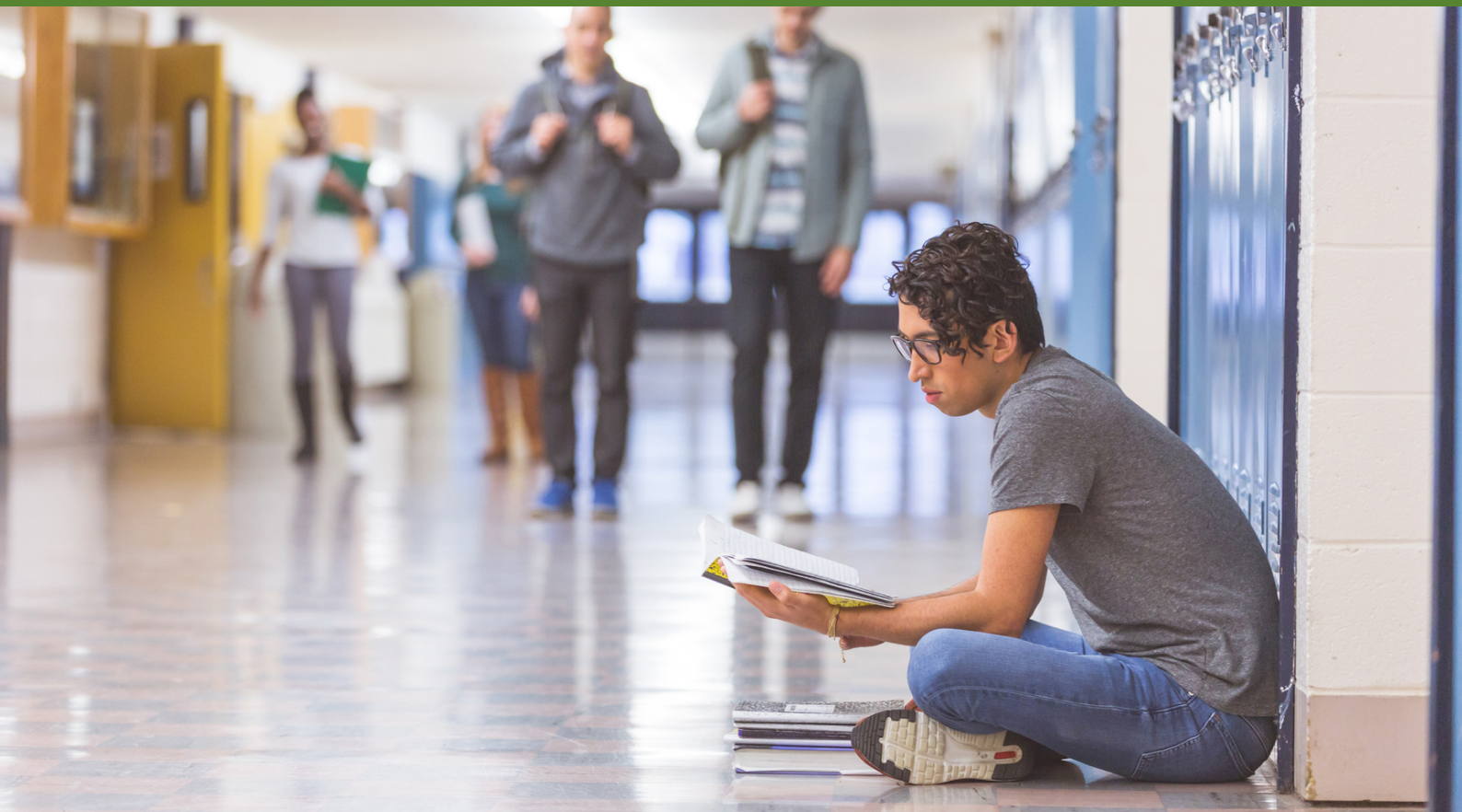


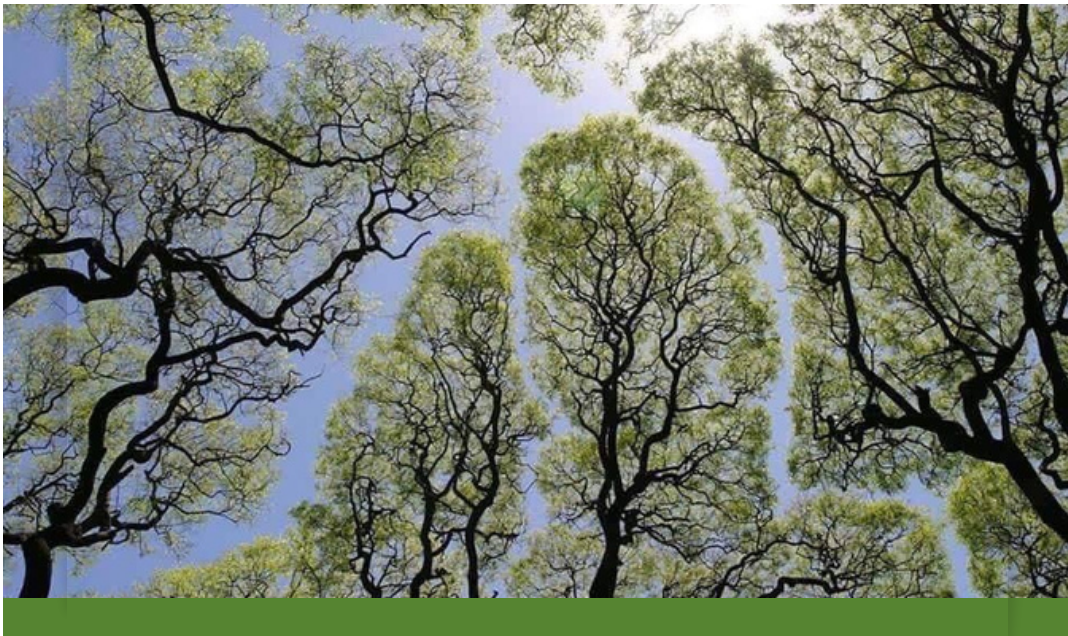
THREAT DETERMINATION



Best practices designed to support prevention and intervention related to school violence



PURPOSE AND INTENT



The purpose of this Marin County School Threat Determination Protocol, and the Very Serious Threat Protocol Supplement, are to reduce the risk of targeted violence at Marin County schools. The comprehensive protocol incorporates evidence-based practices, current research, and consultation with law enforcement partners, mental health providers and school district staff.

It is important to note that the development and implementation of this protocol does not guarantee prevention of school violence.

MANUAL DEVELOPMENT



California Assembly Bill 1747 and the California Education Code Section 32281(a) requires all Local Education Agencies (LEAs) to develop and maintain a Comprehensive School Safety Plan (CSSP). Creating a safe learning environment for students is at the center of a CSSP, and one of the required elements is preparedness for violence on campus. Although we hope violence on school campuses never occurs, this manual supports each of our Marin schools in their preparedness and risk reduction efforts.

Marin County Schools Threat Determination Protocol was developed using the following framework:

- Identify and review current research and best practices on school violence prevention and intervention;
- Establish a committee made up of mental health providers, school district administrators, and law enforcement partners to discuss the identified literature, best practices, and needs related to threat determination; and
- Committee members inform the development of a Marin County specific Threat Determination protocol.

MANUAL DEVELOPMENT



We are grateful to our partners who participated on the Marin County Threat Determination Committee:

- Hugh Baker, Detective Sergeant, Marin County Sheriff
- Christopher Duncan, Sergeant, San Rafael Police Department
- Scott Eberle, Lieutenant, San Rafael Police Department
- Itoco Garcia, Superintendent, Sausalito Marin City School District
- Devon Gasparini, School Resource Officer, Marin County Sheriff
- Mike Grant, Assistant Superintendent, Marin County Office of Education
- Nicole Janson, Wellness Coordinator, San Rafael City Schools
- Kelly Lara, Assistant Superintendent, Tamalpais Union High School District
- Jim Larson, Assistant Principal, Novato Unified School District
- Lisa Miller, Assistant Superintendent, Marin County Office of Education
- Andrew Weiher, Behavioral Health Specialist, Novato Unified School District
- Megan Williams, School Psychologist, Sausalito Marin City School District

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THREAT

DETERMINATION TEAMS

Establishment

Research shows an important step in risk reduction, prevention, and intervention for targeted school violence is the establishment of a multidisciplinary team, made up of:

- school/district administrator
- mental health provider
- law enforcement partner

(U.S. Department of Homeland Security, 2021; “Behavior Threat Assessment and Management Best Practice Considerations for Schools”, National Association of School Psychologists, 2021).

In addition to the three (3) core roles identified above, the school Threat Determination Team may extend to include staff with background and experience working with students with disabilities, students with a primary language other than English, and other relevant factors that keep equity at the forefront of the protocol implementation.

THREAT

DETERMINATION TEAMS

At the beginning of each school year, it is best practice to identify both the school site and district level school Threat Determination Team (TDT). Additionally, if a team member is no longer available for this role, a new team member shall be identified as soon as possible and participate in the necessary training.

Core Threat Determination Team (TDT)

Below are examples of typical duties as outlined by the National Association of School Psychologists (2021) and the National Threat Assessment Center (2018) related to Core TDT Members:

Core TDT Members

School Administrator

- Consults with core team members to determine if a full threat assessment inquiry is necessary;
- Assists in conducting interviews of subjects, targets, witnesses, teachers, staff, parents, and students;
- Assists in gathering additional information (e.g., school records);
- Determines and enforces disciplinary consequences, if appropriate;
- Conducts or authorizes search of student property, if deemed necessary;
- Ensures that any threat management plan is followed and monitored;
- Works closely with the public information officer or communications director to respond to community concerns; and
- Identifies other adults who have pertinent background and/or information about the student and/or incident.

Core TDT Members

School-Employed Mental Health Professional

- Consults with administration and other core team members to determine if a full threat assessment inquiry is necessary;
- Leads or assists in conducting interviews with subjects, targets, witnesses, teachers, staff, parents, and students;
- Serves as a liaison to community mental health providers;
- Advises the team on school-based and community interventions and supports, including possible mental health assessments, where appropriate;
- Assists with next steps and possible referrals;
- May provide interventions and supports; and
- School-employed mental health professionals may include school psychologists, counselors, and social workers, and/or contracted professionals - individual should have graduate level training as a mental health provider.

Core TDT Members

Law Enforcement Officer/School Resource Officer

- Helps with critical data collection, particularly social media;
- Identifies any concurrent safety concerns in the community;
- Provides information regarding prior involvement with law enforcement, as privacy guidelines allows;
- If appropriate, assists in conducting interviews of subjects, targets, witnesses, teachers, staff, parents, and students;
- Assists with efforts to ensure safety and security (e.g., provides safety escorts/increased supervision to and from school, in hallways, and in common areas; works with local law enforcement to ensure community safety after school hours);
- Conducts independent criminal investigations, as needed and appropriate;
- Uses discretion to determine the need for welfare checks, weapons checks, and home searches, where permissible;
- Assists with next steps and possible referrals;
- Provides mentoring and community supports; and
- It is recognized that the Law Enforcement Officer/School Resource Officer may not be present, nor required to be, during all steps of the Threat Determination Protocol

THREAT DETERMINATION PROTOCOL

The Marin County School Threat Determination Protocol consists of eight (8) steps, outlined and defined below:

1. NOTIFY AND COMPLY WITH SB 906

Notify the members of your TDT team that a threat has been received and the Threat Determination Protocol will be implemented. As of July 1, 2023, all LEAs with students in grades 6-12 shall immediately notify law enforcement of any threat or perceived threat that creates a reasonable suspicion that a student is preparing to commit a homicidal act related to school or a school activity.

2. CONFIRM

To the extent possible, the determination of the following factors will assist with the completion of a fully informed threat determination; however, a threat determination should never be delayed or postponed if the known circumstances are urgent and imminent:

- a. Student's dominant language;



THREAT DETERMINATION PROTOCOL (CONTINUED)

- b. Student's special education and/or Section 504 eligibility status
- c. Student's current address/housing status (e.g., unstable housing such as foster care or unhoused)
- d. Adults identified as having a trusting relationship or previously established rapport with the student;
- e. Any documented history of threats;
- f. Any documented history of discipline;
- g. Any documented history of involvement with outside community agencies (e.g., Probation, Law Enforcement, Health and Human Services, etc.)

3. CONSULT

If/When there are any questions or uncertainties about how to move forward with a threat determination based upon the information that has been gathered, or in general, consultation should occur with TDT members from other sites/districts and/or the Marin County Office of Education.



THREAT DETERMINATION PROTOCOL (CONTINUED)

4. INTERVIEW

The school administrator and school-based mental health provider, who are a part of the Threat Determination Team, shall determine who will conduct the interview with the student(s) who was identified as having made the threat. Conduct the interview with the student(s) by using the Threat Determination Interview Protocol (see Appendix A)

5. DETERMINE THREAT LEVEL

Using the information gathered through the interview protocol, determine the threat level as one of the two options: 1.) Transient: spontaneous expression with no intent nor plan to harm; or 2.) Substantive: threat was not spontaneous, expressions of anger/hostility/rejected emotions, and/or is not regretful.

6a. TRANSIENT THREAT DETERMINED

Inform Threat Determination Team that the threat has been deemed transient. Inform parents/guardians that a threat interview was completed with their child, inform staff and students who reported, overheard/saw, and/or were targets of the threat. No further steps in the Threat Determination Protocol are required when a threat is determined to be transient. Additional steps may follow per district policy.

THREAT DETERMINATION PROTOCOL (CONTINUED)

6b. SUBSTANTIVE THREAT DETERMINED

Inform Threat Determination Team that the threat has been deemed as substantive and request law enforcement involvement at this time. Take immediate action to alert and protect potential and intended victims. Maintain direct supervision of the student.

7. RESPOND TO SUBSTANTIVE THREAT

The Threat Determination Team, including law enforcement partners, shall evaluate if the substantive threat is deemed to be "serious" or "very serious". Based upon the information that has been gathered:

- Serious: a threat to cause injury (hit, fight, beat up)
 - Identify appropriate supports and interventions for the student who made the threat and any intended victims, initiate discipline procedures consistent with applicable California Education Code and District Board policies and Administrative Regulations.

or

THREAT DETERMINATION PROTOCOL (CONTINUED)

- Very Serious: a threat to kill, rape, or cause serious injury with a weapon.
 - The Threat Determination Team identifies appropriate personnel to conduct a Very Serious Threat Assessment (see Appendix C in Threat Determination Supplement)
 - This step is separate from law enforcement procedures related to the reported threat, though not mutually exclusive.

8. DEVELOP, IMPLEMENT, MONITOR, SAFETY PLAN

The results of the Very Serious Threat Assessment will inform development of a Safety Plan - a plan to reduce risk and provide support to the student who made the threat, and to any student(s) who may have been intended targets. If students have an Individualized Education Program (IEP): the IEP team should be included in the development of the Safety Plan. A Safety Plan template is located in Appendix D, in Threat Determination Supplement.

THREAT DETERMINATION PROTOCOL SUMMARY

DETERMINE IF A THREAT WAS MADE

Step 1: Notify the TDT and Comply with SB 906 - Notify Law Enforcement

Step 2: Confirm Relevant Background Information

Step 3: Consult, as Needed (and throughout steps)

Step 4: Conduct Threat Determination Interview Protocol/Gather Relevant Data

IF NO THREAT, END THREAT DETERMINATION PROTOCOL

IF AN ACTIVE or VIABLE THREAT, DETERMINE THREAT LEVEL:

Step 5: Determine Transient Threat vs. Substantive Threat

Transient = a spontaneous expression with no intent to harm. Individual retracts the threat/apologizes and/or expresses regret. Review of records shows no prior incidents or concerns

Substantive = a deliberate (not spontaneous) expression and the student at a minimum contemplates enacting the threat or a version of the threat. Student expresses anger/hostility/rejected emotions and/or is not regretful and may present with a prior history of incidents/concerns

Step 6a: If Transient Threat Determined, Inform Parents/Guardians of Student(s) interviewed and other students and staff involved with threat

Step 6b: If Substantive Threat Determined, Request Law Enforcement Involvement

Step 7: Respond to Substantive Threat and Determine Level of Seriousness

Serious Substantive Threat = a threat to injure (hit, fight, or physically assault)

Very Serious Substantive Threat = a threat to kill, rape, or cause very serious injury (to specific individuals and/or facilities while people are present) with a weapon

IF SERIOUS SUBSTANTIVE THREAT: consider supports and additional supervision, inform Parents/Guardians of student(s) interviewed and other students and staff involved with threat

IF VERY SERIOUS SUBSTANTIVE THREAT: Complete Step 8

Step 8: Conduct Very Serious Safety Threat Interview and Safety Plan

- Access Very Serious Threat Protocol Supplement, which includes Very Serious Threat Interview (Appendix C) and Safety Plan (Appendix D)
- This step is completed by specifically trained mental health staff, which may not be school staff.



THREAT INTERVIEW PROTOCOL

The threat interview questions are designed to be presented to the individual(s) who made a threat or engaged in threatening behaviors intended to harm others.

Prior to engaging in a threat interview, the individual conducting the interview should consider all of the following:

- the student's dominant language;
- if the student has a disability/language/processing needs;
- the impact, if any, of the interviewer's current relationship with the student being interviewed;
- the ability to build/maintain rapport with the student; and
- the degree to which the alleged action(s)/behavior(s) have a professional and/or personal impact.

When any of the above considerations cannot be adequately addressed by the individual conducting the interview, an individual that is able to adequately meet the considerations above should be utilized to conduct the threat assessment interview.



THREAT INTERVIEW PROTOCOL (CONTINUED)

The Threat Interview Protocol consists of the following five (5) sections:

- 1 Determining Incident Specifics
- 2 Exploring Social-Emotional Awareness
- 3 Exploring Social-Emotional Functioning
- 4 Determining Safety
- 5 Closure

THREAT INTERVIEW PROTOCOL (CONTINUED)

- **Section 1: Determining Incident Specifics**

Questions are designed to learn more about what behavior(s) the student directly engaged in.

Questions attempt to learn more from the student about the intended meaning and outcomes related to the behavior(s) in question from the student's perspective.

- **Section 2: Exploring Social-Emotional Awareness**

Questions are designed to explore the student's understanding of the concern the alleged behavior(s) may have caused within the school/community and their current feelings related to the behavior(s) in question.

- **Section 3: Explore Social-Emotional Functioning**

Questions are designed to gather more information regarding the student's social relationships, social stressors, coping skills, and overall wellbeing. Social connectiveness and support are explored through direct questions regarding relationships with peers, adults, and family.

THREAT INTERVIEW PROTOCOL (CONTINUED)

- **Section 4: Determining Safety**

Questions are designed to learn more about the student's access to weapons or instruments that can cause harm. Queries explore if the student has a plan to engage in harm against others or themselves - all affirmative answers are explored more deeply.

- **Section 5: Closing**

Questions are designed to determine if there is any outstanding information not yet discussed. Queries also explore what supports the student may find beneficial within and outside of the school setting.

See Appendix A for a copy of Threat Interview Protocol.

THREAT DETERMINATION TERMINOLOGY



Threat Determination Team (TDT)

Specific adults identified and trained by school/district administration who are responsible for responding to threats to harm others by implementing the Threat Determination Protocol.



Serious Substantive Threat

A threat to cause injury (i.e., hit, fight, beat up, etc.). The decision regarding the intensity of a reported threat is made by the TDT after careful evaluation.



Substantive Threat

A threat that is deliberate (not spontaneous). At a minimum, the student contemplates enacting the threat, expresses anger/hostility, rejects emotions, and/or is not regretful, and presents with a prior history of incidents/concerns. The decision regarding the intensity of a reported threat is made by the TDT after careful evaluation. The probability of this type of threat to be actualized is high.

THREAT DETERMINATION TERMINOLOGY (CONTINUED)



Threat

An expression of intent to harm someone, groups and/or school facilities. A threat may be spoken, written, gestured, or communicated in some other form via text message, electronic mail, or social media. Threats may be explicit or implied, directed at an intended target or communicated to a third party. The Threat Determination Protocol is not designed to evaluate and/or determine a student's risk to engage in self harm. The Marin County SELPA School Based Suicide Risk Assessment should be utilized if/when a student appears to be at risk to engage in self harm.



Threat Determination Protocol

A specific threat determination protocol to be utilized when a student or students have been identified as making a threat to harm others and/or facilities. The Threat Determination Protocol is administered by trained TDT members.

THREAT DETERMINATION TERMINOLOGY (CONTINUED)

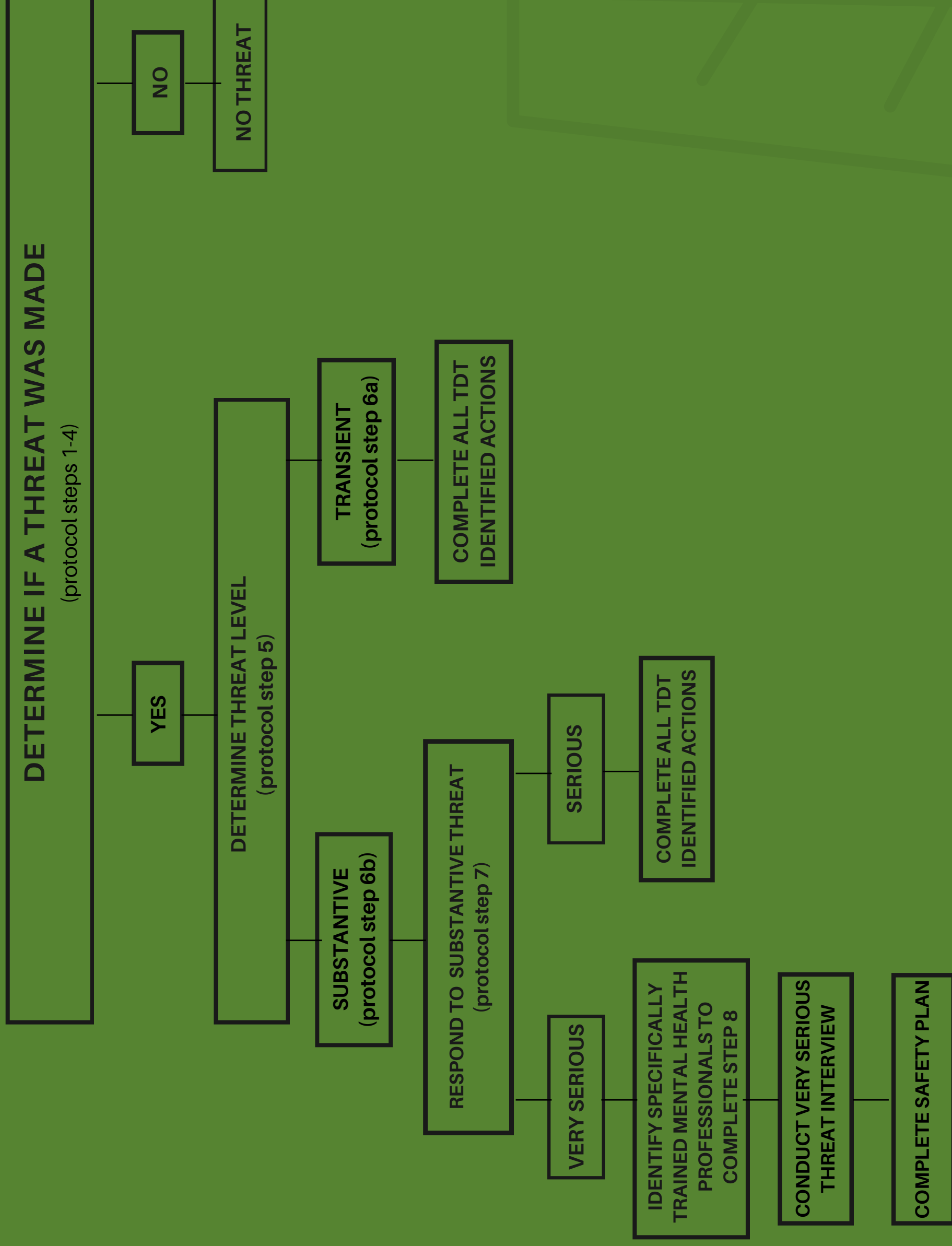
Transient Threat

A threat that is a spontaneous expression with no intent to harm. The student retracts the threat/apologies and/or expresses regret and presents with no prior incidents/concerns. The decision regarding the intensity of a reported threat is made by the TDT after careful consideration. The probability of this type of threat to be actualized is low; however, additional follow-up actions as a result of the threat are still necessary.

Very Serious Substantive Threat

A threat to kill, rape, or cause serious bodily injury (to specific individuals and/or facilities while people are present) with a weapon.

Threat Determination Protocol Decision Tree



THREAT DETERMINATION

Q&A

Q: Is a threat determination conducted for all threats?

A: The decision to conduct a threat determination is made by your school district's established threat determination procedures. In the absence of established procedures, default action is to conduct a threat determination interview upon receipt of information where a threat has been communicated (i.e., a drawing, social media post, verbal statement, written statement, physical acts, etc.). A good method of operation to apply is, when in doubt about a threat, conduct a threat determination.

Q: Who conducts the Threat Interview?

A: Specifically trained members of the TDT conduct the interview portion of the Threat Determination Protocol.



THREAT DETERMINATION Q&A (CONTINUED)

Q: Can the Threat Interview Protocol be modified?

A: Yes, within reasonable limits that do not significantly alter the process or understanding of other TDT members. Each specific threat may warrant a minor adjustment to the questions asked and each school/district has the autonomy to make those adjustments, as appropriate.

Q: If a threat is resolved, does the threat level change to "no threat"?

A: No. The threat level assigned (transient or substantive) is applied after conducting interviews and reflects the results of the initial findings. This threat level guides the next steps of the TDT, regardless if the threat is later resolved. Occasionally, the threat level assigned might change if it is determined, for example, that a transient case is more serious than was originally thought and the level should be elevated to a substantive threat.

THREAT DETERMINATION Q&A (CONTINUED)

Q: Should transient threats be documented and recorded?

A: Yes. All threats that activate the TDT should be documented and recorded. The documentation will support future threat assessments. For example, documentation of a previous threat may elevate the threat level from transient to substantive due to the documentation of prior history of an incident/concern.

Q: Is the Threat Determination Protocol conducted for the same student(s) each time the student(s) makes the same threat?

A: Yes. Determining the likelihood of each threat is necessary each time a threat has been made regardless of the existing historical pattern of threats. When a student is making repeated threats, even if the threats are determined to be transient, the pattern of repeated threats might be indicative of other concerns that may warrant the application of interventions with the student(s). The Threat Determination Protocol is designed to assist with the evaluation of the risk associated with each threat.

THREAT DETERMINATION

Q&A (CONTINUED)

Q: Who is responsible to notify the family of the student that was reported to have made a threat?

A: All notification procedures are determined by the school/district TDT team. When a TDT notification procedures are in question, the decision for personnel responsible for notification rests with the district Superintendent or their designee.

Q: Where should completed Threat Determination Protocol forms be stored?

A: The location and storage of educational records is determined by each school district. The information contained in completed Threat Determination Protocol forms is confidential and should be stored and accessed by school personnel in a manner consistent with other confidential student records.

THREAT DETERMINATION Q&A (CONTINUED)

Q: What if a student refuses to be interviewed?

A: Every attempt and consideration should be made to create an environment where the student will participate in an interview. When a student refuses to participate, maintain supervision of the student and request additional support. At no time should the student return to class or other activities on campus prior to completing the protocol.

Q: When is it appropriate/necessary to notify potential or anticipated victims of a threat during the threat determination process?

A: Notification should occur upon confirmation of seriousness of the threat. More notification details are included in Step 6a and 6b of the protocol.

Q: When is it appropriate/necessary to notify the parents/ of a student that has made a threat that has activated the TDT?

A: Notification to parents/guardians of the student who made the threat should occur upon completion of the Threat Interview Protocol. It is important to note that Districts may have their own Board Policies and Administrative Regulations that determines when parents are notified.

THREAT DETERMINATION Q&A (CONTINUED)

Q: Is the TDT still required to conduct a Threat Interview if the student has immediately been taken into police custody?

A: A Threat Interview may not be possible if the student is placed in police custody and removed from campus prior to the TDT engaging in the interview portion of the Threat Determination Protocol; however, relevant members of the TDT should meet with the student, family, and law enforcement prior to the student's return to campus to discuss presenting needs, effective reintegration onto the school campus, and safety planning, as appropriate. Elements of the interview protocol can be utilized for this purpose.

Q: Is a signed Release and Exchange of Information necessary to collect and share information regarding the threat with outside agencies (e.g., Law Enforcement, Health and Human Services, Behavioral Health and Recovery Services, etc.)

A: A signed Release and Exchange of Information is not necessary with law enforcement if there is a perceived or actual threat. Parent/Guardian written consent is necessary if the District seeks to consult with outside agencies, that includes student identifiable information, including Health and Human Services, Behavioral Health and Recovery Services and others.

TDT

ANNUAL MEMBERSHIP

Each school site and/or district shall select and identify the individuals and roles that meet the needs of their specific community. Identification of the TDT members is recommended to take place prior to the start of each school year. An updated written notification of team members should be sent to all site/district staff and local law enforcement on an annual basis. Additionally, a copy of the school/district TDT members should be provided to the Marin County Office of Education on an annual basis.

The Threat Determination Team (TDT) Annual Membership form (Appendix B) is designed to assist school districts with recording and sharing the membership of their TDT.

