospitalization, medication, and psychotherapy. Conversely, instead of determining clinical diagnoses for treatment purposes, the threat assessment professional articulates behavioral patterns, translates behavior in the context of assessing violence potential, and develops strategies to manage and contain potentially violent behavior. Furthermore, instead of authoring treatment plans, the threat assessment professional develops a management strategy that focuses on the safety of the victim, police, and perpetrator. While hospitalization is one possible management strategy, other legal options are available, such as restraining orders, arrest, and incarceration. Additional intervention strategies may extend to conditions placed on bond, probation, and parole. Through this model, the mental health threat assessment professional is a vital aid in assisting law enforcement investigators in developing the most comprehensive and informed assessment, and making strategic case management decisions.

It is important to note that although mental health threat assessment professionals are the primary assessors, they are *not* in control of case investigation. On the contrary, their consultation is a secondary role that supports the actual law enforcement investigation and legal intervention. This threat assessment role differs from the traditional clinical role, where the mental health clinician is in charge of the patient's case management. When assisting with threat assessments in the community, mental health threat assessment professionals must remember that they are *consultants* to the criminal investigation. Thus, they provide their assessment to the law enforcement investigator and offer ongoing case consultation, but allow the investigator to make the final case management decisions. This method brings out the strength of the mental health and law enforcement partnership, which is the *combination* of different ways of thinking about a potentially violent perpetrator. The

ultimate result is a more broad and comprehensive assessment of the communicated threat.

Mental health threat assessment professionals should have the appropriate training and experience with populations relevant to law enforcement investigations. It is our opinion that mental health professionals have a solid background in behavioral assessment, a familiarity with the violence risk assessment literature, knowledge of significant labor law issues, and actual interview experience. Specifically, these professionals should have experience in assessing individuals who have exhibited violent behaviors, regardless of whether or not the individuals were investigated by law enforcement.

### **BRIDGING THE GAP BETWEEN RESEARCH AND PRACTICE**

Over the past several years, there has been an increase in stalking and workplace violence research. Although most studies involve law enforcement case files (e.g., Palarea, Zona, Lane, & Langhinrichsen-Rohling, 1999), forensic mental health populations (e.g., Meloy et al., 2000), and national samples (e.g., Tjaden & Thoennes, 1998), they provide some guidance in interpreting targeted violence behaviors. In particular, recent stalking statistics cited by Meloy et al. (2000) and threat assessment techniques suggested by Borum (2000) may prove to be very useful to investigators in the field. However, there are contextual limitations when applying these risk assessment studies to the threat assessment field. Specifically, while some of these studies involve clinically assessed perpetrators, assessments are conducted in controlled clinical settings. Thus, the results have limited generalizability to community settings that are common to threat assessment investigations.

When conducting research applicable to professionals in the field, threat assessment researchers are advised to follow the model of the United States Secret Service's Exceptional Case Study Project (Fein & Vosekkuil, 1998; Fein, Vosekkuil, & Holden, 1995). Results from this study demonstrated that persons who pose a threat for violence do not always make verbal threats before acting violently. This finding was critical to the field, as investigators commonly viewed verbal threats as a primary risk factor for future violent acts. By differentiating between subjects who *make* a threat versus subjects who *pose* a threat, the authors made their results applicable to investigators in the field.

The basic functions of any threat assessment will be identification of a potential perpetrator, assessment of risk regarding the perpetrator's behaviors and communications, and management of the perpetrator deemed to be a risk. In evaluating and managing perpetrator risk, the key questions to consider include:

1. Does the threat appear more or less likely to occur?
2. How close is the subject to attempting a violent attack?
3. What might change in the subject's life to increase or decrease the risk of violence?

These questions become the cornerstone of evaluating risk, directing resources towards managing the risk, and protecting the specific target and the general community. Researchers are encouraged to focus their projects on these investigative issues in order to improve threat assessment methods in the field.

In sum, in order to further research in the threat assessment field, it is important for researchers and investigators to actively collaborate on projects. It is recommended that investigators share their experiences and perspectives on working threat assessment cases with researchers. In turn, researchers should discuss their methods of organizing and analyzing the case data, and discuss with investigators ways to make research results more applicable to fieldwork. Ultimately, a collaborative effort would yield empirically validated threat assessment risk factors and methodologies that are user-friendly to investigators in the field.

### *Threat Assessment Methodology*

The threat assessment literature has yet to provide specific methodological guidelines for threat assessment case investigations. To date, the best threat assessment investigative methodology was developed through the Secret Service's Exceptional Case Study Project (Fein & Vosekkuil, 1998; Fein, Vosekkuil, & Holden, 1995). In this study, the authors designed a series of questions pertinent to understanding threat assessment cases. These questions address a variety of key threat assessment issues, including movement from idea to action, motive, target selection, attack planning, pre-attack communications, mental illness concerns, and important perpetrator life-experiences. While these questions do not provide investigators specific methodological guidelines, they do provide investigators insight into the psychology of targeted violence.

The primary methodological difference between threat cases and other crimes is the paucity or absence of physical evidence in threat cases. While some threat cases contain physical evidence (e.g., letters, e-mail, pictures, or audiotape), many cases only offer witness observations of the communicated threat. The challenge posed to investigators is to accurately and comprehensively collect subjective evidence of the perpetrator's behavior and communications. Therefore, interviews with the target of the threat, witnesses, collateral sources, and the perpetrator are critical in the collection of prosecutorial evidence. The partnership between the investigator and the mental health threat assessment professional is important in facilitating this process. The mental health threat assessment professional can provide consultation on the context and manner in which the interviews should be conducted. This approach will maximize the collection of data pertinent to assessing risk, and if appropriate, prosecuting the case.

Although mental health threat assessment professionals conduct investigative interviews for corporate work-related reviews, labor law attorneys, and private security cases, they should not conduct investigative interviews in a law enforcement directed investigation. In the law enforcement arena, the mental health professional's role is to support the investigation by acting as a translator of behavior and communication. It is important that mental health professionals maintain their consultative role and not become actively engaged in the investigation.

By employing this suggested threat assessment methodology, the law enforcement investigator will have a dynamic and comprehensive review of the available data. Although several companies offer computerized threat assessment investigative aids, these tools offer static data assessment and are limited by the information contained in their databases. While data-based comparison can be a useful tool, in our opinion it should never be used as a substitute for a behavioral consultation with a mental health threat assessment professional.

Through our own experience with threat assessment cases, we have had success with the following two-part methodology. The first phase involves the collection of behavioral data within the context of the perpetrator-target relationship and the situation in which the threat behavior has occurred. Investigators can collect behavioral data through a review of the case materials, conducting background checks, conducting target and collateral witness interviews, and interviewing the subject. The behavioral analysis involves examining patterns of behavior within the context of the communicated threat, as well as the explicit and implicit meanings of the threatening contact. For example, is the

threatening communication motivated by the perpetrator's desire to discharge anger, or does the behavior suggest closer monitoring of the target, and thus, an increased risk of violence to the target?

The second phase of the assessment involves detailing specific guidelines, boundaries, limitations, and plans for effective case management. For example, the perpetrator's access to the target can be restricted through legal resources, such as restraining orders and civil orders of protection. This provides the investigator an opportunity to observe the perpetrator's abidance to these legal restrictions. As the perpetrator's behavior moderates or escalates, the investigator should have a plan in place to address the perpetrator's behavior. The law enforcement reaction will change based on the perpetrator's monitored behavior. There may be periods of time when the perpetrator has no communication with the target, but as events change in the perpetrator's life, the perpetrator's perception of his situation may change. In some cases, this will result in additional, and possibly escalating, contact with the target.

Violence risk assessment is a dynamic and continuous process. As the perpetrator's behavior and statements change, so does the assessment. The mental health professional and law enforcement investigator, working together as a team, maximize available assessment resources and assist field investigators in responding diligently and quickly to changing and potentially violent situations.

This threat assessment methodology is demonstrated in the following case example. This case illustrates how an experienced threat assessment investigator, in partnership with a threat assessment mental health professional, assessed and managed a communicated threat that escalated to a planned attack. The case differs from those managed in the private sector, due to law enforcement's access to the subject's medical data. Finally, while this case may have easily originated within the private sector, it would have eventually been referred to law enforcement as the potential for violence escalated.

### *Case Example: Workplace Violence*

The subject was a 46-year-old man. He made alarming comments during an Equal Employment Opportunity (EEO) training session regarding his alcoholism. His comments reportedly caused such a disturbance that he was counseled by his supervisor and referred to the employee assistance counseling program (EAP). Additionally, he displayed inappropriate behavior on two separate occasions by storming

around the office, cursing, and throwing objects. During an employee workshop, he made several inappropriate comments in an attempt to disrupt the class. In both instances, he was counseled by his supervisors and he asked to leave the office for the day. After a month of stress leave, and on his first day back in the office, he made a verbal outburst during a meeting. He subsequently requested a transfer.

His supervisors documented a pattern of unusual agitation on minor issues, including unreasonable complaints about his job, his inability to perform acceptable work, and allegations that his co-workers were conspiring against him. Specifically, they noted that the EAP counselor suggested he receive treatment for an alcohol addiction. However, he denied that he had a substance abuse problem. This information was ultimately shared with law enforcement officials. Furthermore, supervisors noted that he accused them and human resource personnel of conspiring against him.

The subject was subsequently hospitalized twice on a voluntary basis for homicidal ideation. He was treated for psychosis, as well as suicidal and paranoid delusions associated with his co-workers. Essentially, this subject believed that his supervisors and co-workers were participating in an organized conspiracy to discredit him and drive him from his job. His physician recommended disability retirement.

Over the course of three days, the subject began to leave harassing voice mail messages on a co-worker's telephone. For example, one of his messages stated, "Hi Darlene, it's Stan. Just wanted to say Happy Thanksgiving. And you give this message to Yvonne. Tell her if she had been off the property the day she hollered at me, I would have beat her mother fucking ass. Bye Darlene." During the following month, the subject's disability pension was approved. He was diagnosed with delusional disorder, paranoid type. This information was also provided to law enforcement during the investigation.

It was not noted until much later that his retirement papers contained disturbing comments. For example, one of his statements regarded a meeting he had with a human resources specialist: "I started to grab her by the throat and choke her until the top part of her head popped off. Then I was going to step on her throat and pluck her bozo hairdo bald, strand by strand . . ."

Approximately five months later, the subject began to call a former co-worker, telling this individual that he was following a former supervisor and her family. He provided specific details as proof of his actions. Additionally, he commented that he knew where some of the targets lived and the types and colors of vehicles they drove. The subject

also made personal comments about the target's family members. He further stated that he had three guns for each of his former supervisors.

At this point, law enforcement officials were notified. The investigator suggested to the targets that, among other security measures, they obtain restraining orders. The five victims declined to do so, stating that they believed restraining orders would only agitate the subject.

During a subsequent counseling session with his therapist, the subject threatened to harm the five former female co-workers, including the human resources specialist. A threat assessment was conducted, which involved analyzing the subject's letters, voice mails, EAP reports, and interviews of various individuals. The threat assessment revealed several violence risk factors, including past violent behavior, heavy alcohol abuse, and non-compliance with taking prescribed medication. Additionally, the subject's communications displayed organization and contained specific threats to harm others. For example, he wrote, "Don't let the passage of time fool you, all is not forgotten or forgiven," and, "I will in my own time strike again, and it will be unmerciful." Based on the available information, the subject was assessed as a high risk for violence. The available data suggested he was escalating toward violent behavior. Specifically, he was becoming increasingly fixated and focused on the targets. Additionally, his communications articulated an action imperative, which suggested an increasing risk for violence. It was determined that investigators conduct a field interview with the subject. In order to conduct the interview, the field investigators developed strategies to approach the subject.

A report authored jointly by the investigator and mental health professional was provided to the field investigators and district attorney. It was also used in subsequent judicial proceedings. The report outlined the subject's patterned behavior, his progressive escalation, and his continued fixation on the targets. It addressed specific aspects of the subject's behavior, including his disruptive behavior in the workplace, continual threats to co-workers, and the following and harassing of his former co-workers. The report also provided investigative recommendations, such as strategies for approaching and interviewing the subject. Comprehensive security recommendations for the targets, including general safety guidelines and procurement of restraining orders, were also discussed. The report was written in a manner that field investigators could easily follow, interpret, and incorporate into an investigation worthy of prosecutorial merit.

The goal of the field interview was to develop sufficient rapport with the subject. By telling his side of the story, the subject provided valuable assessment data on the imminence of an attack, as well as factors

that could increase or decrease a potential attack. During the interview, he assured the field investigators of his intentions to pursue legal reparation. After obtaining additional assessment information, the investigators advised the subject of specific boundaries (i.e., no contact orders) and consequences for violating them (i.e., arrest and incarceration), should he continue his threatening behavior and communications. In response, the subject convincingly reiterated his intention to pursue a legal resolution.

Four months later, the subject mailed numerous letters to the five targets, stating that he wanted to "execute" one of the women. Field agents submitted the letters for an updated assessment. Based on the ongoing assessment and insight into the subject's thought and behavior processes, the data indicated that the subject was close to a violent attack. In response, a conference call was arranged with the district attorney. During the conference call, the investigator and mental health professional articulated aspects of the threat assessment. The mental health professional provided an assessment of the subject's risk for violence, while the investigator presented evidence of law violations and law enforcement actions taken to date. Through the threat assessment report and supporting evidence, the district attorney was able to obtain arrest and search warrants. The threat assessment team recommended that the subject be expeditiously arrested and held without bond. Based on their knowledge of his previous patterns of behavior, the threat assessment team designed a safe plan for approaching the suspect. He was successfully arrested and held without bond. Six months following his arrest, the subject was found not guilty by reason of insanity.

### SUMMARY

By using a partnership approach to threat assessment, the law enforcement community has a great advantage in understanding the perpetrator's behavior and intentions, communicating effectively with the perpetrator, and supporting the victim and the community. While this model has demonstrated effectiveness in the field, it requires law enforcement and mental health professionals to form a partnership of mutual respect and recognition for the threat investigation process.

### REFERENCES

- Borum, R. (2000). Assessing violence risk among youth. *Journal of Clinical Psychology, 56*, 1263-1288.
- Bureau of Justice Assistance. (1996). *Regional seminar series on developing and implementing antistalking codes* (NCJ Publication No. 156836). Washington, DC: U.S. Department of Justice.

- Fein, R. & Vossekuil, B. (1998). *Protective intelligence and threat assessment investigations: A guide for state and local law enforcement officials*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Fein, R. A., Vossekuil, B., & Holden, G. (1995). *Threat assessment: An approach to prevent targeted violence* (NCJ 155000). Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Meloy, J. R., Rivers, L., Siegel, L., Gothard, S., Naimark, D., & Nicolini, J. R. (2000). A replication study of obsessional followers and offenders with mental disorders. *Journal of Forensic Sciences*, 45, 147-152.
- Monahan, J. & Steadman, H. J. (1994). Toward a rejuvenation of risk assessment research. In J. Monahan & H. J. Steadman (Eds.), *Violence and mental disorder: Developments in risk assessment* (pp. 1-17). Chicago: University of Chicago Press.
- Otto, R. K. (2000). Assessing and managing violence risk in outpatient settings. *Journal of Clinical Psychology*, 56, 1239-1262.
- Palarea, R. E., Zona, M. A., Lane, J. C., & Langhinrichsen-Rohling, J. (1999). The dangerous nature of intimate relationship stalking: Threats, violence, and associated risk factors. *Behavioral Sciences and the Law*, 17, 269-283.
- Ross, L. & Nisbett, R. E. (1991). *The person and the situation: Perspectives of social psychology*. New York: McGraw-Hill.
- Tjaden, P. & Thoennes, N. (1998). *Stalking in America: Findings from the national violence against women survey*. (NCJ Publication No. 169592). Washington, DC: U.S. Department of Justice.
- Zona, M. A., Palarea, R. E., & Lane, J. C. (1998). Psychiatric diagnosis and the offender-victim typology of stalking. In J. R. Meloy (Ed.), *The psychology of stalking: Clinical and forensic perspectives* (pp. 69-84). San Diego: Academic Press.

RECEIVED: September 18, 2001

REVISED: November 4, 2001

ACCEPTED: November 7, 2001