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Threat/Risk Assessment

Risk assessment—also referred to as “violence risk assessment” or “threat assessment”—is not a legal question *per se*, but rather is incorporated into a variety of FMHA across criminal and civil forensic contexts. The role of risk assessment in a given evaluation ranges from paramount (e.g., assessing the credibility of direct or implied threats, the civil commitment of sexually violent predators) to comparably important with other questions (e.g., juvenile decertification, release decision making, capital sentencing, child custody), to nonexistent (e.g., *Atkins* evaluations, assessments of *Miranda* understanding, evaluation of civil and criminal competencies). Additionally, risk assessment is prospective; where most FMHA focuses on past thoughts and behaviors (e.g., mental state at the time of the offense, or criminal responsibility) or current functioning (e.g., current understanding of legal process, as in competence to stand trial), risk assessment involves appraising the propensity for future behavior. This can incorporate a variety of outcome periods, from long-term predictions of behavior (i.e., “traditional” risk assessment) to the shorter-term assessment of specific circumstances, such as the assessment of specific threats (see below for further discussion).

Due to the increasing prominence of risk assessment in FMHA, it will be addressed through four case reports in this chapter. The principle applied to the first case addresses the importance of identifying forensic issues as they apply to both the broad and the specific aspects of the legal question in a given case. The teaching point associated with the first case describes the role played in risk assessment of a specific model of risk assessment and management (i.e., the Risk/Need/Responsivity model; Andrews & Bonta, 1998). Second, a case report is provided that exemplifies the importance of conducting these evaluations under proper conditions, with a teaching point that addresses how to determine whether conditions are “good enough.” The third case report

discusses the use of nomothetic data, which is derived from groups and applied through general laws to forensic assessment. The teaching point makes distinctions between idiographic data and nomothetic data, elaborating further on combining these types of data in FMHA. A second teaching point is included from the contributor of this report regarding how different approaches to risk assessment can inform the evaluation. Finally, the principle preceding the fourth case report concerns relevant historical information in FMHA, while the teaching point is focused on how limited access to historical information can restrict the measures available to evaluators in FMHA generally, and risk assessment specifically.

CASE ONE

PRINCIPLE: IDENTIFY RELEVANT FORENSIC ISSUES (PRINCIPLE 8)


This principle is discussed in more detail in Chapter 9 (this volume), so we move directly to a discussion of how the present report illustrates this principle.¹ By definition, every forensic mental health report is relevant to one or more legal issues, and a fundamental principle of forensic mental health assessment is that evaluators should understand the law as it relates to the assessments they conduct. In this case, we conducted a workplace violence risk assessment. The primary legal issue here was related to occupational health and safety law. In the jurisdiction where the evaluation was conducted, the employer had a specific statutory duty to take reasonable steps to assess and manage risk for violence in the workplace. Even if there was not an explicit statutory duty, the employer had a more general duty to stop employees

¹ The discussion for this principle is provided by Stephen Hart, PhD, and Kelly Watt, PhD, who also conducted the evaluation for this case.

from perpetrating violence under the doctrine of *respondeat superior*, according to common law in the jurisdiction. Finally, case law with respect to employment in the jurisdiction held that the employer had a general duty to investigate and report suspected criminal activity.

Clearly, employers in the jurisdiction had not only the legal authority to consider their employees' risk for workplace violence—they also had the responsibility to do so. But case law with respect to employment in the jurisdiction also noted that workplace violence risk assessments should not be undertaken unless there are reasonable grounds to do so. Workplace violence risk assessment is an inherently intrusive process, insofar as it involves invasion of privacy (e.g., gathering information about the employee's psychosocial functioning that might not otherwise be required for the purpose of employment). Also, workplace violence risk assessment may be coercive (e.g., participation may be required as a condition of continued employment) and can have serious consequences (e.g., up to and including dismissal or police involvement). Accordingly, the first thing we did when the employer contacted us was to determine whether such an assessment was reasonably necessary. This preliminary evaluation (or *triage*) involved reviewing the nature of complaints. The outcome was that we concurred with the employer that there were reasonable grounds to be concerned the employee might pose a risk to health and safety through perpetration of violence.

Statutory and case law with respect to employment in the jurisdiction also guided the nature and process of workplace violence risk assessment. For example, according to statutory law, employers had a duty to accommodate mental disorder. This duty was limited, however, as employers were only required to take reasonable steps to accommodate it (i.e., "reasonable" in light of the prospects for effective treatment of the mental disorder and the severity of the violence the employee might perpetrate). For this reason, we used procedures that allowed us to consider the possible role of mental disorder, develop a formulation of violence risk, consider scenarios of future violence, and identify potentially effective management strategies. Another example is that case law with respect to employment held that mental disorder should be assessed by an independent mental health professional—not someone hired by the employer to do a workplace violence risk assessment. For this reason, we were careful

to base our findings and opinion with respect to mental disorder on information provided by the employee and by an independent mental health professional. We also noted that the employee (and the union, representing the employee) declined further assessment by an independent mental health professional, and that we did not observe obvious signs of a  or serious mental disorder.

March 31, 2014

Ms. Kendra Kesler

Transportation Safety Enforcement Branch

Department of Public Safety

Re: Mr. Darcy Webb

Dear Ms. Kesler,

Per your request, we have completed a workplace violence risk assessment of Transportation Safety Enforcement Branch (TSEB) employee Mr. Darcy Webb, due to concerns he may pose a risk to the health and safety of other employees at the TSEB. Our findings and opinions are summarized below.

The assessment was based on the following sources of information.

Records pertaining to Mr. Webb, including a copy of Mr. Webb's résumé; correspondence to and from Mr. Webb; complaints made by and about Mr. Webb; photographs of Mr. Webb's office; a TSEB Workplace Assessment Report dated October 23, 2007; notes of a meeting related to concerns about Mr. Webb's behavior, dated December 23, 2013; a Request for Fitness for Duty Evaluation of Mr. Webb, dated January 8, 2014; and the outcome of the Fitness for Duty Evaluation, dated March 15, 2014.

A telephone interview with Mr. Webb, Transportation Safety Enforcement Officer, lasting about two hours, on March 24, 2014 (summarized in Attachment A [following this Case Report]).

Telephone interviews with five TSEB employees (see Attachment B [also following this Case Report]):

Employee #1, lasting 2 hours 15 minutes, on March 11, 2014.

Employee #2, lasting 1 hour, on March 14, 2014.

Employee #3, lasting 1 hour 30 minutes, on March 15, 2014.

Employee #4, lasting 1 hour 30 minutes, on March 16, 2014.

Employee #5, lasting 1 hour, on March 17, 2014.

Interviews did not take place with the majority of current employees because they did not wish to go on record with respect to Mr. Webb's conduct.

With respect to our qualifications....²

METHOD

For the purpose of this report, *violence* is defined as actual, attempted, or threatened physical harm of another person, including intimidation or fear-inducing behavior such as stalking. *Workplace violence* is violence that occurs in the workplace or is targeted at people due to their association with the workplace. These definitions encompass acts that would constitute criminal offences against persons, as well as other offences that are committed to further violence. These definitions are also consistent with state occupational health and safety legislation.

Workplace violence risk assessment is the process of evaluating people to characterize the risks that they will commit workplace violence in the future (e.g., the nature, severity, imminence, frequency, and likelihood of future workplace violence), as well as the steps that could be taken to minimize these risks.

There are two basic methods of conducting workplace violence risk assessments. First, the *discretionary approach* involves consideration of the totality of circumstances in the case at hand. This approach may involve reference to professional guidelines. It is used in virtually all workplace violence risk assessments. Second, the *non-discretionary approach*, sometimes referred to as *actuarial risk assessment*, involves consideration of a limited number of factors that are combined according to a fixed and explicit algorithm. It creates a statistical profile of the person that may be compared to known groups of recidivistic and non-recidivistic violent offenders. It is most often used as an adjunct to discretionary approaches. For the purpose of preparing this report, we used the discretionary method, conducting a comprehensive violence risk assessment according to the professional guidelines outlined in Version 2 of the Historical-Clinical-Risk Management Guide or HCR-20 (Webster, Douglas, Eaves, & Hart, 1997). (Below, we present general finding and opinions;

² In the original report, we provided a one-paragraph bio-sketch of each evaluator. This paragraph is redacted here to save space.

details of findings and opinions specifically with respect the HCR-20 are presented in Attachment C [following this Case Report]).

FINDINGS

For the purpose of forming opinions, we have assumed the following facts to be true, based on the information we reviewed. Most of the findings reflect reports corroborated by multiple sources, or reports by Mr. Webb that were undisputed and whose credibility we had no reason to question. When findings reflect disputed reports, we present the reports and discuss their credibility.

Mr. Webb was born on August 26, 1968, and is currently about 45 years old.

Mr. Webb has good work skills. He was described as intelligent, a good writer, and a skilled artist. He was employed as a retail sales clerk, freelance artist, and firefighter prior to commencing work at the TSEB in 2002.

The work unit at the TSEB in which Mr. Webb was employed since 2002 had some systemic (i.e., chronic and widespread) difficulties with conflict, which adversely affected him and others.

There is no indication that the systemic difficulties and conflict accounted for Mr. Webb's problems with respect to employment outlined below.

Mr. Webb has some serious problems with respect to his employment at the TSEB, apparently unrelated to or distinct from the systemic conflict discussed previously. Records and interviews indicated these included but were not limited to the following:

- Problems related to attendance: He avoided attending mandatory staff meetings, was absent for several days without explanation, failed to call in sick by an acceptable time, and took flex time without permission. He had received verbal warnings about these problems in the past (e.g., in 2007 and 2013).
- Problems getting along with supervisors: He refused to comply with their direct orders (e.g., signing a performance evaluation, opening his office door and blinds, carrying out assigned tasks), challenged their authority to give directions (e.g., "What gives you the right to tell me what to do?"), walked out of meetings with them, and spoke in a disrespectful way to and about them (e.g., calling them "lazy shits"). He complained that they

treated him differently from others and failed to recognize his positive contributions.

- Problems getting along with other co-workers: He was unable or unwilling to work with many other co-workers as part of investigative teams, which contributed to his productivity problems. Specifically, he worked on a limited number of files over the past five years, all of which have been discontinued, and has no active investigations. He made both formal complaints (e.g., in 2008 and 2012) and informal complaints (e.g., in 2005, 2007, 2008, and 2010) of mistreatment by co-workers. For example, he complained about co-workers' harassing or bullying him by eavesdropping on personal conversations, making insulting and discriminatory statements about him, speaking to him in a disrespectful manner, tampering with or damaging his office property, making vexatious or false complaints against him, and physically assaulting him.
- Had a pattern of conduct that might reasonably be perceived by supervisors and co-workers as intimidating and fear-inducing: This pattern of conduct continued despite repeated requests from and warnings by supervisors to desist during at least the past year and a half, although no formal disciplinary actions were taken in response. Co-workers and supervisors expressed serious concern for their safety stemming from the pattern of conduct. They took protective actions such as un-listing their phone numbers, changing their work clothes, and re-arranging office furniture to facilitate escape in the event he were to attempt to attack them; avoiding working alone with him; and seriously contemplating taking more serious security measures of a life-changing nature.

The pattern of conduct included incidents such as the following:

- He posted pictures on his office walls, placed objects on his office desk, and showed drawings to co-workers and supervisors with violent themes. For example, one of the posters in his office made reference to skulls being split; one of the objects on his desk

was a human figure labeled "Team Work" hanging from gallows by a noose; and some of the drawings he has shown co-workers and supervisors have involved skulls, skeletons, weapons, and violent acts. He also talked about resolving conflicts in a way that others interpreted as supporting or condoning the use of violence. For instance, he stated, "Violence is grossly underrated as a conflict resolution tactic."

- He behaved in an angry and aggressive manner. He swore at, made disrespectful statements about, and spoke in a raised voice to co-workers and supervisors, and was observed doing the same to others during telephone calls. He glared, stared, gritted his teeth, clenched his fists, flexed his arm muscles, and pointed fingers at co-workers and supervisors.
- He made statements that were interpreted by others as vague, indirect, or conditional threats. For example, on April 20, 2012, while taking part in the execution of a search warrant, he perceived the comments of a co-worker as harassing and challenged him to a physical fight, raising his fists and stating, "If you know me, you should know what I am capable of," and "If you have a problem with me, let's resolve it right here, man to man." This incident was reported by the co-worker at the time and subsequently discussed with Mr. Webb in a meeting with a supervisor on July 28, 2013. On March 4, 2013, when speaking with a supervisor about working with others, he stated, "If someone gets hurt, it won't be me." On August 28, 2013, when speaking with a supervisor about taking part in a team-building exercise he stated, "I will slap down anyone who gets in my face in the workplace," and "If I win the lottery, heads will start rolling."

Mr. Webb has problems with awareness or, alternatively, with self-justification in respect to conflict with supervisors and co-workers. On one hand, there are many reports of conflict involving his relations with supervisors and co-workers, as outlined above, that resulted in his making numerous complaints. He also reported experiencing significant distress (e.g., "pain and suffering") as a result of this conflict, was observed by supervisors to be

experiencing stress, and was referred to interventions to assist him in coping with stress (e.g., to seek assistance from his general practitioner or the Employee Assistance Program and to take part in “Workplace Stress Management Course” on April 30, 2013). On the other hand, he characterized his problems getting along with supervisors and co-workers as limited in nature or seriousness. He acknowledged problems with only two supervisors, and placed the responsibility for the problems entirely on them. He referred to them as “liars” for whom he had no respect and who he believed might be colluding to convince him to leave his job. He reported only normal or ordinary problems with co-workers. Although he acknowledged filing grievances against “a couple” of co-workers in the past and sending emails of complaints about others, he denied this constituted a pattern of conflict. He flatly rejected the possibility that he ever engaged in behavior that might reasonably have caused others to fear for their safety, and dismissed the reports and concerns of others as lies, insinuations, or unsubstantiated claims.

Mr. Webb reported he does not have problems with physical health, mental health, or substance use. His self-report is consistent with the findings of the recent Fitness for Duty Evaluation, which concluded he did not suffer from a mental disorder that might affect his job performance. He declined the offer to undergo further assessment of his mental health, as he believed it was unnecessary in light of the findings of the recent Fitness for Duty Evaluation. He refused to answer detailed questions in this area, as he believed they were inappropriate or irrelevant.

Mr. Webb reported that he does not have problems with personal or social functioning that might be relevant to understanding his employment situation, past or present. He refused to answer detailed questions in this area, as he believed they were inappropriate or irrelevant.

Mr. Webb reported he does not expect to return to his current work unit but rather to be transferred to another position. He has filed multiple grievances related to his current absence from the workplace and referrals for assessment, and expects to receive written apologies from supervisors and monetary compensation for the pain and suffering he has experienced. He does not expect any conflict with supervisors after he is transferred. He refused to answer detailed questions in this area, including

how he would react if he returned to his current work unit, as he believed they were inappropriate or irrelevant.

OPINIONS

Based on the facts outlined above, it is our opinion that Mr. Webb has a history of workplace violence in the form of a pattern of conduct that reasonably caused others to experience concern for their safety. He has for some years and on an intermittent basis engaged in intimidating and fear-inducing behavior. It is important to point out, however, that although he was requested and directed to desist from this behavior during at least the past year and half, no disciplinary action was taken. Also, it is important to point out that although this behavior caused some significant or moderate psychological harm, it did not escalate to explicit threats of harm or to attempted or actual physical harm.

The causes of Mr. Webb’s workplace violence are unclear. This is in part because he did not acknowledge any history of workplace violence or, indeed, any history of significant conflict with co-workers, other than supervisors. Also, he declined to provide information about his past and current functioning that might have helped us understand the reasons for his employment problems, and we were unable to obtain this information from other sources. Although mental health problems may play a causal role with respect to workplace violence in some cases, in this case there is no good evidence that it does: Mr. Webb denied any history of mental disorder, and the recent Fitness for Duty Evaluation concluded he does not suffer from any mental disorder that might affect his work performance. This suggests the causes of his workplace violence may include some combination of interpersonal conflicts, situational stresses, and attitude and personality problems that are not symptomatic of mental disorder.

If Mr. Webb commits workplace violence in the future, the most plausible scenario is a continuation of his past intimidating and fear-inducing behavior. In this scenario, Mr. Webb returns to work, continues to experience conflict with supervisors and co-workers, and then yells or swears at them, possibly even approaching them in an aggressive manner or making vague, indirect, or conditional threats. Such behavior would probably cause others to experience reasonable concern for their safety,

but is unlikely to escalate to attempted or actual physical harm unless there is a major exacerbation of his conflict with supervisors and co-workers. Overall, if he returns to his current work unit, the likelihood of this scenario appears to be high due to the continuing conflict with supervisors and co-workers and the frequent and persistent nature of his conduct problems in the past; if he is transferred to another position and any future conflict with supervisors and co-workers is appropriately addressed and managed, the likelihood of problematic conduct would probably be lower. This would be an important management strategy to mitigate his risk towards current co-workers and supervisors.

In light of the opinions outlined above, we are not optimistic about the possibility of effective management of the workplace violence risk posed by Mr. Webb if he returns to his current work unit. That is, we do not believe there are any reasonable steps that could be taken by the TSEB to help Mr. Webb return to work in a manner that protects the health and safety of people in the workplace. First, because the causes of his past workplace violence are unclear, it is also unclear what could be done to prevent future workplace violence. Second, because he has serious problems getting along with supervisors, he is unlikely to heed their suggestions and follow their directions, even when appropriate or potentially helpful.

Finally, in light of the opinions outlined above, we are somewhat more optimistic about the possibility of effective management of the workplace violence risk posed by Mr. Webb if he is transferred to another position. If his workplace violence was simply the result of interpersonal conflicts and situational stresses, the risk should be lower in a new position. But if his workplace violence was due in part to dispositional characteristics such as attitude and personality problems, then the risk may be the same as if he were returned to his current work unit. For this reason, we recommend the following management strategies to help mitigate any risk he poses if transferred to another position:

1. Directing him to have no further direct or indirect contact with his current co-workers or supervisors.
2. Entering into a behavioral contract to desist from problematic workplace conduct in the future. This behavioral contract should

include a number of specific management strategies, including, but not limited to, direction to have no further direct or indirect contact with his current co-workers or supervisors, and direction to not attend the building where the TSEB is located.

3. Developing a plan for regular monitoring of his workplace conflict and conduct by supervisors, as well as regular assessment.
4. Respectful workplace coaching or training to help him deal more effectively with conflict with supervisors and co-workers.

LIMITATIONS

A workplace violence risk assessment is only as good as the information on which it is based. In this case, missing information may have adversely affected the reliability of our findings and opinions; in general, missing information is likely to result in the failure to detect risk factors that are actually present and, subsequently, an underestimation of any risks posed.

Also, workplace violence risk is dynamic. Please contact us if new and potentially relevant information comes to light, and we can advise whether this would lead to any substantive change in our findings or opinions. In particular, please contact us if information comes to light indicating there was a major exacerbation of his conflict with supervisors and co-workers or if he continues to engage in workplace violence.

We invite you to contact us once a decision has been made regarding Mr. Webb's future at the TSEB, so we have the opportunity to discuss further with you strategies to mitigate his workplace violence risk.

Thank you for the opportunity to assist in this matter. Please contact us if you have any questions.

Sincerely,

Stephen D. Hart, PhD, and Kelly A. Watt, PhD
Attachments:

- A: Summary of Interview with Mr. Webb
- B: Employees Who Participated in Personal Interviews
- C: Summary of Findings With Respect to the HCR-20

Attachment A

Summary of Interview with Mr. Webb
Mr. Webb took part in a telephone interview with Dr. Stephen Hart and Dr. Kelly Watt on March 24,

2014. He was accompanied by his union representative, Ms. Minny Malhotra. The interview lasted about two hours in total. We briefly explained the nature and purpose of the interview, including the facts that he was not obliged to answer any questions that he was not comfortable answering, and that the interview was limited with respect to confidentiality. Mr. Webb stated he understood this information and gave his consent to proceed.

Mr. Webb refused to answer detailed questions or provide other information related to personal or social functioning; physical health, mental health, and substance use problems; and future plans. His explanation for refusal was that he believed these questions were inappropriate or irrelevant. When discussing problems related to his employment, he blamed others for any problems he experienced, claimed to have no recollection of making complaints, and denied any pattern of conflictual relations. He denied ever engaging in any previous violence or fear-inducing behavior and dismissed reports and concerns others had for their safety as lies, insinuations, and unsubstantiated claims.

Attachment B

Employees Who Participated in Personal Interviews
[REDACT PRIOR TO DISTRIBUTION]

- Employee #1 Mr. Andrew A., Assistant Deputy Commissioner
- Employee #2 Ms. Katy B., Deputy Commissioner
- Employee #3 Ms. Christine H., Deputy Commissioner

- Employee #4 Mr. Kristoff T., Senior Transportation Safety Enforcement Officer
- Employee #5 Mr. Daniel H., Assistant Deputy Commissioner

Attachment C

Summary of Findings With Respect to the HCR-20

The HCR-20 is a set of structured professional guidelines for assessing risk for general violence. Evaluators use the guidelines to identify the presence and relevance of 20 basic risk factors for general violence reflecting characteristics of the perpetrator: 10 are *historical* factors, reflecting criminal history and psychosocial adjustment; 5 are *clinical* factors, reflecting recent or current functioning; and 5 are *risk management* factors, reflecting anticipated adjustment in light of plans for the future. Ratings are based on interview and case history materials. The factors in the HCR-20 are listed below. We are familiar with the development and use of the HCR-20: Dr. Hart is one of its developers, and Dr. Watt has been trained in the use of the HCR-20, both Drs. Hart and Watt have conducted research evaluating its usefulness and have trained professionals in its use, and Dr. Hart has given expert testimony about it and based on it.

With respect to presence ratings based on Mr. Webb’s history, we rated 2 historical factors (H1 and H4), 2 clinical factors (C1 and C2), and 2 risk management factors (R1 and R5) as definitely present. We rated 1 clinical factor (C4) and 2 risk management factors (R2, R4) as possibly or partially present. We rated the remaining risk factors as not present either in the past or recently.

FACTORS IN THE HCR-20

Historical Factors	Clinical Factors	Risk Management Factors
Previous violence	Lack of insight	Plans lack feasibility
Young age at first violent incident	Negative attitudes	Exposure to destabilizers
Relationship instability	Active symptoms of a major mental illness	Lack of personal support
Employment problems	Impulsivity	Noncompliance with remediation attempts
Substance use problems	Unresponsive to treatment	Stress
Major Mental Illness		
Psychopathy		
Early Maladjustment		
Personality Disorder		
Prior Supervision Failure		

As the HCR-20 is an *aide mémoire* or checklist designed to assist clinical evaluations; it cannot be used to make quantitative estimates (i.e., probabilistic predictions) of risk for general violence.

TEACHING POINT:

THE ROLE OF RISK-NEED-RESPONSIVITY IN CONTEMPORARY THREAT/RISK ASSESSMENT

Contemporary threat and risk assessment (see the next teaching point for a distinction between the two) is typically concerned with three questions.

- How serious is the threat? (This takes into account both the likelihood that it will be carried out and the nature of the harm that would occur if it were.)
- What needs does the person have that are related to the threat's occurrence?
- What interventions are available and appropriate to address these needs and otherwise manage the threat?

These questions closely parallel the three areas of *risk, need, and responsivity* that are the constituents of RNR (Andrews & Bonta, 1998). In a workplace threat assessment like that in the current case, the answers to these questions can help inform the recommendations made to the organization requesting the evaluation. That organization has three major options in such cases. They can:

1. Retain the individual in the workplace while implementing relatively minor interventions (e.g., clarifying misunderstandings, advising employee and perhaps supervisors about interactions, perhaps adjusting work shifts);
2. Retain the individual in the workplace with major interventions (e.g., counseling and possibly medical evaluation for employee; time away from work) with the possibility of dismissal if those interventions are not effective; or
3. Dismiss the employee while taking appropriate steps to be humane and respectful to that employee while also ensuring the safety of the organization's other employees.

Information provided in each of the three RNR-type areas can be valuable in conceptualizing and structuring the evaluation. This approach can also help in effective communication with organizations regarding their alternatives.

CASE TWO

PRINCIPLE: ENSURE THAT CONDITIONS FOR EVALUATION ARE QUIET, PRIVATE, AND

DISTRACTION-FREE (*PRINCIPLE 22*)

This principle is addressed in more detail in Chapter 20 (this volume), so we focus on how the present report illustrates the principle. The report indicates that the evaluation took place at the Psychological Clinic. Such a clinic would be set up to ensure that evaluations could be conducted without undue distraction, and with attention to privacy and noise considerations. Conducting an evaluation under ideal (or relatively ideal) circumstances helps alleviate concerns about the impact of the evaluation setting on the validity of the test results. Such a setting would also presumably be structured to ensure the safety of the evaluator and examinee.

Evaluators performing FMHA in secure hospitals, detention centers, jails, and prisons often encounter conditions that are far from ideal. This principle prompts the forensic clinician to consider whether any of the needs for privacy, quiet, or freedom from distraction are addressed so poorly that the results of the evaluation could be compromised. In addition, there are some matters discussed during certain evaluations that could put the evaluatee at risk of harm by others if privacy were compromised and the discussion overheard. When one of these conditions is unacceptably poor, the evaluator must take steps to ensure either a more acceptable setting in which to move the evaluation at present—or return on another day, when alternative evaluation conditions have been approved.

Confidential Psychological Evaluation

Name: Johnny Williams
 Birthdate: January 2, 1999
 Examiner: Dewey Cornell, Ph.D.
 Report Date: April 1, 2012

PURPOSE OF EVALUATION

Johnny is a 13-year-old student at Apple Middle School who was referred for a threat assessment by the school principal because he threatened to shoot the assistant principal and a teacher. Johnny has been suspended from school, but the school board is willing to reconsider the length of his suspension pending the outcome of a psychological evaluation.

CONSENT

This evaluation was undertaken at the request of the school principal. Johnny and his mother were interviewed at the Psychological Clinic on March 5, 2012. I informed them of the purpose of the evaluation and that a report would be submitted to them and to the school principal. Both agreed to participate and signed the permission form as well as release forms to obtain additional information.

SOURCES OF INFORMATION

1. Interview and psychological testing with Johnny Williams on March 5, 2012; 5 hours
2. Interview with Johnny's mother on March 5, 2012; 90 minutes
3. Telephone interview with school principal on March 7, 2012; 45 minutes
4. Telephone interview with assistant principal on March 8, 2012; 30 minutes
5. Telephone interview with therapist at Community Counseling Center on March 8; 30 minutes
6. Behavior Assessment System for Children (BASC) Parent Rating Scales (BASC-PRS) completed collaboratively by Mr. and Mrs. Williams; Self-Report of Personality-Adolescent (BASC-SRP-A) completed by Johnny
7. Millon Adolescent Clinical Inventory (MACI) completed by Johnny
8. Spielberger State Trait Anger Expression Inventory-2 (STAXI-2) completed by Johnny
9. School records, including prior records from elementary school (42 pages)
10. Community Counseling Center records (8 pages)

BACKGROUND INFORMATION

Family History

Johnny is the younger of two children born to Father, 38, and Mother, 35. Mr. Williams works

for a construction company, and Mrs. Williams is an administrative assistant. According to the Williamses, Johnny's early development was unremarkable. They described him as a very active child who tends to be impulsive and somewhat clumsy. They reported no serious misbehavior at home.

Johnny has a close relationship with his older brother and looks up to him. Notably, Johnny was quite distressed when his brother left home to join the military earlier this year. As a parting gift, his brother gave Johnny the hand-held video game that was confiscated at school. His parents feel that Johnny reacted so strongly to school authorities who confiscated the video game because of his attachment to his older brother.

According to his parents, Johnny spends much of his free time playing video games on a computer at home. Most of the games he plays are first-person shooter or quest games with a violent theme. Johnny has no history of fighting or similar aggressive or destructive behavior. His father has a hunting rifle at home. Johnny has fired it at a rifle range with his father, but has never handled it with his father's supervision. He enjoys reading about military weapons on websites and hopes to follow his brother in joining the military when he is 18.

School History

When Johnny started elementary school, his teachers reported that he did not sit still and was often out of his seat or talking when he should be quiet. Johnny's family moved after second grade and then again after fourth grade, so that he attended three different schools. In the sixth grade, Johnny was referred for a psychological evaluation due to poor grades, concerns about his organizational skills, difficulty remaining on task, and frequent absences from school. The school psychologist found that Johnny's cognitive abilities were in the high average range, and his achievement scores were commensurate with his abilities, although his grades were not. She noted no social or emotional problems in her evaluation, and attributed his academic difficulties to poor attendance, lack of motivation, and weak study skills. Johnny was found to be ineligible for special education services.

During the seventh grade, Johnny's parents took him to the Community Counseling Center where he was diagnosed with attention deficit disorder, inattentive type. According to Mrs. Williams, a physician prescribed medication to treat Johnny's

attention problems. It appeared to help him in his schoolwork, but caused him to have difficulty sleeping at night. The medication was changed, but he continued to have sleep difficulties, so his parents stopped the medication.

During the eighth grade, Johnny's grades began to drop from Bs and Cs to Cs and Ds. In addition, Johnny missed approximately one day per week of school and often failed to turn in his homework.

Johnny's discipline record showed no problems with fighting, threatening, or disruptive behavior prior to the present incident. He has not previously been suspended from school or sent to the principal's office.

Since being suspended from school, Johnny has been seeing a therapist at Community Counseling Center and has attended three sessions. His therapist reports that Johnny is upset that he was suspended from school and wants to return to school. He feels that his punishment was "not fair," but denies any intention to shoot the assistant principal or teacher. He has told his therapist, "I was mad and I didn't mean it."

Threat Information

According to school reports and interviews with the principal and assistant principal, Johnny was observed playing a hand-held video game in the school cafeteria during lunchtime. Because video games are not permitted at school, a teacher reprimanded Johnny and sent him to the assistant principal, who confiscated the game. Later that day, two students reported to a teacher that Johnny was talking about "killing Mr. X (the assistant principal) and Mrs. Y (the teacher)." A third student said that Johnny was crying in class and that when the student asked Johnny what was wrong, Johnny replied, "I already told everybody what was wrong and I told everybody what I was going to do about it. I've got bullets for both of them." The principal notified Johnny's parents and told them to keep him at home until the school determined how to respond to the threat. The following week, the County School Board imposed a 365-day school suspension. Subsequently, the Williams were told that the school board would reconsider the length of the suspension if Johnny were to undergo a psychological evaluation.

MENTAL STATUS EXAM AND DIAGNOSTIC FINDINGS

Johnny was interviewed at the Psychological Clinic for approximately five hours. He is a thin,

Caucasian 13-year-old boy who wears glasses and appears younger than his actual age. Johnny was friendly and articulate during initial introductions. He easily engaged in conversation about computer games and the military. Johnny seemed to enjoy telling stories about his experiences playing computer games and describing what he knew about military firearms, grenades, and tanks.

Contrary to reports that Johnny has difficulty staying on task and concentrating, he was focused and engaged throughout the day. He followed directions without needing them repeated and showed no signs of fidgeting or distractibility. He remained on task in completing a series of self-report inventories with several hundred questions.

Johnny completed the Millon Adolescent Clinical Inventory (MACI), an objectively scored personality test. His personality profile was notable for symptoms of anxiety and depression. He identified "fearful/worrying" and "schoolwork" as the problems that are troubling him the most. In addition, he endorsed items on the MACI such as "It is not unusual to feel lonely and unwanted," and "I feel lonely and empty most of the time." When asked about these items, Johnny replied, "Well, I don't have a whole lot of friends because we have moved a lot, but now that I don't go to school, I don't have any friends." His endorsement of questions on the State Trait Anger Expression Inventory-2 showed no unusual degree of anger.

Johnny's parents completed the Behavior Assessment System for Children (BASC). The BASC is a questionnaire designed to identify and differentiate a variety of emotional and behavioral difficulties. Mr. and Mrs. Williams's ratings of Johnny's behavior indicated problems with attention, somatization (complaints about health), and withdrawal. Johnny's self-report on the BASC did not identify any problem areas outside of the normal range.

Threat Assessment Findings

This evaluation makes use of the Virginia Student Threat Assessment Guidelines (Cornell & Sheras, 2006), which is a threat assessment model based in part on the conclusions and recommendations of the Federal Bureau of Investigation (FBI) and U.S. Secret Service studies of school shootings (Fein et al., 2002; O'Toole, 2000; Vossekuil, 2002). These studies make a critical distinction between *making a threat* and *posing a threat*. Many persons will make a threatening statement but not necessarily pose a

threat to others. It is critical to determine whether the person is engaging in behaviors that indicate he or she is planning and preparing to carry out the threat.

Johnny was initially reluctant to talk about the threat incident. However, when I read statements from other students about the threat incident that quoted Johnny as saying he was going to kill the assistant principal and a teacher with a gun and had bullets for them, Johnny replied, “Yeah, I said something like that.”

When asked how he would have killed the principal, he replied, “I’m not sure, I didn’t have any plan, I just said it.” When asked why he wanted to kill the principal, Johnny responded, “I never *wanted* to kill him.” He then explained that he did not *want* to kill anyone, but that he was upset because he had lost the video game. He claimed that a teacher had confiscated a military magazine from him in sixth grade and never returned it, and he was afraid the same thing was going to happen with his video game.

Johnny said that he could not bear to lose the video game because his brother had given it to him as a going-away present when his brother joined the Army. He stated that since the principal had returned the game to his parents, he had no reason to kill anyone at school. His parents have not returned the game to him as punishment for taking it to school, but he is willing to accept this punishment because he knows he will get the game back eventually.

When asked whether there is a better way to have handled the confiscation of his video game, Johnny stated, “I know, I know, I shouldn’t have said I was gonna kill someone. Everyone gets freaked out and I’m sorry. I was just upset.” He related that his parents have told him that he should apologize to the assistant principal and the teacher he threatened. He said he is planning to write an apology with his therapist.

The most important consideration in conducting a student threat assessment is to consider whether the individual continues to pose a threat to carry out an act of violence. This evaluation uncovered no indication that Johnny continues to harbor angry feelings or desire to harm the persons he threatened. There is no indication that Johnny has undertaken any planning or preparation to harm the persons he threatened. Moreover, Johnny does not have a history of violent behavior.

The Virginia Student Threat Assessment Guidelines makes a distinction between transient threats and substantive threats. Transient threats are expressions of anger or frustration that do not convey a sustained intent to carry out the threat, whereas a substantive threat reflects a sustained intent to harm someone. Based on the information considered in this evaluation, Johnny’s threat is transient rather than substantive. His threat expresses his anger and frustration over losing his video game, but not a sustained intent to harm the persons he threatened.

Recommendations

In conclusion, Johnny does not appear to pose a threat of violence to the assistant principal or teacher at this school. He acknowledges making a threatening statement in a state of anger and frustration, but denies any intent to carry out the threat. There is no evidence of his engaging in any planning or preparation to carry out the threat. Several weeks have passed, and Johnny realizes that his threatening statement was inappropriate, and he is planning an apology. The video game has been returned, but his parents have withheld it from him because of his misbehavior, and Johnny has accepted this disciplinary consequence. Furthermore, Johnny’s parents have taken him for counseling. Under these circumstances, it is feasible to plan Johnny’s return to school. If the school board decides to permit Johnny to return to school, we recommend that Johnny and his parents agree to a plan for his return to school with the following components:

1. Johnny should make amends for his threatening statements by apologizing and explaining his behavior to the persons he threatened. Johnny should promise not to use threatening language in the future. Johnny should also acknowledge that he broke school rules by taking the video game to school.
2. Johnny should meet with the school resource officer and the principal to review the legal and disciplinary consequences of making threats against others in order to reinforce his understanding of the seriousness of his behavior and commitment to appropriate behavior in the future.

3. It is possible that other students and parents will have questions about Johnny's return to school. Johnny's parents should give school authorities permission to share a general statement to assure them that Johnny has apologized for his misbehavior and that it is considered safe and appropriate for him to return to school.
4. The school guidance counselor should meet with Johnny and talk through how he might react if other students were to ask him questions or to tease him about his suspension. The guidance counselor should plan to check in with Johnny each day for the first week he returns to school and then less frequently as the counselor judges appropriate to monitor his adjustment. They should agree on a plan for him to contact the guidance counselor if there is an incident or problem that makes him angry or distressed.
5. Johnny's parents should give permission for school authorities to release appropriate information to the persons who were threatened and other school staff. This information should include the plan for Johnny's return to school, including information that he has apologized for his threatening statements, he has been disciplined by his parents, he has seen a therapist, and he has been evaluated by a psychologist who concluded that he did not pose a threat.
6. Johnny's parents should agree to contact the school guidance counselor to keep the counselor informed on how Johnny is doing and to notify the counselor immediately if there are any problems with Johnny's peers.
7. The school district should consider training threat assessment teams for its schools. Use of the Virginia Student Threat Assessment Guidelines will permit school-based teams to resolve most student threats in a safe and expeditious manner and make use of disciplinary consequences that do not require long-term suspensions.



Respectfully submitted,
Dewey G. Cornell, PhD
Licensed Clinical Psychologist

TEACHING POINT: HOW CAN THREAT ASSESSMENT BE DISTINGUISHED AS A FORM OF RISK ASSESSMENT?

(contributed by Dewey G. Cornell)

Historically, "threat assessment" has been used to describe activities ranging from an examination of a threatening letter to evaluation of an organization's vulnerability to attack (Dietz, 2012). In the forensic mental health field, threat assessment has emerged as a systematic approach to evaluating and responding to someone's threatening communications or behavior.

Threat assessment can be distinguished from other forms of risk assessment (Reddy et al., 2001). Threat assessments are concerned with the investigation of an immediate situation, such as a student who has threatened a classmate or an employee who has threatened a co-worker, whereas risk assessments typically are more open-ended and consider someone's risk of violence directed at anyone at any time. As the field matures, the global terms "threat assessment" and "risk assessment" may be replaced by terminology categorizing more specialized kinds of assessments.

Another important distinction is that risk assessments often rely on instruments designed to sum some combination of risk factors into a risk score. Such scores are problematic for threat assessment purposes. Much of the research on risk factors is concerned with *general* risk for violence at any time, which may not be useful in assessing the *immediate* risk to carry out a specific threat. The most important risk factors considered in a threat assessment may be much more situational and fluid in nature, such as an individual's willingness to resolve a conflict or dispute in a nonviolent manner and whether a targeted individual engages in conciliatory versus provocative behavior. A single factor such as recent acquisition of a firearm or evidence of planning or preparation to carry out an attack can have overriding significance, no matter what score the individual has on a lifetime-risk instrument.

Because threat assessment is more concerned with prevention than prediction, the process does not stop with the assignment of a fixed score, but leads to interventions and ongoing reassessments of risk until the threat is ended. Ideally a threat

assessment concludes when the problem or conflict that was the basis for the threat is resolved.

Threat assessment in school settings must consider that students frequently threaten one another, although most of these threats are not taken seriously and few are carried out (Nekvasil & Cornell, 2012). Complicating matters further, some school authorities may overreact to student threats and make use of “zero tolerance” policies to suspend or expel students for relatively benign misbehavior (American Psychological Association Zero Tolerance Task Force, 2008). As a result, student threat assessment must provide school authorities with a flexible and efficient means of discriminating the most serious cases from a multitude of less serious ones (Cornell & Sheras, 2006). A series of field-tests and controlled studies (Cornell, Allen, & Fan, 2012) found that school-based teams using the Virginia Student Threat Assessment Guidelines could quickly resolve the most common forms of transient student threats while focusing more attention and taking protective action in the more serious, substantive cases. Schools using the Virginia Guidelines had lower rates of school suspensions, less bullying, and more positive school climates than comparison schools. The Virginia Guidelines are the first form of risk assessment to be recognized as an evidence-based practice in the National Registry of Evidence-based Programs and Practices (NREPP; <http://www.nrepp.samhsa.gov/ViewIntervention.aspx?id=263>).

CASE THREE

PRINCIPLE: USE NOMOTHETIC EVIDENCE IN ASSESSING CLINICAL CONDITION, FUNCTIONAL ABILITIES, AND CAUSAL CONNECTION (PRINCIPLE 28)

This principle was discussed in detail in Chapter 2 (this volume), so we will move directly to the case report. The purpose of the evaluation was to (1) assess Mr. Starkey’s current emotional, behavioral, and cognitive functioning, (2) identify his current and future risk for violence; and (3) identify any treatment and habilitation needs. Consistent with this principle, the evaluator used several measures that have established levels of reliability and validity: Personality Assessment Inventory

(PAI), Psychopathy Checklist–Revised (PCL-R), and Historical-Clinical-Risk Management–20 (HCR-20). Moreover, the measures used by the evaluator have an empirical relationship to the forensic issues being assessed: the Montreal Cognitive Assessment (MoCA) is a screening measure for cognitive functioning; the PAI assesses emotional and behavioral functioning, which speaks to Mr. Starkey’s current clinical condition; and the PCL-R and HCR-20 were used to assess violence risk. In addition, an assessment of response style was administered (Paulhus Deception Scale, or PDS), which provides the evaluator with important information about the interpretability of the results of other testing.

FORENSIC PSYCHOLOGICAL EVALUATION

Name:	John Starkey	Dates of Evaluation:	11/29/10, 12/1/10
Age:	43	Date of Report:	12/11/10
Date of Birth:	1/15/67		
Education:	High School Diploma		
Marital Status:	Married		
Occupation:	Receiving Clerk		

REFERRAL QUESTION/NOTIFICATION

Mr. Starkey is a 43-year-old white male who was ordered by Judge Johnson to undergo a psychological evaluation. Documents provided by Mr. Starkey’s attorney indicate that he had been charged with criminal mischief, unlawful discharge of a firearm, and aggravated assault on a law enforcement officer based on allegations that—on October 1, 2010—he checked into a hotel, vandalized the room, and threatened a law enforcement officer who was called to the scene.

Mr. Starkey’s attorney reported that his client entered guilty pleas to all charges and was to undergo a psychological evaluation that was to (1) assess his current emotional, behavioral, and cognitive functioning; (2) identify his current and future risk for violence; and (3) identify any treatment and habilitation needs. His attorney further explained that treatment and habilitation recommendations would probably be incorporated in

a probation supervision plan that would be put in place by the court and the Florida Department of Corrections.

SOURCES OF INFORMATION

Mr. Starkey was evaluated at the Falkenburg Road Jail on November 29 and December 1, 2010. Upon our meeting, Mr. Starkey indicated that he had been told about the evaluation by his attorney. He was informed that the assessment was being conducted in anticipation of a sentencing hearing, and any information he provided might be included in a report that would be submitted to his attorney, the prosecutor, and the judge. Mr. Starkey indicated his understanding of the notification, agreed to participate in the evaluation, and signed a consent form noting this.

The following sources of information were considered when conducting the evaluation:

- Clinical interviews with the examinee (11/29/10, 1.0 hours; 12/1/10, 2.0 hours)
- Telephone interview with the examinee's mother, Delores Starkey (12/3/10, 0.8 hours)
- Telephone interview with the examinee's wife, Ceil Starkey (12/3/10, 0.75 hours)
- Telephone interview with examinee's co-worker and friend, Jeff Travis (12/3/12, 0.33 hours)
- Arrest reports and supporting documents (11/20/10)
- Court order authorizing forensic evaluation (11/20/10)
- Records of examinee's medical treatment (11/29/10, 12/15/10)
- Paulhus Deception Scale (PDS, 11/29/10)
- Montreal Cognitive Assessment (MoCA, 12/1/10)
- Personality Assessment Inventory (PAI, 11/29/10)
- Psychopathy Checklist–Revised (PCL-R, 12/1/10)
- Historical, Clinical, Risk Management–20 (HCR-20, 12/1/10)

CURRENT CLINICAL FUNCTIONING

John Starkey is a 43-year-old muscular white male who appears his stated age and has the appearance of a body builder. When evaluated at the jail, Mr. Starkey was well-groomed and dressed in

prison attire; his hair was cut short, and he wore glasses.

Mr. Starkey expressed himself well; his speech was well-paced, logical, and goal-directed; and there were no indications that the logic or form of his thought process was impaired by a mental disorder. Similarly, Mr. Starkey did not evidence any unusual ideas or beliefs indicative of delusional thinking (i.e., fixed, false beliefs attributable to a mental disorder), nor did he report any history of such beliefs. Mr. Starkey also reported no history suggestive of hallucinations (i.e., hearing or seeing things in the absence of external stimuli).

Mr. Starkey displayed a range of emotion during the evaluation, and his expressed emotion was always appropriate to and consistent with the content of his speech. He sometimes laughed (at appropriate times) and also adopted a more serious demeanor when appropriate. His attention and concentration appeared unimpaired, as did his memory for remote and recent events.

Mr. Starkey described himself as functioning well at and around the time of the evaluation. More specifically, he acknowledged experiencing symptoms of depression in the months preceding his arrest and thoughts of suicide immediately before he was jailed. He did, however, describe himself as feeling much better at the time of the evaluation and relayed no problems with mood, sleep, energy, or appetite. He also reported having no thoughts of harming himself or others at or around the time of the interview.

RESULTS OF PSYCHOLOGICAL TESTING

Mr. Starkey was administered a number of psychological tests, including the Paulhus Deception Scale (PDS), Montreal Cognitive Assessment (MoCA), Personality Assessment Inventory (PAI), Psychopathy Checklist–Revised (PCL-R), and the Historical-Clinical-Risk Management–20 (HCR-20).

Findings from the PDS, a structured self-report measure designed to assess an examinee's response style and approach to the evaluation, indicated an attempt on Mr. Starkey's part to portray himself in a positive light, along with overconfidence in his abilities and a lack of insight into his shortcomings and limitations. His performance on the MoCA—a screening measure of cognitive functioning—revealed no gross problems with attention, concentration, receptive language, expressive language, or memory.

Mr. Starkey was also administered the PAI, a structured self-report measure of emotional and behavioral functioning. Response style scales of the PAI indicated that Mr. Starkey was involved in the testing and responded to the items in a consistent manner, but there was evidence he made some attempt to portray himself in a positive light and deny shortcomings or problems (consistent with results of the PDS). Thus, although the PAI profile is interpreted, it may underestimate the degree of difficulties experienced by Mr. Starkey at the time of testing.

Mr. Starkey's PAI responses suggest that, at the time of testing, he was experiencing no difficulties with anxiety, depression, confused thinking, anger/irritability, paranoid or suspicious thinking, emotional lability, substance abuse, or health concerns. However, in his responses, Mr. Starkey did acknowledge some contemplation of suicide and self-injurious behavior.

Using data from collateral records and interviews with Mr. Starkey and his mother, the PCL-R—a measure designed to identify persons high in psychopathic traits—was scored. A total score of 7 places Mr. Starkey at the 4th percentile when compared to a sample of prison inmates and does not indicate the presence of a psychopathic personality style.

The HCR-20, a structured professional judgment tool, was used to ensure a comprehensive consideration of factors associated with violence. Risk factors that are present in Mr. Starkey's case (see discussion of these factors below) and that suggest a heightened risk for violence include a history of aggressive behavior, relationship instability, employment problems, substance abuse, depression, a lack of insight into the nature and extent of his emotional and substance abuse problems, negative attitudes toward treatment, marital discord, health concerns, financial problems, and employment concerns.

RELEVANT HISTORY

Family and Marital History

Mr. Starkey stated that he was born in and has always lived in Florida. He reported growing up in a middle-class neighborhood with his parents and brother, who is four years older than he. He described both parents in positive terms and stated that his mother was a homemaker and his father worked as a mechanic at an auto dealership. Although he

acknowledged being subjected to corporal punishment when younger, Mr. Starkey did not believe that this constituted abuse or inappropriate treatment, and neither he nor his mother indicated any family contact with child protective services.

Mr. Starkey reported marrying at the age of 37 and having no children. He acknowledged a one-year history of marital discord revolving around financial concerns, his wife's unfounded suspicions of infidelity on his part, and their mutual alcohol abuse. He noted, however, that his wife had not used any alcohol in the preceding year, and that he had decided that he would no longer consume alcohol as result of his most recent arrest. Mr. Starkey explained that his wife owned and managed a gym that was a financial liability insofar as she had earned less than \$10,000 annually for the preceding two years.

Educational History

Mr. Starkey reported graduating from high school and never having been retained, placed in special classes, or identified as having a learning disability. Mr. Starkey indicated he was never expelled but did describe once having been suspended in the eleventh grade for repeated tardiness. He described himself as an average student throughout school and opined that he probably could have obtained better grades if he had applied himself more. This history of academic performance and behavioral adjustment was largely corroborated by Mr. Starkey's mother in a phone interview.

Employment History

Mr. Starkey reported working in a variety of unskilled positions between the ages of 18 (when he graduated from high school) and 23. For the past 20 years, explained Mr. Starkey, he has worked at a gutter manufacturer (as a trailer-loader for the first eight years and as a shipping clerk since then). Mr. Starkey described his job as "good...excellent," and reported no history of workplace difficulties or sanctions. He expressed concerns, however, about whether he would continue to be employed given his recent arrest and contact he'd had with a work supervisor immediately before his arrest. Mr. Starkey explained that this supervisor, whom he considered a friend, had visited him while in jail and explained that he would be placed on administrative leave until a decision could be made about a possible return to work.

Medical History

Mr. Starkey described an unremarkable medical history with the exception of a year-long history of chronic pain he experienced since injuring himself while lifting weights. He reported that he had been diagnosed with a herniated disc and was contemplating surgery that had been recommended. Mr. Starkey indicated that his prescribed medication (Oxycodone) was helpful with controlling the pain, and indicated that he only took this medication as prescribed. Records provided by Mr. Starkey's family physician and psychiatrist corroborated his reported medical history, but also indicated a recent and current prescription for anti-anxiety medication (Ativan) for "general distress and poor sleep."

Psychiatric History

Review of jail medical records indicated that the defendant had been diagnosed with alcohol abuse and depressive disorder not otherwise specified upon entering the jail after his October arrest and has been prescribed antidepressant medication since that time. In a phone interview, the examinee's work supervisor and friend, Jeff Travis, expressed concerns about Mr. Starkey's increasingly depressed behavior in the months preceding his arrest.

Mr. Starkey described the antidepressant medication he has taken since his arrest as having improved his mood and outlook, and he indicated his intention to continue taking it upon returning to the community. In contrast, Mr. Starkey did not see himself as needing to participate in individual psychotherapy focused on his problems. Rather, Mr. Starkey seemed assured that these problems would remit as a result of him and his wife "making big changes" and having a newfound commitment to each other.

Mr. Starkey acknowledged experiencing some symptoms of depression in the months preceding his recent arrest, including subjective feelings of sadness, diminished energy, impaired sleep, low self-esteem, increased irritability, anhedonia, and a lack of self-confidence. He indicated that these symptoms increased in severity in the months before his arrest and, in combination with marital discord and disinhibition via alcohol intoxication, resulted in his contemplating suicide on the night of his arrest. However, Mr. Starkey remained adamant that he had never contemplated suicide other than the evening of his arrest. Mr. Starkey

described himself as "feeling much better" subsequent to his arrest, abstinence from alcohol, and newfound motivation to make significant changes in his life. However, he acknowledged that he and his wife were at risk of foreclosure due to missing mortgage payments, and he felt added financial pressure given concerns he could lose his job.

In a phone interview, Mr. Starkey's wife expressed concern about his depression, alcohol consumption, and use of pain and anxiety medications in the months preceding his arrest. Ms. Starkey described her husband as "self-medicating" and "in denial," and she noted that while she had urged him to get treatment for these problems, he had consistently refused to do so by minimizing their severity and extent. Ms. Starkey also described marital problems, which she attributed to her unfounded suspicions of her husband's infidelity, her and her husband's substance abuse, his "bullying" of her, chronic pain he experienced from a back injury, and financial problems that she attributed, in part, to her struggling business and his gambling. Ms. Starkey expressed her hope that her husband's arrest on the current charges was "the wakeup call he needed" and expressed her intention to remain in the marriage, contingent upon his getting treatment for his depression, substance abuse, and gambling problems.

Substance Use History

Mr. Starkey reported never using illegal drugs. He stated that that he first used alcohol at the age of 16 years, when he began drinking beer on weekends to the point of intoxication (typically 4 to 6 cans of beer, 1 to 2 times per week). He noted that this pattern of use continued until 12 months before the evaluation, when he began drinking more frequently (6 to 8 cans of beer, 3 to 4 times per week) in response to marital discord. Mr. Starkey acknowledged that his alcohol use had "probably" caused problems in his marriage and was related to his only two contacts with the criminal justice system, but he offered that he did not need substance abuse treatment since he had vowed to abstain from alcohol. Mr. Starkey reported never using steroids or other illegal substances in connection with his body-building regimen.

Gambling History

Although Mr. Starkey acknowledged regularly gambling at a local casino, he reported that he had no concerns about this behavior. Mr. Starkey

maintained that the losses he endured were “insignificant” insofar as they constituted no more than \$8,000 during the preceding 12 months, and he had won between \$8,000 and \$10,000 during the prior two years. In separate phone interviews, Ms. Starkey expressed her suspicions that her husband’s gambling losses were more significant than he relayed to her. Mr. Travis reported that gambling losses at a local casino combined with a pattern of alcohol abuse resulted in significant financial stress and marital discord for the examinee and his wife.

Criminal Justice History

Other than his current contact with the criminal justice system, Mr. Starkey reported that his only other arrest was for driving under the influence of alcohol in 2008, in response to which he pleaded no contest and was placed on probation, which he completed successfully. Mr. Starkey explained that this incident occurred when, after an argument with his wife, he left their home and was stopped by an officer when he failed to yield at a traffic light. Arrest reports provided for review indicated that the examinee was arrested after failing field sobriety tests; a Breathalyzer analysis revealed a blood alcohol level of 0.10. These documents further indicated that Mr. Starkey was placed on and successfully completed probation after pleading no contest to a charge of misdemeanor driving under the influence of alcohol.

CIRCUMSTANCES SURROUNDING THE INDEX OFFENSES

Mr. Starkey indicated that, in the hours preceding his arrest, he had been drinking alcohol and gambling at a local casino with friends and, upon returning home, he got into an argument with his wife about their finances. He explained that his wife kicked him, and, in response, he slapped her. After his wife threatened to report the incident to law enforcement, he reported leaving their home, buying a fifth of rum, checking into a hotel, drinking, and taking prescribed pain medication. Mr. Starkey noted that, as he became intoxicated, he became increasingly despondent about his financial and marital problems, and he contemplated suicide as a result. He acknowledged that he shot the television and mirror in his room with a handgun that he typically used at a gun range (and kept in the glove compartment

of his car), and then he communicated his intent to harm himself via text messages to his wife and Mr. Travis. When police arrived at the scene and called his room, Mr. Starkey threatened to shoot them and then himself. He then reported surrendering to police.

Ms. Starkey corroborated much of the account offered by her husband. She acknowledged that he came home intoxicated and, during an argument over finances, she kicked him and he hit her in response. She indicated that, a few hours after he left their home, she began to get text messages from him in which he identified where he was staying and his intention to harm himself. In response, she called local law enforcement.

The arrest report indicated that the police responded to the hotel after receiving a call from Mr. Starkey’s wife indicating that he was intoxicated, staying at the hotel, and intended to commit suicide. Officers noted that, in a phone call with them, Mr. Starkey threatened to shoot them and himself. The report detailed that he eventually surrendered without incident, after which he was examined at the local hospital and eventually transported to the county jail.

SUMMARY AND RECOMMENDATIONS

John Starkey is a 43-year-old white male who, upon pleading guilty to charges of criminal mischief, aggravated assault on a law enforcement officer, and unlawful discharge of a firearm, was ordered to undergo a psychological evaluation to (1) assess his current emotional, behavioral, and cognitive functioning; (2) identify his current and future risk for violence; and (3) identify any treatment and habilitation needs.

Mr. Starkey is currently experiencing significant problems with depression, excessive gambling, marital discord, chronic pain, alcohol abuse, and possible prescription medication abuse. When interviewed, he acknowledged only some of these problems, and was motivated to portray himself in a positive light. Thus, Mr. Starkey is not considered to have good insight into the nature and severity of his problems or be highly motivated for some of the treatment he needs.

Although not at imminent risk, Mr. Starkey is considered to be at increased risk for both self-injurious behavior (i.e., suicidal ideation and acts) and aggressive behavior directed towards

COMMENT: EPILOGUE

Mr. Starkey was eventually released to the community on probation, failed to participate in recommended treatment, separated from his wife, and lost his job. Approximately 12 months after the evaluation, Mr. Starkey was arrested for attempted murder in connection with a shooting that occurred during a traffic dispute (a “road rage” incident). When out on bail on this charge, Mr. Starkey was informed by his attorney that a prolonged period of imprisonment was likely since he had used a firearm during the index offense. In an apparent attempt to obtain money to flee the jurisdiction, Mr. Starkey was involved in a foiled armed robbery during which he took hostages, and eventually shot and killed himself in a standoff with law enforcement officers called to the scene.

others at the current time, given a number of factors, including:

- A history of substance abuse that has gone untreated
- Lack of insight into the nature and severity of problems with substance abuse and gambling, and associated needs for treatment more generally
- A recent history of domestic violence
- Poorly controlled anger
- Recent suicidal ideation
- Access to and interest in weapons
- Significant stressors that include relationship instability, financial problems, health problems, and employment concerns

Actions that can be taken to decrease Mr. Starkey’s risk for self-injurious behavior and aggressive behavior directed towards others, which could be incorporated into probationary supervision, include the following:

- Abstinence from all substances (i.e., alcohol and street drugs)
- Participation in psychotherapy focused on his substance abuse, marital discord, gambling, depression, and poor management of anger
- Reconsideration of currently prescribed pain and anxiety medications as well as continued treatment with antidepressant and other medications *as determined by one physician who coordinates all of his medications*
- Consultation with a credit counseling program designed to facilitate debt management
- Removal of and diminished access to guns and other weapons

Thank you for this evaluation opportunity. If you have any questions about this report or evaluation, please do not hesitate to contact me.

Randy K. Otto, PhD
 Jay Singh, PhD
 Licensed Psychologist
 Board Certified in Clinical Psychology
 Board Certified in Forensic Psychology
 American Board of Professional Psychology

TEACHING POINT: COMBINING NOMOTHETIC DATA WITH CASE-SPECIFIC, IDIOGRAPHIC INFORMATION

The combining of nomothetic data obtained by validated psychological tests and specialized measures with individualized information is a recurring theme in FMHA. It has some distinctive aspects in risk and threat assessment. The availability of a number of good, well-validated risk assessment measures means that nomothetic data can be obtained by using such measures in the assessments of many populations. However, their combination with case-specific information differs somewhat in broader risk assessment versus more specific threat assessment.

As Dr. Cornell indicated in the previous teaching point, threat assessment currently can be considered a more specific form of risk assessment in which the forensic clinician is evaluating the seriousness of a particular threat and the likelihood of the subject’s behaving in a specific way. Rather than appraising the likelihood of violence or threats more generally and over a longer period, threat assessment focuses on the short term, and

on implementing interventions to prevent the behavior. Typically the threatened harm would be very serious—another way in which threat assessment differs from the broader risk assessment, which focuses on harm to others of different severities.

So individualized, case-specific information is quite important in threat assessment. Nomothetic, specialized measures are not well suited for gauging the probability of rare events such as homicide. Even if they were used in a threat assessment, it is of limited value to simply conclude (for example) that an individual has a “10% probability” of acting on homicidal threats. If the threats are genuine and the means for acting on them present, then *whatever* the probability, a threat assessment prioritizes identifying risk factors and intervening to prevent the behavior from occurring. Individualized information is useful in risk assessment. It is crucial in threat assessment.

SECOND TEACHING POINT: HOW CAN DIFFERENT APPROACHES TO RISK ASSESSMENT BE USED TO INFORM THE EVALUATION AND THE CASE OUTCOME?

(contributed by Randy K. Otto)

This report highlights the use of a violence risk assessment instrument, which demonstrates the way that nomothetic evidence can be incorporated into a FMHA. Risk assessment instruments have undergone an evolution over the past several years. Historically, mental health professionals’ assessments of violence risk were conducted using unstructured clinical judgment. However, concerns about the reliability and validity of assessments that employed this approach have resulted in alternative approaches being used with more frequency—primarily structured professional judgment and actuarial assessment (Heilbrun, Yasuhara, & Shah, 2010; Viljoen, McLachlan, & Vincent, 2010).

The risk assessment approach employed in this evaluation was that of structured professional judgment, using the Historical-Clinical-Risk-20 (Webster, Douglas, Eaves, & Hart, 1997). As reflected above, the HCR-20 was used to (1) inform an overall judgment about the examinee’s violence risk and (2) identify targets for treatment and other

interventions. For purposes of contrast, although it was not employed in this evaluation, we went back and scored the Violence Risk Appraisal Guide (VRAG; Quinsey, Harris, Rice, & Cormier, 2006), an actuarial instrument designed to mechanically estimate violence risk that was developed using a sample of violent offenders with mental disorders. Although the VRAG provides precise probabilistic estimates of risk for violence, because of its focus on static (as opposed to dynamic) risk factors, it is of limited utility compared to tools such as the HCR-20 with respect to informing judgments about treatment and other interventions designed to reduce violence risk. According to the VRAG, risk factors present in Mr. Starkey’s case associated with a heightened risk for violence included a history of alcohol problems, evidence of a DSM-IV-TR (APA, 2000) personality disorder, and a lack of evidence supporting a DSM-IV-TR diagnosis of schizophrenia. Mr. Starkey’s score on the VRAG placed him in a group of individuals, 17% of whom went on to violently offend within seven years and 31% of whom went on to violently offend within 10 years.

The use of the Personality Assessment Inventory (Morey, 2007) in this evaluation demonstrates the use of another type of nomothetic data, as it was employed to inform judgments about the examinee’s emotional and behavioral functioning. Of course, the PAI and similar measures were not designed to inform judgments about violence risk. Nonetheless, to the degree that they provide information about clinical phenomena that are related to violent behavior (e.g., substance abuse, interpersonal hostility, paranoid thinking, emotional lability, acknowledgment of violent behaviors), these instruments can be helpful in informing judgments about violence risk and identifying potential targets for risk management.

CASE FOUR PRINCIPLE: OBTAIN RELEVANT HISTORICAL INFORMATION (PRINCIPLE 28)

The importance of obtaining relevant historical information in FMHA is discussed in detail in Chapter 7 (this volume). The case report for this principle demonstrates how to manage an

assessment when relevant historical information is not available. Because this case involved a risk assessment of a current employee of the client, the evaluator and client deemed discretion necessary when completing the report, resulting in their having to rely on the scant historical information the client had available and preventing them from speaking directly to the individual being assessed. This is not uncommon in violence risk assessment, or indeed any other FMHA when information may be limited (e.g., workplace harassment and discrimination, criminal responsibility, psychological injury). The evaluator for this case thus included specific and consistent reference to the limits imposed these restrictions on his ultimate conclusions and recommendation, and language to allow for the modification of these in the case of more information's becoming available in the future. One major limitation due to the lack of historical information is the inability to utilize a standardized violence risk measure, which is discussed further in the teaching point following the case.

to amend my findings and recommendations to comport with the newly acquired information.

INTRODUCTION

I was contacted by Chester Atkins, Senior VP for Human Resources (HR) at the Big Country Corporation, who requested consultation regarding a risk assessment of Conway Jones (subject). Mr. Jones is a 49-year-old white male who has been employed at the Big Country Corporation for 31 years. He began his career in 1982 as a stock boy at the age of 18, while attending community college at night. He received several promotions during that time, eventually becoming a first-line supervisor in the warehouse. He was eventually entered into the company's management intern program after he received his bachelor's degree in business in 1988. He received several more promotions, and since 2000 he has functioned as manager of the company's main warehouse in East Mule Shoe.

For the first 25 years of his employment with the Big Country Corporation, Mr. Jones received generally positive work evaluations. He was described by former supervisors as hard-working, efficient, and serious. Several supervisors described him as "gruff"; however, at no time was he disciplined for any behavior at work. To the contrary, it appears that Mr. Jones was regarded as a valuable employee because "he could bully people into getting the work done."

In 2008, according to his then-supervisor (R. Acuff), Mr. Jones began to become vocal about his political beliefs, specifically in regard to his belief that the election of Barack Obama was a tragic mistake, and signaled a very negative turning point in the history of the United States. Over time, his rhetoric became more and more vehement. Several African-American employees filed grievances, interpreting his loud and frequent political statements as "racist." There is no record of any response to these grievances.

In 2009, an agent of the United States Secret Service requested information about Mr. Jones, but provided the company with no information about the reason for the inquiries. There was no follow-up or further contact with the agent or the Secret Service.

According to Mr. Acuff, Mr. Jones was informally asked to refrain from making political statements at work, but there is no record of any formal discipline of any kind. Several African-American

WORKPLACE VIOLENCE RISK ASSESSMENT

From: Joel A. Dvoskin, PhD
 Client: Big Country Corporation
 Attention: Chester Atkins, Senior Vice-President
 for Human Resources
 Date: January 14, 2013
 Subject: Conway Jones

CAVEATS AND LIMITATIONS TO THIS CONSULTATIVE REPORT

As we discussed, the opinions and recommendations contained in this report are entirely dependent upon the information that was provided to me by you and your colleagues on the Big Country Corporation's Response Team. In this case, the information was quite limited, for reasons that are discussed in this report. As a result, I have erred on the side of caution in my recommendations.

To the extent that the information provided to me proves to be inaccurate, please let me know as soon as possible so I can adjust my findings and recommendations accordingly. To the extent that new information becomes available, I reserve the right

employees requested transfers, which Mr. Jones denied, after which the employees reportedly resigned.

One employee, after resigning, filed a lawsuit claiming that Mr. Jones had created a racially hostile working environment. According to General Counsel Loretta Wynette, the suit was reportedly settled “for nuisance value.”

The situation continued to deteriorate until October of 2012, when Mr. Jones’ behavior reportedly became much more aggressive and threatening, reportedly exclusively toward African-American employees. He was alleged to have made the following statements:

“We are going to de-thug this place.”
 “You people may think that President Ebonics [sic] will protect you, but you’re going to have to deal with me.”
 “I’ve had just about enough of this kind of talk (reportedly referring to street slang). From now on it’s English or you keep your punk mouths shut.”

At this time, the office of the CEO received an anonymous petition complaining about the allegedly racist behavior of Mr. Jones, and alleging that a hostile work environment had been created. The petition vaguely hinted at some sort of action if Mr. Jones were not removed from his position. Specifically, the petition read (in part): “We are trying to deal with this in a reasonable manner, but if you don’t remove this racist from his position, we will be forced to take action of a more direct type. We are afraid of this racist man and his guns, and hope that you will do the right thing. Please do not force us to handle this ourselves.” Because the petition was anonymous, there was no way for the company to inquire as to the meaning of this vague and contingent threat.

In response to the petition, an investigation was launched by the company’s ethics office, which is

responsible for Equal Opportunity Employment and human rights issues within the corporation. The investigation was conducted by Senior HR consultant Roy Autry.

During his investigation, Mr. Autry discovered that Mr. Jones had been bragging about his extensive collection of firearms, and referring to his “boys” (i.e., firearms) in a hostile and threatening manner. For example, when someone threatened to go to senior management to complain, Mr. Jones reportedly responded: “How about you complain to my friend Mr. Glock instead?”

In November of 2012, Mr. Jones confronted his supervisor, Edward Arnold, Vice President for Operations. Mr. Jones told Mr. Arnold that Mr. Jones’s performance review was overdue, that he expected to receive a merit pay increase, and added, “But first, I’d love to show you my collection of hunting rifles and shotguns. It’s pretty impressive. If you have time, come out to the parking lot so I can show them to you.” Mr. Arnold told Mr. Autry that the conversation frightened him, and that he avoided completing Mr. Jones’ performance evaluation because he was afraid of him.

Mr. Arnold told Mr. Autry that Mr. Jones had commented on several occasions about mass homicides that were highly publicized. According to Mr. Arnold’s recollection, Mr. Jones laughed and said, “I don’t think anybody would ever want to fire me. It would not be a smart thing to do.” Again, his comments were vague, but Mr. Arnold deemed them to be threatening.

Because of the intimidating references to firearms, and the reports that various employees, including Mr. Jones’s own supervisor, were “very frightened” by Mr. Jones, Mr. Autry referred the matter to the company’s Response Team. After a brief discussion of this case, the Response Team contacted me for consultation to assess and mitigate any risk of interpersonal violence involving Mr. Jones. Initially, the request dealt solely with Mr. Jones as a potential perpetrator of violence.

COMMENT

At the time this occurred, the company did not have a policy against bringing guns onto company property. Indeed, because hunting is a favored sport of many employees, there was significant sentiment against such a policy among Response Team members. However, at my strong suggestion, there is now a policy in place.

However, at my suggestion, the consultation also addressed the possibility of violence aimed against Mr. Jones by unnamed others.

FURTHER INVESTIGATION REGARDING MR. JONES

Because of fears of Mr. Jones, the Response Team decided against interviewing him unless further investigation warranted it. At my suggestion, great care was taken to conduct the investigation with complete discretion, until more information had been gathered, in order to avoid placing key informants or complainants at any additional risk. We also wanted to avoid inflaming an already difficult situation in the workplace.

At the time Mr. Jones was hired, the corporation did not conduct background checks or criminal history checks of new employees, nor was any such check conducted about Mr. Jones during his entire career. Because previous violent behavior is a risk factor, the company investigated through publicly available sources, and was unable to find any history of arrest or conviction for any violent or nonviolent crime by Mr. Jones. This of course did not preclude undetected acts of violence; however, while there were numerous reports of vague, ambiguous threats, there were no reports, formal or otherwise, of acts of physical violence. Further, Mr. Jones' employment record was devoid of any long, unexplained absences that might have reflected a period of detention or incarceration.

Another risk factor for violence is relationship instability. But almost nothing was known about Mr. Jones's social or familial relationships outside of work. No other employees were known to have associated with him, and he was known as a "loner" by his co-workers. He typically ate lunch alone at his desk, and listed his father as his emergency contact. (However, a review of public records revealed that his father had died in 2005.) Mr. Jones was believed to be single and childless.

Another known risk factor is "employment problems." In this regard, the Response Team reported strong evidence in both directions. On one hand, Mr. Jones had maintained stable employment with the same company for 31 years, without ever having received any negative disciplinary actions or negative performance reviews. On the other hand, he was apparently feared by many employees (including his own supervisor) and disliked by many others.

The investigator was able to uncover no evidence of any substance abuse problems, and Mr. Jones was not known to have sought or received services either from the company's employee assistance program or through his health insurance. Because such records are confidential, there is no way to know for certain if Mr. Jones received treatment for any mental illness or substance use problem, but none was rumored or reported.

While there was no known history of mental illness, there was some significant evidence that raised questions regarding the presence of a personality disorder. (*Note*—Without conducting a formal evaluation of Mr. Jones and significantly more collateral information, I cannot diagnose the presence of a mental condition.) Mr. Jones was quoted by numerous sources as making statements suggestive of possible paranoia. For example, he was reported to have frequently alleged that a "socialist plot" was responsible for President Obama's election and re-election. He was reported to have alleged that the "Black Mafia" had targeted him as a "true American" for harm. However, because these beliefs are shared by others with similar political views, it is difficult to distinguish between unpopular, even abhorrent beliefs on one hand and a true personality disorder or mental illness on the other.

While he was frequently described as gruff, unpleasant, and mean, there were no reports of other signs of personality disorder or psychopathy. For example, Mr. Jones was consistently described as honest and trustworthy, and prior to 2008, there were no reports of any personality problems that affected his work—although he was described as "gruff" and a "bully."

Another risk factor involves early maladjustment. However, Mr. Jones had never discussed his life prior to joining the company, and refused to discuss any personal information with any of his co-workers. Therefore, almost nothing was known about Mr. Jones's early life.

Mr. Jones did not claim to be a veteran when he first applied for employment with the Big Country Corporation, nor is he known to have mentioned military service.

As noted above, Mr. Jones was not known to suffer from a serious mental illness, although it is possible that he had a personality disorder. However, there was no indication that Mr. Jones had any insight into the way in which he was perceived by his subordinates and co-workers, nor

that he would have cared. In fact, the investigation revealed various statements attributed to Mr. Jones suggesting that he wanted people to fear him, as it is a way of getting what he wanted. For example, he was quoted as frequently saying, “I don’t care if you scumbags like me or not. But you damned well better fear me, and do your damned jobs.”

Mr. Jones’s threats were at all times ambiguous, although they were quite effective in scaring his co-workers. Generally, his threats were contingent in nature. For example, he was able to convince people to avoid filing formal complaints against him or providing him with negative performance evaluations by using ambiguous, contingent threats.

Unfortunately, because of management’s consistent failure to respond to Mr. Jones’s inappropriate behavior in the workplace, there is no way to assess his responsiveness to competent managerial efforts to change his behavior. Nor is there any evidence that he has ever received mental health treatment, which precludes an assessment of his responsiveness to treatment.

FURTHER ASSESSMENT REGARDING UNNAMED OTHERS

The anonymous petition vaguely referred to “taking action” if Mr. Jones were not removed from his managerial position. Because the typed petition was anonymous, it was not possible to query its author(s) about the explicit meaning of “action,” which could refer to mass resignations, legal action such as lawsuits or EEOC complaints, or, in the extreme, interpersonal violence against Mr. Jones. Furthermore, the petition contained no explicit threats of violence, and Corporate Counsel opined that the petition did not constitute a crime of any type.

It should be noted that the majority of staff in the warehouse are paid at or slightly above minimum wage. Many of the employees freely acknowledged histories of arrest and conviction prior to their employment at the company. However, because of the low wages, the company has for some time been forced to hire almost anyone who wants to work there, their criminal histories notwithstanding.

The company is located in a rural area, with little or no known activity involving organized crime or street gangs; however, the payroll office reported that “most of the paychecks are cashed at bars and liquor stores.” East Mule Shoe is a small town

of fewer than 5,000 residents, and Big Country Corporation is by far its largest employer. As a result, it is very likely that Mr. Jones would at some point run into various employees of the warehouse.

ASSESSMENT

In this case, no risk assessment instrument will assist in assessing Mr. Jones’s risk of interpersonal violence, mainly due to a lack of data. Furthermore, because the company understandably wishes to avoid making the situation worse by conducting a thorough (and therefore indiscreet) investigation, it would be difficult or impossible to gather all of the data necessary for the use of various risk assessment instruments.

On the other hand, there are enough data to make some important inferences about Mr. Jones as a potential perpetrator and/or victim of violence. First, it is clear that informal requests to stop making inflammatory political statements at work were not effective. Thus, it is likely that Mr. Jones will continue to communicate in a racially inflammatory way unless much stronger steps are taken. Specifically, Mr. Jones has never received any negative consequences for his workplace behavior; indeed he has never received a direct order to change his behavior in any way.

If Mr. Jones continues to utter racially provocative statements at work, Corporate Counsel has advised that the company is likely to experience negative legal consequences as a result of allegations of a racially hostile environment. Moreover, it is not unlikely that these statements will cause one or more of his subordinates to respond with violence to what they regard as racially insulting remarks.

Thus, if Mr. Jones is allowed to remain employed in his current position, he should receive a strongly worded, “last chance” warning letter forbidding such communications in the workplace, and promising severe disciplinary consequences up to and including termination if they recur. However, there is some reason to believe that Mr. Jones would respond poorly to such direct supervision at this late stage in his career. Note, for example, his utter disrespect for his supervisor, who was ambiguously and contingently threatened by Mr. Jones regarding Mr. Jones’ performance review. Furthermore, the lack of consequences for Mr. Jones’ inappropriate workplace behavior has persisted over a long period of time, and has probably caused him to

believe that no real consequences will occur, even if he is threatened with discipline.

Mr. Jones is not known to have a history of violent crime, nor is he known to have a current substance use disorder. (However, the absence of data does not allow one to rule out the presence of either of these important risk factors.)

Despite his unpleasant demeanor at work, Mr. Jones is not known to have any other interests, suggesting the likelihood that his job is very important to him. Thus, if he is separated from his employment, he will be likely to respond with anger. The absence of family or outside interests suggests the absence of any known protective factors except for his employment.

In our experience, if a subject is known to be expressing suicidal thoughts or plans, it dramatically raises the risk of violence toward others, as it would suggest the absence of virtually all protective factors. In this case, there have been no such reports of suicidal behavior or intention by Mr. Jones; however, if he expresses such thoughts, it should be regarded as seriously raising his perceived level of risk as a possible perpetrator of violence.

Even more concerning are Mr. Jones's intimidating references to guns or firearms, and the fact that he reports keeping firearms in his trunk, suggesting that they are always close at hand. Even when the likelihood of violence is deemed to be low, the use of firearms creates the presumption of a high level of severity.

The combination of repeated, racially provocative statements and his frequent and intimidating reference to guns suggest that Mr. Jones's presence in the workplace would cause his subordinates and co-workers to live in continued fear of him. The only exception to this assessment would involve a very radical and unlikely change in Mr. Jones's behavior.

If Mr. Jones is retained in his current position, it is likely that either he or the company will experience some sort of serious negative consequences, although the nature of these consequences (e.g., legal action or physical violence) is impossible to predict. Thus, the safest course of action is to remove Mr. Jones from his position.

One option is to demote Mr. Jones. However, any position that he would be likely to accept would keep him in a supervisory role over the same employees. Mr. Jones was described by his

supervisor as "a very proud man who would never accept a demotion."

According to HR staff and the General Counsel, Mr. Jones' behavior has been so inappropriate that termination is legally justified. However, company officials are frightened that Mr. Jones will respond with lethal violence if he is terminated. Assessing the risk of lethal violence in this case is difficult if not impossible, for several reasons. First, we note that Mr. Jones already communicated to his supervisor an ambiguous, contingent threat aimed specifically at the possibility of his own termination.

While threats of violence are not uncommon, the actual perpetration of mass homicide is an exceptionally rare event, and rare events are very difficult to predict. Thus, likelihood of such an event must be assumed to be low. However, the severity and costs of lethal violence in the workplace are so extreme that caution is warranted in separating Mr. Jones from the company, even if the likelihood of such an event is deemed to be low, especially in light of his threatening references to firearms.

Recommended action steps:

1. I recommend that Mr. Jones be separated from the Big Country Corporation.
2. I do not recommend the termination of Mr. Jones, for several reasons. First, his ambiguous threats of firearm violence, however unlikely, represent a severity of risk that should be avoided. Second, if he is terminated, it may be perceived as rewarding the ambiguous, contingent threats contained in the anonymous petition. Third, because East Mule Shoe is a small town, if Mr. Jones leaves the company on bad terms, he is very likely to encounter his former employees or supervisors after he leaves the company.
3. If possible, Mr. Jones should be allowed to leave the company under terms that he regards as fair and respectful. He should be offered the opportunity to resign under a separation agreement crafted by Corporate Counsel, citing his many years of productive service to the company. Terms may include benefits, such as severance pay, extended health insurance benefits, and outplacement assistance to which

- he would not be entitled as a terminated employee.
4. Severance benefits can be offered either as a lump sum, or in the form of a continuing periodic paycheck after he leaves the company. There are advantages and disadvantages to each form of payment:
 - a. If Mr. Jones is offered severance pay in a lump sum, it would avoid continuing his association with the Big Country Corporation. However, it would also remove any influence over his post-discharge behavior.
 - b. If Mr. Jones is provided bi-weekly severance checks, it provides the company with some influence over his future behavior, and contingencies that will require him to abide by the terms of his separation agreement. It may also make it easier to provide him with benefits such as health insurance, employee assistance, etc. However, this continued association with Mr. Jones increases the risk that his political statements might be viewed as representing the company, causing public and employee relations difficulties.
 5. If Mr. Jones is unwilling to consider resigning, he should be informed that his threatening and racist behavior constitutes grounds for termination, and that if terminated, he would probably receive few or none of the benefits described above.
 6. Once Mr. Jones has been safely and successfully separated from the company, I recommend a complete review of all policies and procedures related to workplace violence, firearms, racism, and related topics.
 7. Once Mr. Jones has been safely and successfully separated from the company, I recommend extensive training for executives and managers on how to manage a safe and respectful workplace, including training on how to safely handle difficult employees, including managerial employees.

Based upon the positive manner in which the Response Team received these recommendations in our recent conference call, I believe that the Big Country Corporation is in general agreement with them. I appreciate your trust, and the opportunity

to provide you with this consultative assistance. As always, please do not hesitate to call me if you have any questions or if circumstances change in any way.

Sincerely,
Joel A. Dvoskin, PhD

TEACHING POINT: WHEN SPECIALIZED MEASURES CANNOT BE USED

(contributed by Joel A. Dvoskin)

It is important to understand not only when to use risk assessment instruments, but also when they should not be used. In this case, there are two general sets of reason arguing against the use of actuarial risk assessment instruments or structured professional judgment instruments in assessing the risks posed by Mr. Jones.

First, the vast majority of studies on risk assessment instruments have been conducted in two contexts: (1) people with histories of serious mental illness; and/or (2) people under criminal or juvenile justice supervision or with criminal or delinquent histories. In this case, the subject (Mr. Jones) did not fall into either of these categories. Consequently, there are few if any risk assessment instruments available that have been normed on people sufficiently like him in ways that are known to be related to violence risk.

Second, all risk assessment schemes rely on a sufficient quality and quantity of accurate and relevant information. In this case, very little was known about the subject, which would make it difficult to confidently rely on the data points required under actuarial or structured professional judgment risk assessment schemes.

The vast majority of risk assessment research focuses on the individual who is being assessed for violence risk. However, all human behavior is the result of an interaction between a person and a situation; violent behavior is no exception. In this case, much more was known about the situation than the individual, allowing sensible findings and recommendations to emerge even without accurate assessment of future violent behavior of this individual subject. Moreover, this report clearly demonstrates the importance of obtaining relevant historical information, as the evaluator had to rely in large part on reports of the individual's past

behavior in this situation in determining the likelihood of future violent behavior.

Note that much of the literature on violence risk assessment focuses on the likelihood of violence. In this case, because of the very low base rate of the behavior in question, Bayes' theorem would tell us to simply opine that the subject would not engage in the feared behavior—mass homicide in

the workplace. However, other aspects of risk may be even more important than likelihood; these include imminence, duration, and severity. In this case, the severity of risk justified recommendations for caution in spite of the presumptively low likelihood that can be inferred for any behavior with a low base rate.
