

**RISK ASSESSMENT GUIDELINE
ELEMENTS for VIOLENCE:**

**CONSIDERATIONS FOR
ASSESSING THE RISK OF FUTURE
VIOLENT BEHAVIOR**



**ASSOCIATION OF THREAT
ASSESSMENT PROFESSIONALS**

ATAP RISK ASSESSMENT GUIDELINE ELEMENTS for VIOLENCE COMMITTEE:

The Committee was established in October of 2002 by the Association of Threat Assessment Professionals (ATAP) in response to a perceived need for a multidisciplinary group to consider how future violence risk was being assessed in a wide variety of settings, both in the public and private sectors. As the preeminent organization for violence risk assessment and threat assessment professionals worldwide, ATAP has an important role to play in helping both the public and private sectors assess, manage, and understand situations involving potential violence risk whether from stalkers, school children, domestic abusers, co-workers, criminals, domestic and foreign extremists, or emotionally and mentally destabilized individuals.

This is the first time that ATAP has made the decision, as an organization, to become involved in providing considerations and guidelines for these types of threat assessment¹ and risk assessment undertakings. ATAP felt that publishing guidelines was a necessary step in moving this field of endeavor toward a common framework that could be used to provide a contextual and methodological understanding for the opinions that are formulated in this arena. Further, guidelines provide a means to evaluate the foundation and the robustness of these opinions.

We, ATAP and the Committee, do not consider this document to be the end of the discussion, but the beginning. It is our hope that through dialogue and use, this guideline will continue to evolve in order to improve opinions concerning the risk of future violence. This is essential, as these opinions are used to incarcerate and release people from custody, restrict freedom of movement and association, regulate possession and use of property, and determine the use of limited resources to monitor and intervene in individuals' lives.²

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¹ ATAP recognizes that the term "threat assessment" has been utilized to describe a variety of activities across a range of contexts (e.g., generalized assessment of terrorism risk, vulnerability assessment). For the purposes of this document, threat assessment is defined as the determination of the level of targeted violence risk posed by an individual or group toward a specific target.

² ATAP recognizes that threat assessment activities are either performed by or involve a range of professionals from different backgrounds (e.g., mental health, law enforcement, security) who are obligated to meet different standards of practice appropriate to their respective professions. This document and all its parts are not intended to serve as an ethical standard or dismiss the applicability of other empirically supported factors or procedures appropriate to the situation at hand. The nature of the questions asked; time, setting, and situational factors; and applicable laws should be taken into consideration when performing risk assessments. As this document evolves, different scenarios and potential conflicts may arise and will be considered. These guidelines do not replace the need for judgment, thorough training, and consultation with colleagues when appropriate.

RISK ASSESSMENT GUIDELINE ELEMENTS FOR VIOLENCE: CONSIDERATIONS FOR ASSESSING THE RISK OF FUTURE VIOLENT BEHAVIOR

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1.0 TITLE

The title of this document is Risk Assessment Guideline Elements for Violence: Considerations for Assessing the Risk of Future Violent Behavior.

2.0 REVISION HISTORY

Baseline Document

3.0 COMMITTEE MEMBERS

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4.0 SCOPE

The Association of Threat Assessment Professionals' Risk Assessment Guideline Elements for Violence (RAGE-V) has applicability for both the private and public sectors. The RAGE-V is an exploration and explanation of interrelated processes and activities that will assist in evaluating the potential risk of future physical violence from a known individual, including those inspired or motivated by group philosophy or beliefs.

5.0 SUMMARY

The RAGE-V is an approach to assist individuals and organizations to consider the factors and steps necessary to provide for thorough, well-considered opinions concerning the potential risk of future physical violence from a known individual. It is based on a wide review of relevant literature, as well as the practical processes developed and implemented for this purpose by a wide range of professionals and organizations that make up the violence risk assessment community. The applicability of these considerations, in any specific case, may depend on the situation, context, discipline of the individual assessor (e.g. education, licensing,), and the particular circumstances and questions for the evaluation.

6.0 PURPOSE

At the present time, many assessments of future violence risk assessments are conducted in an eclectic manner, without an agreed upon approach or process, either on the part of the requestors of these assessments, or the assessors that provide them. This often leaves the individual being assessed and the venues that use these assessments without an adequate understanding of what elements might be considered, if not acted on, for arriving at valid assessment conclusions. It also means there are end users of these assessments that are at a loss about how to determine whether the underlying assessment methodology used in any individual assessment was based on a solid foundation that allows for that assessment to be trusted. Ideally, a solidly based and trusted assessment would be the basis for taking actions that would significantly affect the safety and liberty of individual citizens and society as a whole.

The purpose of this document is to provide well-grounded considerations and practical suggestions, based upon a cohesive, multidimensional understanding of appropriate violence risk assessment process elements and informational resources. It also provides a stepwise process to be considered during each assessment of potential violence risk. This document was designed to be used by all providers and end users of these assessments to provide a quick reference for suggesting essential considerations and resources that could be used in specific cases, or as a guideline for questioning assessors about their methodology and decision making in a specific scenario. This document has been developed by a multidisciplinary team of assessors and reviewed by a wide array of assessors, academics, and end users, and represents the currently perceived best practices for consideration in a wide range of assessment cases. It is an important step towards the development of practice standards for violence risk assessment.³

³ While thorough and detailed assessments are desired, situations may arise which challenge the ability to obtain relevant

7.0 KEYWORDS

Mitigation Strategies, Violence Risk Assessment

8.0 TERMINOLOGY

Approach-Behavior: Actions towards a target of interest that are escalating with a particular goal in mind.

Assessor: The person using this document to aid in the formation of an opinion of violence risk.

Commitments: In this context it refers to involuntary or less than voluntary hospitalizations for psychological problems. Hospitalizations occur when someone poses a danger to themselves or others.

Inevitability: The belief that no matter what actions one takes the course of events will not change.

Mitigation Strategies: Implementation of measures to lessen or eliminate the occurrence or impact of an incident of potential violence.

Process Variables: Examines the interplay between ones' own beliefs and how that fuels or prevents actions and behaviors.

Protective Inhibitors: Beliefs, relationships, injuries, lack of resources, or abilities that can limit whether a person is likely to follow through with dangerous conduct.

Violence Risk Assessment: The process of identifying behaviors that may signal an individual's preparation to commit a violent act, assessing those behaviors in the context of that person's past history of behavior and other known incidents of violence that have demonstrated those behaviors, quantifying the level of risk from this behavioral information by using professional judgment and objective, appropriate tools to provide a balanced assessment, and presentation of that assessment to the requestor of the assessment, in such a way, as to qualify the opinion and its limitations appropriately.

information or address factors included within these practice advisories due to emergency/time constraints. As a result, the assessor is advised to practice within relevant professional standards and advise their client of the relevant limitations of the violence risk assessment conclusions presented.

9.0 PRACTICE ADVISORY: PSYCHOLOGY

Behavioral Information of Interest Could Include:

Process Variables

- Approach behavior
- Evidence of escalation –threats, proximity seeking
- Fantasy rehearsal
- Evidence of deterioration –deteriorating mental state, psychosis
- Actively violent state of mind –suicidal or homicidal thoughts
- Command hallucinations, thought insertion/withdrawal, paranoia of imminent threat
- Diminishing inhibitions
- Diminishing or impaired coping
- Inability or limited view or ability to pursue other options
- Obsession
- Evaporating protective inhibitors
- Sense of inevitability (tunnel vision, foregone conclusion)
- Pre-attack or ritualistic preparatory actions (writing of suicide note, suicide video, religious rituals, purchase of camouflage clothing)
- Recent acquisition or preparation of weapons, escalation of practice with no sanctioned reason
- Subject's response to assessment and inquiries.

Risk Factors

- Weapons-use connected to emotional release, fascination with destructive power
- Motivational factors (What is driving the individual?) -delusion, fanatical beliefs, revenge, entitlement, grandiosity, need to force closure
- Drug use- methamphetamine, cocaine, alcohol, steroids
- Head trauma
- Criminal history, including history of violence, homicide, stalking, threats, assaultive behavior, violation of conditional release
- Prior voluntary or involuntary commitments
- Past suicide attempts, or suicide ideation, to include suicidal thoughts, statements, gestures, and attempts
- Adverse responses to authority and limit setting
- Reference groups, heroes, affiliations, and community attachments
- History of mental problems that compromise coping, or enhance appeal of violence-may include:
 - Depression
 - Paranoia
 - Psychopathy
 - Bipolar
 - Personality disorders (narcissistic, paranoid, borderline, antisocial)
- Perceptions of injustice or insoluble problems.

Inhibitors/Stabilizers -consideration of available inhibitors and the persons' access and utilization of them

- Treatment availability, utilization, and past receptivity
- Family
- Other social support
- Spiritual or religious beliefs opposing violence
- Connectedness and healthy affectional bonds.

Triggers -identification of potentially stabilizing or destabilizing triggers

- Pending perceived negative job event
- Rejection and abandonment
- Increased psychosis
- Civil (family court, child custody, etc.) or criminal justice system event(s)
- Disruption of support system
- Financial problems.

Analysis Guidelines:

Consideration of multiple behavioral and risk factors

- Consideration of contextual factors
- Consideration of deterrent factors, mitigating factors, or inhibitors to risk, as well as risk factors
- Consideration of potential stressors as well as resiliency factors
- Access sufficient credible, first-hand collateral data sources
- Avoidance of over-reliance on single factors in most cases
- Factors considered must be scientifically relevant or those typically considered within the field based upon empirical and published literature
- Must assess the impact of gathering information and investigative/threat assessment process itself upon risk.

Objective Instruments and Tools:

When appropriate, utilize objective instrument(s) or tool(s) appropriate for the context (e.g., psychopathy-related instruments (PCL-R, PCL-R SV; etc.; HCR-20; Spousal Risk Assessment Guide (SARA); Violence Risk Assessment Guide (VRAG); Level of Service Inventory-Revised; Cawood/White Assessment Grid; Mosaic-DV; The Classification of Violence Risk (COVR); and others).⁴

- Assessor must avoid sole reliance on checklist/instrument/tool
- Assessor must be trained and qualified on relevant instrument or tool
- Instrumentation utilized must be reliable and valid as well as appropriate for the issue at hand
- Assessor must be aware of the limitations of any instrumentation utilized
- Assessor must stay current with new developments and outdated versions.

⁴ We are encouraging the use of Structured Professional Judgement (SPJ) which is aided by the use of tools and other appropriate practice parameters. Issues of reliability, validity for certain types of assessments or subjects, peer review acceptance, and training in the technique or method should be considered before relying on any protocol or tool. The listing of the above instruments and tools should not be considered an endorsement of said instruments or tools. The user can decide on whether they are appropriate. The above listed instruments and tools are known more widely in the mental health and law enforcement assessment communities. Being known does not mean that they are defensible in a court or other venue.

Additional Considerations:

When conceptualizing risk level, assessor must recognize professional limitations pertinent to the threat assessment.

- Seek out relevant consultation or expertise when necessary
- Qualify assessment when necessary (e.g., availability of information, recognize assumptions, potential changes in relevant context, time limited nature of assessment)
- Be aware of the complex contextual, legal, ethical, and regulatory issues that impact the violence risk assessment process.

10.0 PRACTICE ADVISORY: LAW

The legal system often views psychological testimony with distrust and disbelief. There is the perception that either side to a legal case or controversy can, for enough money, find an “expert” who will say what they want to hear. One of the goals of this assessment guideline is to foster consensus and bolster credibility in the area of violence risk assessment. The laws governing what must be disclosed to different parties and what might be considered admissible are contextual, issue sensitive, and jurisdictional.

For civil testimony on the risk of future violent behavior to be admissible in court in the United States, taking into account the jurisdiction, the expert might have to comply with the standards set forth in Daubert v. Merrell Dow Pharmaceuticals Inc., 509 U.S. 579 (1993), and Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999). Criminal courts may have different standards, as do some state courts. The trial judge, when relying on Daubert, must be satisfied that the evidence is based on scientific knowledge, or is reliable, and ensure that the evidence will assist the trier of fact, or is relevant. The Daubert court decision provided four factors that could be used in this evaluation: 1) whether the theory has been tested or is testable; 2) whether the theory or study has been subject to peer review; 3) whether there is a known or potential error rate; and 4) whether the technique is generally accepted in the relevant field. (Daubert, 509 U.S. at 594)

Each discipline or field of investigation imposes upon its members sets of different legal controls and expectations. For example, a law enforcement officer may have additional obligations pertaining to searching law enforcement databases not accessible to other individuals in the private sector. Mental health assessors may have Duties to Protect and Warn in different jurisdictions. Psychologists, in particular, may have the burden of selecting appropriate measures relying upon testing and ethical standards. Warnings regarding protections against self incrimination differ for different disciplines and, thus, the burden shifts accordingly based upon these expectations. This document cannot address practice and professional standards for all the disciplines involved in violence risk assessment or dangerousness appraisal. It does not take the place of any individual assessor’s need to know what standards and procedures are in their area of expertise. **Nonetheless, there is a shared foundation and approach that all professionals in this area can be held accountable to when performing an assessment and arriving at their opinions.**

For civil cases in the United States, it is becoming standard, based on Rule 26 of the Federal Rules of Civil Procedure, for expert witnesses offering an opinion on the risk of future violent behavior to provide a written report prior to testifying. This report sets forth their opinions and the reasons for their conclusions, information relied upon, qualifications of the expert witness, and compensation being exchanged for the assessment and testimony. Any assessor offering an opinion on the risk of future violent behavior should have an appropriate basis for their opinion and documentation in a form suitable for its intended purpose, which may include the production of written reports.

Attorneys for all parties to the litigation should review that report carefully before the assessor/expert witness takes the stand. The assessor/expert witness should be questioned on the methodology they used. The assessor/expert witness’s background and experience in the field of threat assessment should also be questioned. How many assessments have they done? Have they qualified as an expert in a court of law? If so, how many times? What materials have they reviewed and relied on in forming their opinion? Who have they spoken to, and for how long? Section 9.0 of this guideline provides a good checklist of issues to explore with an assessor/expert witness.

11.0 PRACTICE ADVISORY: INFORMATION GATHERING

In general, the more behavioral information available about the subject of an assessment, the greater the ability to provide an accurate assessment. The ability to gather information in any specific case, and at any particular stage of an assessment, will depend on the immediacy of the issues, and the civil rights and employment context of the person being assessed. Different assessors have different access to information and some of this information may be protected by law. The list below includes the types of information that has been found to be helpful in assessments, however, depending on the circumstances of each individual case, this information might not be available in a timely manner, could be protected from disclosure, or not legally attainable.

Obtain Information on Victim/Target/Reporting Subject:

- Past history of reports
- Motivation for reports
- Possibility of unintentional or intentional misinformation.

Focus of Information on Victim/Target/Reporting Subject:

- Is the subject/target of the threats a chronic victim? Or is the individual in a position or situation that typically receives threats or inappropriate contacts?
- Is the victim connected to a controversial situation or have they been in the media recently?
- Is the report being made out of fear, desperation, retaliation, safety or the want of attention?
- Is there a possibility that the information reported was skewed, misunderstood, or fabricated?

Information on the Subject of Assessment:

- Current location
- Ability to access subject/victim
- Research behavior(s)
- Motivation: both positive and negative
- Past history of threatening or violent behavior, including stalking
- Criminal history: local, county, state, federal: person of interest-arrest, conviction; reporting party of incident, victim
- History of behavior in a jail or correctional institution, if applicable
- Probation or parole history, if applicable
- Civil court history: federal, state, local level
- Vehicle operation history
- Mental history (when available)
- Substance abuse
- Military history/training
- Support structure in area
- Weapons seeking, possession, recent acquisition, or recent modification
- Changes in behavior.

Focus of Information on Subject:

- Is the subject in a location or does the subject have the ability to approach or attack the victim or not? (e.g., in jail, indigent, incapacitated)
- Does the subject have immediate access to the victim? (e.g., family, co-worker)
- Positive motivation of the subject to get to victim? (i.e., love, hate, wronged, personal issue)
- Negative motivation of the subject? (i.e., embarrassment, loss of employment, financial, incarceration)
- Does the subject have a history of violent or threatening behavior?
Typically, this may be in a criminal history report, however, this trait may have never been reported and may have never resulted in a criminal arrest or prosecution. Interviews with neighbors, family members, or co-workers should be conducted. Other sources for this information include restraining orders or divorce documents. Determine the provocation, circumstances, and extent of any reported past violence (e.g. involving weapons, type and extent of injury)
- Does the subject have a history of criminal actions?
Specifically crimes that indicate the subject is non-compliant to the standard rules of society (e.g. trespass, disorderly conduct, fail to obey a lawful order)

Other sources of information for past violent behavior:

- Premises history: Law enforcement records of response to an address. Check all past addresses of a subject.
 - Contact history: Check all jurisdictions where the subject has lived or worked for field interviews, listed as suspect, witness or victim.
 - Obtain copies of police reports where the subject was involved as a suspect, witness, or victim. Good source of past conduct.
 - Court records supporting a restraining order, divorce proceedings, civil case, or child custody.
 - Interview neighbors of past addresses including apartment managers. Can be an excellent source for information on disturbances, police responses, and past boy or girlfriends.
- Does the subject's vehicle operating history record disclose a recent trend of violation?
 - Does the subject have a history of mental health treatment or non-compliance with treatment/medication?
 - Does the suspect display signs of some form of obvious mental illness? (e.g. delusions, hallucinations, grandiose ideations, paranoia, homicidal/suicidal thoughts)
 - Does the subject have a history of substance abuse?
Criminally documented, self disclosed, or confirmed by witnesses.
 - Does the subject have training in weapons tactical operation, or knowledge of the tactical or commercial use of explosives? This training is not limited to military service. The suspect could belong to a gun club, militia, or be self taught.

- Is there any information indicating the subject may be seeking or preparing a weapon or destructive device?
- Is there evidence of “final act” behaviors (e.g. last will, destroying own property, giving property away, ritualistic acts)?
- Is there evidence of research, planning, or stalking-type behaviors?
This type of evidence could include visits to libraries, use of the internet to research potential victims, diaries, equipment lists, “hit lists”, target information files, etc.
- If safe and appropriate, take advantage of opportunities to establish communication with the subject to determine future intentions. Also make a thoughtful analysis into whether the situation would allow safely seeking additional sources of insight into the subject’s future intentions, such as family members, friends, co-workers, neighbors or utilizing these additional sources to monitor the subject’s future behavior.

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13.0 APPENDIX A

ATAP Model Violence Risk Assessment Process

