

**Request for Proposal
143-11344**

**PRE-EMPLOYMENT PSYCHOLOGICAL EVALUATIONS
CITY OF FORT LAUDERDALE**

**Bid Ends January 22, 2014
2:00 PM EST**

HARLEY V. STOCK, Ph.D., ABPP

**FORENSIC PSYCHIATRIC AND PSYCHOLOGICAL
ASSOCIATES OF FLORIDA**

**8751 W. BROWARD BOULEVARD, SUITE 109
PLANTATION, FL 33324**

954/452-0434

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- A. The specific methodology such as tests, interviews and supporting validation studies that you will employ. Comment on your use of the MMPI-2, IPI, CPI, IS2 and Wonderlic Personnel Test
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Exhibits

- A. Specialty Guidelines for Forensic Psychologists
- B. Curriculum Vita Of Proposer
- C. Recognition & Selected Publications:

Borum, Randy and Stock, Harley. "The Detection of Deception in Law Enforcement Applicants - A Preliminary Investigation". Law and Human Behavior, Vol. 17(2), April 1993.

Stock, Harley, Borum, Randy & Baltzley, Dennis. "Police Use of Deadly Force". In H.V. Hall (Ed.), Lethal Violence 2000: A Sourcebook on Fatal Domestic, Acquaintance and Stranger Aggression (pp. 635-662). Kameula, Hawaii: Pacific Institute for the Study of Conflict and Aggression, 1996.

Stock, Harley. "Workplace Violence: Advances in Consultation and Assessment". In A.M. Goldstein (Ed.), Forensic Psychology – Emerging Topics and Expanding Roles (pp. 511-549). Hoboken, NJ: John Wiley & Sons, Inc., 2006.

Borum, Randy and Stock, Harley. "An Essential Tool to Properly Train Staff and Protect Against Litigation." Corrections Today, June, 1992

Stock, Harley and Skultety, Stephan. "Staff Substance Abuse: Wrestling Demons in Our Own Ranks." Corrections Today, February, 1994.

Department of Defense; Defense Science Board Task Force Report: Predicting Violent Behavior. Office of the Under Secretary of Defense for Acquisition, Technology and Logistics. Briefer – Workplace Violence and Insider Threat. Washington, DC, August, 2012.

Security Management – American Society of Industrial Security: Confronting the Insider Threat (pgs. 36 – 45). October, 2013.

National Risk Estimate: Risk to U.S. Critical Infrastructure – National Protection and Program Directorate; Office of Infrastructure Protection; Integrated Analysis Task Force; Homeland Infrastructure and Risk Analysis Center. Department of Homeland Security. Briefer – Working group member in the selected areas of threats to the critical infrastructure of the United States of America: (1) Terrorism, (2) Espionage, (3) Corruption. Washington, DC, December, 2013.

- D. National Presentation on the MMPI & MMPI-2
- E. Law Enforcement Background Questionnaire
- F. Validation Studies of Test Instruments
- G. Pre-Employment Psychological Evaluation Feedback Form

BID/PROPOSAL SIGNATURE PAGE

How to submit bids/proposals: Proposals must be submitted by hard copy only. It will be the sole responsibility of the Bidder to ensure that the bid reaches the City of Fort Lauderdale, City Hall, Procurement Services Division, Suite 619, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301, prior to the bid opening date and time listed. Bids/proposals submitted by fax or email will NOT be accepted.

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the bid. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the CITY and such acceptance covers all terms, conditions, and specifications of this bid/proposal.

Please Note: All fields below must be completed. If the field does not apply to you, please note N/A in that field.

Submitted by: [Signature] (signature) 1/20/14 (date)

Name (printed) HARLEY V. STOCK Title: PRESIDENT

Company: (Legal Registration) FORENSIC PSYCHIATRIC AND PSYCHOLOGICAL ASSOCIATES OF FLORIDA

CONTRACTOR, IF FOREIGN CORPORATION, MAY BE REQUIRED TO OBTAIN A CERTIFICATE OF AUTHORITY FROM THE DEPARTMENT OF STATE, IN ACCORDANCE WITH FLORIDA STATUTE §607.1501 (visit http://www.dos.state.fl.us/).

Address: 10097 CLEARY BLVD., #300

City PLANTATION State: FL Zip 33324

Telephone No. 954-452-0434 FAX No. 954-452-1134 Email: gbmi@aol.com

Delivery: Calendar days after receipt of Purchase Order (section 1.02 of General Conditions): PER CONTRACT

Payment Terms (section 1.04): PER CONTRACT Total Bid Discount (section 1.05): N/A

Does your firm qualify for MBE or WBE status (section 1.09): MBE N/A WBE N/A

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in the proposal:

Addendum No. Date Issued

P-CARDS: Will your firm accept the City's Credit Card as payment for goods/services?

YES NO X

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of bid, attachments or bid pages. No variations or exceptions by the Proposer will be deemed to be part of the bid submitted unless such variation or exception is listed and contained within the bid documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your bid/proposal complies with the full scope of this solicitation. HAVE YOU STATED ANY VARIANCES OR EXCEPTIONS BELOW? BIDDER MUST CLICK THE EXCEPTION LINK IF ANY VARIATION OR EXCEPTION IS TAKEN TO THE SPECIFICATIONS, TERMS AND CONDITIONS. If this section does not apply to your bid, simply mark N/A in the section below.

Variances: N/A

NON-COLLUSION STATEMENT:

By signing this offer, the vendor/contractor certifies that this offer is made independently and free from collusion. Vendor shall disclose below any City of Fort Lauderdale, FL officer or employee, or any relative of any such officer or employee who is an officer or director of, or has a material interest in, the vendor's business, who is in a position to influence this procurement.

Any City of Fort Lauderdale, FL officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement.

For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor.

In accordance with City of Fort Lauderdale, FL Policy and Standards Manual, 6.10.8.3,

3.3. City employees may not contract with the City through any corporation or business entity in which they or their immediate family members hold a controlling financial interest (e.g. ownership of five (5) percent or more).

3.4. Immediate family members (spouse, parents and children) are also prohibited from contracting with the City subject to the same general rules.

Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the City Procurement Code.

NAME

RELATIONSHIPS

In the event the vendor does not indicate any names, the City shall interpret this to mean that the vendor has indicated that no such relationships exist.

AC#

STATE OF FLORIDA
DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE

DATE	LICENSE NO.	CONTROL NO.
02/28/2012	PY 4029	27143

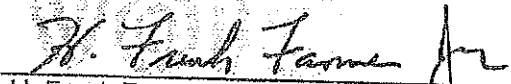
The **PSYCHOLOGIST**
named below has met all requirements of
the laws and rules of the state of Florida.

Expiration Date: **MAY 31, 2014**

HARLEY VAN STOCK
10097 CLEARY BOULEVARD, #300
PLANTATION, FL 33324



Rick Scott
GOVERNOR



H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P.
STATE SURGEON GENERAL

DISPLAY IF REQUIRED BY LAW

PART VII - PROPOSAL PAGES – COST PROPOSAL

Cost to the City: Contractor must quote firm, fixed, annual rate for all services identified in this request for proposal. No other costs will be accepted. This firm fixed annual rate will be the same for the initial contract period.

Failure to use the City's COST PROPOSAL Page and provide costs as requested in this RFP, may deem your proposal non-responsive.

Proposer agrees to provide the following services at the prices indicated:

A. Cost per Police Officer candidate:

$$\underline{\$265.00} \times 250 \text{ evaluations} = \underline{\$66,250.00}$$

B. Cost per Reserve Police Officer candidate:

$$\underline{\$265.00} \times 5 \text{ evaluations} = \underline{\$1,325.00}$$

C. Cost per Other Classification I:
(if required, complexity of evaluation similar to Police Officer)

$$\underline{\$265.00} \times 2 \text{ evaluations} = \underline{\$530.00}$$

D. Cost per Other Classification II:
(if required, complexity of evaluation similar to Detention Officer)

$$\underline{\$265.00} \times 2 \text{ evaluations} = \underline{\$530.00}$$

TOTAL ANNUAL COST \$68,635.00

The quantities shown are estimates from the previous year and current budget and may be used as a guide by the proposer. The City will use them for tabulation purposes, but makes no warranty as to the actual numbers or types of evaluations to be performed.

CERTIFICATE OF INSURANCE

DARWIN NATIONAL ASSURANCE COMPANY
 C/O: American Professional Agency, Inc.
 95 Broadway, Amityville, NY 11701
 800-421-6694

This is to certify that the insurance policies specified below have been issued by the company indicated above to the insured named herein and that, subject to their provisions and conditions, such policies afford the coverages indicated insofar as such coverages apply to the occupation or business of the Named insured(s) as stated.

THIS CERTIFICATE OF INSURANCE NEITHER AFFIRMATIVELY NOR NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE(S) AFFORDED BY THE POLICY(IES) LISTED ON THIS CERTIFICATE.

Name and Address of Insured:

HARLEY V. STOCK, PH.D., P.A.
 744 NW 101 TERRACE
 PLANTATION FL 33324

Additional Named Insureds:

HARLEY V. STOCK, PH.D.

Type of Work Covered: PROFESSIONAL PSYCHOLOGIST

Location of Operations: N/A
 (IF different than address listed above)

Claim History:

Retroactive date is 08/01/1992

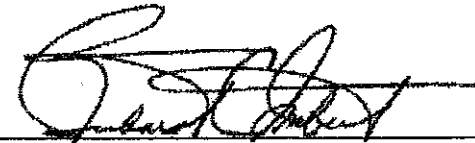
Coverages	Policy Number	Effective Date	Expiration Date	Limits of Liability
PROFESSIONAL/ LIABILITY	5011-8582	8/01/13	8/01/14	1,000,000 3,000,000

NOTICE OF CANCELLATION WILL ONLY BE GIVEN TO THE FIRST NAMED INSURED ON THIS POLICY AND HE OR SHE SHALL ACT ON BEHALF OF ALL INSUREDS WITH RESPECT TO GIVING OR RECEIVING NOTICE OF CANCELLATION.

Comments:

This Certificate Issued to:

Name: HARLEY V. STOCK, PH.D., P.A.
 744 NW 101 TERRACE
 Address: PLANTATION FL 33324



 Authorized Representative

TAB 6**Understanding of the City's needs for pre-employment psychological evaluations and your overall approach to satisfying those needs.**

Dr. Stock's practice, Forensic Psychiatric and Psychological Associates of Florida (Forensic Associates), is pleased to have the opportunity to respond to RFP #195-10214, Pre-Employment Psychological Evaluations for the City of Ft. Lauderdale Police Department.

As a moderately sized police department, the City of Ft. Lauderdale is required to follow federal, state and professional standards and recommendations in the selection of police personnel. Given the impact of economic restrictions, shifting applicant pool availability and community concerns this can be a daunting task. As a police psychologist with over 25 years' experience, Dr. Stock is well aware of the sensitive nature of the pre-employment law enforcement selection process and is committed to providing the highest level of forensic psychological assessment. He has conducted over 14,000 pre-employment law enforcement screenings. As one of approximately 275 Board certified forensic psychologists in the United States (one of two in Broward County) and a nationally recognized police psychologist, Dr. Stock adheres strictly to the specialty guideline provisions for forensic psychology of the American Psychological Association. Police psychology is considered a sub-specialty of forensic psychology (See Exhibit A).

In order to meet the time requirements of the Ft. Lauderdale Police Department selection process, Forensic Associates maintains a dedicated testing room for law enforcement personnel that can accommodate 8 – 10 applicants at a time. We have the ability to conduct the pre-employment evaluation process anytime between 8:30 a.m. and 6:00 p.m., five days a week and are centrally located in Broward County. Under special circumstances, these evaluations can be conducted past the normal work hours and on weekends when the hiring process dictates the necessity. Dr. Stock is also willing to travel, as needed.

Our support staff is well acquainted with working with a law enforcement agency in the areas of confidentiality, access to records, hierarchical command structure and law enforcement terminology. We ensure that the City of Ft. Lauderdale will receive a top quality product by providing: (a) psychological tests that are supported by the police psychology literature; (b) quick scoring of the test battery and forensic psychological assessment; (c) timely scheduling of the applicant interview; (d) minimal turn around time for a finished report.

Our office maintains an accurate data base to validate the assessment process. We consistently deliver our service at a very competitive cost. Finally, should the pre-employment psychological screening process undergo a legal challenge, we are well prepared to defend our actions. For example, Dr. Stock has been accepted as an expert witness in forensic psychology on over 850 occasions in state and federal jurisdictions.

TAB 7 **Details on the number, types and experiences of personnel who will be directly involved in providing this service. Include names and resumes with the proposal.**

The majority of the pre-employment psychological screening will be conducted by Dr. Harley Stock. However, in order to meet time constraints and geographic commitments, the following board certified forensic psychologists are available as needed. All have experience in police pre-employment screening.

Harley V. Stock, Ph.D., ABPP

Dr. Stock received his doctoral degree from the University of Kansas and did his internship at the Department of Psychiatry, Rutgers Medical School. Subsequently, he was the senior research teaching specialist in the Department of Psychiatry at Rutgers Medical School. From 1977 until 1990, he was a clinical forensic psychologist at the Center for Forensic Psychiatry (Ann Arbor, Michigan) and then Deputy Director of the Outpatient Evaluation Unit. His duties included examination of individuals charged with major felony crimes to determine the issue of legal insanity, competency to proceed to trial and other special diagnostic questions. His specialties were murders and sex crimes. He has examined over 800 people charged with murder.

Dr. Stock was trained in hostage negotiations at the FBI Academy (Quantico, Virginia). He became an invited instructor there, teaching sophisticated communications during hostage takings and lecturing at the FBI's first Criminal Psychological Profiling School. He was one of two hundred invited guests from around the world to attend the FBI First International Symposium on Terrorism. He has consulted with the FBI's Behavioral Science Unit and the Child Abduction and Serial Killer Unit. He has taught interview and interrogation skills to new Secret Service agents at the United States Secret Service Training Academy (Washington, D.C.) and has consulted with the United States Secret Service on threats to the President of the United States. Additionally, he has conducted threat assessments for the Department of Energy, the Department of Defense, the United States Department of Education, the Department of Justice and other federal agencies. Dr. Stock consults with multiple local and federal law enforcement agencies. For example, he conducts the pre-employment psychological screening for the DEA in Florida. He was the consulting psychologist for Seafield 911, a treatment center dedicated to law enforcement officers with substance abuse and stress problems, and is the past C.E.O. of InterPhase 911, a treatment center exclusively for law enforcement.

In order to better understand special threat situations, Dr. Stock has completed a Michigan Law Enforcement Officer's Training Council certified SWAT training program and has been on over 150 hostage rescue missions as a member of various negotiations teams. In that regard, he has trained SWAT team members in the use of behavioral techniques in special shooting situations, including biofeedback. Over the years, Dr. Stock has been a lecturer at the International Homicide Seminar, the American Polygraph Institute, the International Association of Women in Police, the International Association of Firearms Instructors, and numerous law enforcement agencies. He has published and presented papers widely in the area of forensic police psychology, including presentations at the American Psychological Association annual meetings on such topics as high technology terrorism, criminal psychological profiling, forensic hypnosis, SWAT selection and workplace violence. He has co-authored chapters in books addressing intervention in the events of terrorism and police use of deadly force. He has twice been president of the Consortium of Police Psychologists. He has evaluated over 14,000 pre-employment police applicants. Dr. Stock has conducted several hundred fitness for duty

evaluations, and over 150 evaluations for dispatch/communication personnel. He was trained in Critical Incident Stress Debriefing by the American Red Cross and has conducted approximately 75 CISD for law enforcement personnel.

On a daily basis, he consults with Fortune 500 companies on high risk threat assessment and crisis management and has conducted risk assessments in the United States, Canada, Mexico, Costa Rica, South America, the Philippines, Malaysia, India, China, Japan, Taiwan, Cambodia, Egypt, Israel, Russia, England, Ireland, and Germany. He is the developer of the Behavioral Risk Assessment System© (BRASS), the only computerized risk/threat assessment instrument available. He has been an invited participant to the FBI's first international symposium on workplace violence, where he gave two presentations, and was an invited participant at the Center for Disease Control/NIOSH meeting on Workplace Violence. He presented his paper on "Early warning signs: The psychological aspects of the insider threat" at the RSA Conference in 2008. In September, 2009, Dr. Stock participated in the Department of Homeland Security, Science and Technology Directorate working group on "Suspicious Behavior Detection and Insider Threats" to the critical infrastructure. In July, 2010, he was an invited participant at the Institute for Information Infrastructure Protection – "Cybersecurity through a Behavioral Lens" conference. His most recent chapter on workplace violence has been recognized as the cutting edge publication in this field. He was also invited to the Pentagon to offer insights on the Ft. Hood shooting. Dr. Stock has presented papers on such diverse subjects as high technology terrorism, SWAT selection, and crisis communication. In 2011, he presented to the Department of Defense Task Force on "Identifying the Self-Radicalizing Jihadist in our Midst". In December, 2011, he co-authored a white paper (Symantec) entitled, "Behavioral Risk Indicators of Malicious Insider Theft of Intellectual Property: Misreading the Writing on the Wall." In 2012, he was the only forensic psychologist in the United States to be a member of the Department of Homeland Security working groups addressing the Presidential Directive on threats to the critical infrastructure of the United States in the areas of terrorism, insider risk and organized crime. He is one of approximately 275 Board Certified Forensic Psychologists in the United States and is a Fellow of the American Academy of Forensic Psychology. (See Exhibit B)

Randy K. Otto, Ph.D., ABPP

Dr. Otto is a licensed psychologist in Florida; a Diplomate in Forensic Psychology, American Board of Professional Psychology; and Fellow of the American Academy of Forensic Psychology. He is also an Associate Professor in the Department of Mental Health Law & Policy, Florida Mental Health Institute, University of South Florida. Dr. Otto has published widely in the areas of forensic assessment, violence risk assessment, and mental health law. He has been Vice President of the American Academy of Forensic Psychology, he has served on the editorial boards of Psychological Assessment, Law & Human Behavior, and the Journal of Behavioral Health Services and Research, and he is Past Editor of the American Psychology-Law Science News.

Eric Ostrov, Ph.D., J.D., ABPP

Dr. Ostrov is both a licensed attorney and a licensed clinical psychologist. He is a Diplomate in Forensic Psychology, American Board of Professional Psychology, and Fellow of the American Academy of Forensic Psychology. His specialization is forensic psychology/police psychology. Dr. Ostrov has been practicing in the area of police

psychology for over 20 years. He has conducted scores of fitness-for-duty evaluations on behalf of federal agencies such as the F.B.I. and D.E.A. Dr. Ostrov has conducted or supervised all the fitness-for-duty evaluations for the Chicago Police Department. His experience encompasses consultation to agencies such as the U.S. Secret Service, U.S. Customs and the Illinois State Police. Dr. Ostrov is a past-chairman of the Police and Public Safety Section of the Public Service Division of the American Psychological Association. He was the recipient of that Section's first Public Safety Distinguished Service Award. He has published articles about law enforcement psychology in books and journals such as: Critical Incidents in Policing, Police Chief, and Law and Behavioral Sciences. He has presented lectures to many police organizations including the Illinois Association of Chiefs of Police and the International Association of Chiefs of Police. He presented lectures at three FBI-sponsored police-psychology conferences in Quantico, Virginia. He has conducted or supervised over 15,000 pre-employment law enforcement evaluations.

Please see enclosed law enforcement related recognition and publications at Exhibit C.

TAB 8 **Prior Experience**

Number of years of experience the proposer has had in providing similar services:

30 Years

TAB 9

List of clients/references for whom you have provided similar services in the last three years. Provide agency name, address, telephone number, contact person, email address and date service was provided. If services provided differs from the one presented in your proposal, please delineate such differences.

Agency Name and Address: Broward Sheriff's Office

2601 W. Broward Boulevard
Ft. Lauderdale, FL 33311

Contact Person: Ms. Diana Viscarra, Human Resources Manager
954-321-4400, 954-321-4815 (fax)

Date of Contract: 1990 to present

Services Provided: Pre-employment screenings, SWAT selection

Agency Name and Address: Drug Enforcement Administration

8400 NW 53rd Street
Miami, FL 33166

Contact Person: Special Agent Oscar Negron - 305-994-4348

Date of Contract: 2005 to present

Services Provided: Pre-employment screening

Agency Name and Address: Seminole Police Department

3280 N 64th Avenue
Hollywood, FL 33024

Contact Person: Ms. Jessica Morris - 954-967-8900, 954-963-9134 (fax)

Date of Contract: 2007 to present

Services Provided: Pre-employment screening, fitness for duty evaluations, CISD

Agency Name and Address: Boca Raton Police Department

100 N.W. Boca Raton Blvd.
Boca Raton, FL 33432-3704

Contact Person: Mr. Mark Buckingham, Director of Human Resources
561-393-7805, 561-393-7908 (fax)

Date of Contract: 1995 to present

Services Provided: Pre-employment screening, fitness for duty evaluations, CISD, Special team selection

Agency Name and Address: Miramar Police Department

8915 Miramar Parkway
Miramar, FL 33025

Contact Person: Chief Mel Standley - 954-602-4400

Date of Contract: 1999 to present

Services Provided: Pre-employment screening, fitness for duty evaluations, CISD, Special team selection

Agency Name and Address: Key West Police Department
1604 North Roosevelt Boulevard
Key West, FL 33040-7254
Contact Person: Chief Donald Lee, Jr.. 305-797-1740
Date of Contract: 2009 - present
Services Provided: Pre-employment screening

Agency Name and Address: City of Oakland Park
3650 NE 12 Avenue
Oakland Park, FL 33334
Contact Person: Ms. June Reid, 954-630-4316
Date of Contract: 2013 - present
Services Provided: Pre-employment screening (fire fighter)

Agency Name and Address: Sweetwater Police Department
500 SW 109 Avenue
Sweetwater, FL 33174
Contact Person: Detective Zabala, 305-439-0085
Date of Contract: 2011 - present
Services Provided: Pre-employment screening

Agency Name and Address: Pembroke Pines Police Department
9500 Pines Boulevard
Pembroke Pines, FL 33024
Contact Person: Officer Louis Sorangelo, 954-431-2705
Date of Contract: 2013 - present
Services Provided: Pre-employment screening

Agency Name and Address: City of Tamarac
7525 NW 88 Avenue
Tamarac, FL 33321
Contact Person: Ms. Maria Swanson, 954-597-3604
Date of Contract: 2013 - present
Services Provided: Pre-employment screening (fire fighter)

Tab 10

Provide a comment on your firm's ability to periodically administer approximately twenty (20) or more police officer evaluations during a 3 to 4 day period. Provide a comment on your firm's ability to provide staff to occasionally travel out of the State to target regions to complete testing.

Dr. Stock has a dedicated test room for law enforcement applicants that can accommodate 8 to 10 applicants at a time. On a routine basis, Dr. Stock conducts up to 30 to 40 law enforcement evaluations per week. The staff is highly trained, and motivated, to create a pleasant testing environment for the applicant. We have the technical ability to score psychological tests quickly, and produce full written reports within the required time frame. Additionally, at no charge, Dr. Stock will provide the City of Ft. Lauderdale Police Department a "feedback summary" within 24 hours of the evaluation. This will help the department get initial information on an applicant and may enhance hiring decisions that are time sensitive.

In terms of traveling out of the state to conduct evaluations, Dr. Stock now travels in his role as a forensic psychologist. Since Dr. Stock's practice is dedicated entirely to police psychology and threat assessment, he does not see patients. Therefore, his schedule is flexible and accommodating with sufficient notice. Dr. Otto, Dr. Super and Dr. Ostrov are also committed to traveling when necessary.

TAB 11 A The specific methodology such as tests, interviews and supporting validation studies that you will employ. Comment on your use of the MMPI-2, IPI, CPI, IS2 and Wonderlic Personnel Test

Description of Project

Psychological screening is widely recognized as one important factor in determining suitability of individuals for the position of a police officer or detention officer. Peace officers are entrusted with awesome powers – the use of deadly force, the ability to deprive citizens of their liberty and the authority to invade the privacy of individuals and families. These personnel must be able to focus in a dynamic environment; think quickly and efficiently; have above average judgment and work well as a team member. Current and developing case laws make clear that municipalities have a responsibility to ensure that law enforcement officers are emotionally and mentally capable of wielding their authority in the performance of their duties without abusing the rights of those citizens they are sworn to serve. Courts have found government bodies vicariously liable for the actions of law enforcement officers in claims of negligent employment, retention and supervision. In several cases, courts have held that agency responsibility extends even to the officer in off-duty situations (e.g., *Allen v. City of Los Angeles*; *Bonsignor v. City of New York*).

Dr. Stock believes that it is imperative for a law enforcement agency to screen out unfit candidates for positions prior to employment. Hence, the proposed process is a careful, multi-faceted, in-depth forensic psychological assessment of applicants. The process focuses on eliminating from candidacy individuals predisposed to psychological illness, poor judgment and recklessness, abusive behavior, poor control of emotions, job-related stress, alcohol and substance abuse, disabling stress-related (psychosomatic) illness, and racial/gender prejudice. Based on identifiable research, appropriate pre-employment psychological screening can have significant impact on the functioning of the City of Ft. Lauderdale Police Department. By using the screening methods suggested, the following hiring outcomes are reasonable:

- A. To identify and eliminate from candidacy individuals who are unlikely to perform acceptably in the training academy due to academic or emotional problems.
- B. To protect the City of Ft. Lauderdale Police Department (as a governmental entity) from financial loss due to liability and disability litigation.
- C. To guard against unfair racial or sex bias in law enforcement/detention selection while satisfying the above activities.
- D. To eliminate candidates who are likely to act out aggressively against others.
- E. To decrease the turnover rate by providing candidates who have the psychological maturity and capability to work within a stressful environment.

- F. To decrease the number of candidates who are likely to either abuse controlled substances or traffic in them.
- G. To increase the likelihood that the candidate will be able to perform adequately under supervisory authority and decrease the conflict with supervisory personnel.
- H. To increase the esprit de corpe of the Department by selecting candidates who have a "positive" attitude and can work comfortably within a community oriented policing/ direct supervision environment.
- I. To allow the City of Ft. Lauderdale Police Department to be consistent with other governmental-law enforcement agencies in terms of hiring practices and procedures from a psychological perspective.
- J. To achieve the above at a competitive cost.

The tests selected for the test battery are designed to measure the knowledge, skills and abilities required by the City of Ft. Lauderdale for a police/detention officer in a reliable and valid manner. All tests are scored using objective measures as delineated by the test publisher. Furthermore, all objective tests meet the American Psychological Association guidelines for testing and have been used extensively in the selection of individuals in high-risk occupations. Dr. Stock believes this test battery works especially well when evaluating for the traits necessary to work in a community oriented policing/direct supervision jail environment.

Stage One - Tests of Personality

Law enforcement officers and detention officers must be relatively free of emotional disorders. They must make discretionary judgments in situations in which the impact on the Department and the citizens of Ft. Lauderdale can be profound. For these and other reasons, these jobs are known to be highly stressful, and candidates who are unusually susceptible to a variety of occupational disorders, including alcoholism, depression and stress-related physical conditions need to be eliminated. Additionally, the successful applicant should possess good judgment, stable temperament, and be unusually resistant to the effects of stress. While the ability of psychological tests to "screen in" good candidates is equivocal, what can be done effectively is remove from candidacy those who are unfit for the job due to psychopathology. There are several tests of personality and psychopathology which are currently used in law enforcement screening. Since the work of a police officer or a detention officer is a complex task, it is unlikely that any one predictor is going to be completely adequate for use in the psychological screening process. Therefore, the pre-employment selection schema suggested utilizes multiple predictors:

Minnesota Multiphasic Personality Inventory – 2 (MMPI-2) – The MMPI-2 needs little introduction since it is probably the most well-known and widely used test in the field of psychological evaluation. Dr. Stock developed the only published Deception

Index for law enforcement applicants for the original MMPI and is a recognized national expert in using the MMPI-2 in a law enforcement setting. For example, he has presented data on the use of the MMPI-2 in law enforcement at a conference sponsored by the publishers of the MMPI – 2 (see Exhibit D). Dr. Stock has personally reviewed over 12,000 law enforcement MMPI and MMPI-2 test profiles. The MMPI-2 consists of 567 “true-false” items used in the identification of symptoms related to psychopathology. The MMPI-2 is the updated and revised version of the original MMPI. The original MMPI had several outdated questions and its normative base was criticized for not being representative of the American culture. Although the original MMPI has served mental health professionals very well over a long period of time, the revised MMPI-2 is clearly the choice for present day evaluations. The MMPI-2, and all other tests listed herein, directly address the requirements of pre-employment psychological evaluation services’ technical provisions in the current bid specifications. The MMPI-2 is especially useful as a “screen-out” measure to identify the various personality and psychological traits which are considered high-risk for a critical law enforcement position. Surveys and research projects indicate that the MMPI-2 is the instrument of choice when identifying and “screening out” psychopathology in law enforcement candidates. A study by the National Institute of Justice identified that 91% of police psychologists utilize the MMPI or MMPI-2 in their screening battery. One of the criticisms of the MMPI-2 is that it is more easily “faked” than the original version. Therefore, users of this instrument in settings such as law enforcement screening must be particularly adept at interpreting sub-clinical scale scores. Dr. Stock’s experience in using this instrument has allowed him to become an expert in the use of the MMPI-2 for law enforcement. Dr. Stock has developed local normative data for this instrument pertaining to law enforcement applicants.

Inwald Personality Inventory (IPI) - The IPI is a comprehensive psychological screening test designed, researched and validated specifically for the selection of law enforcement candidates. It is the only psychological test available which directly predicts success or failure in the law enforcement profession. Research on the IPI received the 1982 New York State Psychological Association Personnel Division Meritorious Research Award. Since then, numerous research articles have demonstrated the effectiveness of the IPI in screening-out high risk law enforcement applicants. Over the last several years, the IPI has gained more widespread acceptance and usage by police psychologists.

The IPI is a 310-question “true-false” inventory designed to identify a variety of personality and behavioral characteristics in law enforcement applicants. It contains 25 original scales and a validity scale. It was designed specifically to aid law enforcement agencies in selecting candidates who satisfy specified “psychological fitness” requirements. Like other personality measures, such as the MMPI-2 and the California Psychological Inventory, the IPI contains several distinct and sometimes overlapping scales, designed to measure behaviors, attitudes, and characteristics of various personality types. In addition, it analyzes combinations and patterns of historical life events which studies suggest correlate significantly with occupational failure in law enforcement. The IPI normative sample contained a representative number of women, Hispanics and

African-Americans, something which is often lacking in validation studies. Lastly, the test offers useful predictions of termination, excessive absenteeism, tardiness and disciplinary problems associated with a law enforcement career. Our firm has maintained a close relationship with the author of this test, Robin Inwald, Ph.D., ABPP, and therefore we are particularly sophisticated and knowledgeable about this instrument.

California Psychological Inventory – R (CPI) - The California Psychological Inventory (CPI), developed by Dr. Harrison Gough, is an extensively validated instrument which, in contrast to the MMPI, was originally developed in order to assess favorable, rather than pathological, aspects of the personality. To quote from the CPI Manual: “The present endeavor has been concerned with characteristics of personality which have a wide and pervasive applicability to human behavior, and which in addition, are related to the favorable and positive aspects of personality rather than to the morbid and ‘pathological.’” Furthermore, the constructs measured by the CPI have “broad personal and social relevance.” As the scales of the CPI deal principally with personality characteristics “important for social living and social interactions,” the test seems particularly suited for “screening in” the positive traits necessary for a successful career in law enforcement. Most studies, including the California Peace Commission and the National Institute of Justice project, have strongly recommended using the CPI in evaluating law enforcement applicants. Surveys have shown that next to the MMPI-2, it is the most widely used test in the selection of law enforcement candidates. Our firm has found the CPI extremely useful in identifying traits which lead to success or failure in the law enforcement field.

The CPI consists of twenty scales which are grouped under four categories or “classes”. Class I scales (measures of poise, ascendancy, and self-assurance) and Class II scales (measures of socialization, maturity, and responsibility) seem particularly suited for the measurement of the traits of maturity, responsibility, and socialization adequacy. The Class III scales (measures of achievement potential and intellectual efficiency) provide information on the applicant’s general academic potential, while the Class IV scales (measures of intellectual and interest modes) provide information regarding the applicant’s capacity for flexibility.

We have extensive experience utilizing the CPI for law enforcement selection. Beyond administering several thousand CPI’s to law enforcement candidates, our consultants have developed specific local normative data for this instrument for Hispanic, Black and Anglo populations.

IS2 – As opposed to other psychological personality tests, the IS2 is a 110 item “true-false” questionnaire that was constructed with the intention to directly question the applicant about specific behaviors and attitudes. Special attention is paid to “risky” type behaviors such as impulsiveness, temper control problems and integrity. A validity scale (“denial of shortcomings”) measures the applicant’s attempts to deny minor shortcomings and present an unreasonably favorable impression. One specific benefit of the IS2 is that it differentiates between those who may express socially deviant beliefs because of cultural experiences and those who actually engage in aggressive behavior. According to

the test publisher, "This may be critical in the workplace where the candidate pool often includes individuals with different social economic status (SES) as well as minority group members." Dr. Stock has utilized the IS2 since its inception and communicates with Dr. Robin Inwald, the test developer, on a regular basis.

Test of Cognitive Abilities

Wonderlic Personnel Test - Since law enforcement and detention applicants are tested in group settings, it is impractical to conduct in-depth intellectual testing on each applicant. However, the educational requirements put forth by the City of Ft. Lauderdale Police Department and the fact that the applicant must perform academically within a stringent Police/Corrections Academy makes it necessary to gain some measure of an applicant's capacity and ability to learn new information. In addition, successful applicants will frequently be called upon to deal with complex situations where adequate analytical and abstract skills are necessary.

The Wonderlic Personnel Test is particularly suited for employment selection purposes since it was specifically designed for measuring what level of learning ability is necessary for specific occupations. The test yields a general intelligence score which is used to describe the level at which an individual learns, solves problems and understands instructions. It provides objective information about how easily individuals can be trained, how well they can adjust and solve problems on the job, and how well satisfied they are likely to be with the demands of a specific job. The instrument consists of 50 questions which are administered in a group setting with a 12 minute time limit.

The Wonderlic Personnel Test has been extensively validated and is the only group intelligence measure which meets all the requirements of various governmental agencies for employment selection purposes. The instrument has specific norms for law enforcement applicants.

Background Form

Additionally, a 67-item Law Enforcement Background Questionnaire is utilized to collect specific data on problematic historical behavior. (See Exhibit E).

All tests are scored and analyzed prior to the applicant interview. The testing and the interview are conducted on the same day.

Forensic Issues

Our data indicates about 25% - 35% of pre-employment law enforcement applicants produce invalid psychological tests. This is usually a result of the applicant being overly anxious or attempting to be deceptive. If the applicant acknowledges this, he/she may be given the opportunity to retake specific tests. The new test results are scored and

integrated into the final report. The City of Ft. Lauderdale Police Department will NOT be charged for additional testing, interpretation and report writing. Internal research indicates this process “saves” about 60% of the re-tested applicants.

For information on validation studies used, please see Exhibit F.

Stage Two – Forensic Psychological Interview

Each applicant undergoes a structured forensic interview which typically is 30 – 45 minutes in length. The interview generally supplements and/or verifies findings on the objective tests. Interviews are important since some applicants may try to “fake” some of the objective test instruments in an attempt to place themselves in an unrealistically favorable light. The interview consists of the following phases:

Phase I - This is a structured phase of the interview which involves extensive background questioning and follow up inquires to all pertinent responses on the Law Enforcement Background Questionnaire and psychological tests. The Law Enforcement Background Questionnaire is a specifically designed background item checklist for use with law enforcement applicants. The structured interview process assures that each candidate is evaluated using the same criteria. Questions are specifically designed to probe areas associated with employment success. The structured interview format is proprietary. Some examples of questions used in the police officer interview, which are tied to Florida Statutory requirements, are included below:

1. Conditions of discharge from the military? [F.S. 943.13(4) Dishonorable discharge from Armed Services]
2. Have you ever been arrested or detained by the police for any reason? [F.S. 943.13(4) Felony/misdemeanor]
3. Have you ever used a weapon in a fight? [F.S. 790.10 Improper exhibition of dangerous weapons or firearms]

Information from the forensic psychological interview and psychological test results will be incorporated into the Pre-Employment Psychological Evaluation Feedback Form, which will aid in the background investigation (See Exhibit G). The last part of the initial phase of the interview consists of clarifying critical items identified on the psychological tests.

Phase II – Unlike the structured part of the interview, this phase generally includes open ended questions to elicit the personality style and underlying dynamics of an applicant’s character.

The protocol outlined above has been established to give each candidate the greatest "fairness" in terms of evaluation. Alternative procedures have been investigated, such as "psychological/honesty" tests; the use of psychometric evaluation without clinical interview; and the use of clinical interview without psychometric evaluation. All these methods have been deemed by this consultant as being unsatisfactory in meeting the American Psychological Association Task Force guidelines for selection of police personnel.

SUMMATION OF THE PRE-EMPLOYMENT SCREENING PROCESS

1. Testing is conducted Monday through Friday beginning at 8:30 a.m. as needed (Saturdays and Sundays on special request). The consultant can test up to 15 applicants per day utilizing a split shift, in a dedicated testing room.
2. Detailed instructions and a consent form are given to applicants both verbally and in writing before the evaluation begins. Issues of confidentiality, privilege and access to the report is clearly conveyed to the applicant and the applicant signs an acknowledgement form.
3. A separate and locked file cabinet houses the psychological files of law enforcement applicants. Access to this cabinet is limited to only those who directly work in the applicant screening process. All personality instrument scoring are computer generated in the consultant's office immediately after the applicant finishes his/her test. Dr. Stock has two back-up systems and the computers are kept in a secured environment.
4. Results and written reports are available within seven days but can be available within 24 hours when necessary.
5. The core battery of tests (MMPI-2, IPI and CPI) are the three most accepted and validated personality instruments for this type of screening.
6. A report format specifically designed for law enforcement purposes by our firm is utilized to provide feedback to the department. This includes areas of concern for further background investigation.
7. On a daily basis, follow-up consultation between the department and our firm is available to further clarify an applicant's results.
8. Dr. Stock is adept at explaining results to applicants who request feedback. These sessions are always conducted at no additional charge.
9. The pre-employment testing system exceeds all the recommendations and requirements promulgated by the International Association Chiefs of Police, Consortium of Police Psychologists and California Post-Study reports.

TAB 11 B You or your firms qualifications for conducting the evaluations, such as areas of expertise and previous work in this field.

Dr. Stock is a nationally recognized police psychologist with over 30 years' experience. He has twice been president of the Consortium of Police Psychologists (COPPS). He has presented nationally, and internationally, on the issues of violence and threat management. Dr. Stock has consulted with the United States Secret Service, the Federal Bureau of Investigation, U.S. Customs and Border Protection, the Department of Defense, the Department of the Army, the Department of Justice, the Department of Homeland Security and other state and government agencies in the area of law enforcement and threat management. He currently conducts all pre-employment psychological evaluations for the DEA in Florida. He has been a consulting police psychologist to BSO for over 21 years and the Fort Lauderdale Police Department for 4 years. He is a nationally recognized expert on the MMPI-2 and has developed the only published deception index on the original MMPI specifically for law enforcement applicants. He is an editorial reviewer for Criminal Justice and Behavior. Dr. Stock has personally screened over 12,000 law enforcement applicants. He is SWAT trained and was trained in Hostage Negotiations at the FBI Academy. He is one of 275 board certified forensic psychologists in the United States and is a fellow of the American Academy of Forensic Psychology. Dr. Stock has numerous publications in the area of police psychology and threat assessment (see Exhibit C).

TAB 11C The methodology for determining which candidate(s) will be recommended for hiring.

After completion of psychological testing and forensic psychological interview, the available data will be analyzed using (1) the KS&A requirement of the City of Ft. Lauderdale Police Department; (2) contemporary research findings in the area of police psychology; (3) normative test results based on data provided by the test publishers for law enforcement applicants; (4) applicant responses to the structured forensic psychological interview; and (5) Dr. Stock's extensive experience in police psychology. Subsequently, the applicant will be rated on the following scale:

Acceptable	Suitable	Marginal	Unacceptable	Unacceptable
1	2	3	4	5

TAB 11D How the recommendation results will be presented. Provide examples.

Stage Three – Written Report

In all cases, the City of Ft. Lauderdale Police Department will be provided with an in-depth report including the following:

- 01) Applicant's full name, address, telephone number and social security number
- 02) Job classification for which the applicant is being evaluated (including whether applicant is a certified or cadet applicant)
- 03) Evaluator's name
- 04) Evaluation date
- 05) Reason for referral
- 06) Statement indicating that, prior to the evaluation, the applicant was given an informed consent form and understood:
 - a. the purpose of the evaluation
 - b. that normal psychologist/patient confidentiality would not be extended;
 - c. that a report would be forthcoming to the City of Ft. Lauderdale Police Department
- 07) Relevant applicant background information
- 08) Behavioral observations
- 09) Assessment instruments/procedures utilized
- 10) Test results and interpretations
- 11) Recommendations
- 12) Evaluator's signature

When a candidate is rejected, the consultant shall provide the Agency an explanation, including sufficient evidence to substantiate the recommendation and a predicted area of liability for the Department if the candidate is employed.

The Equal Employment Opportunity Commission (EEOC) in the "Uniform Guidelines on Employment Selection Procedures" indicates there are three main issues that are relevant to psychological screening: adverse impact, differential validity, and unfair discrimination. In order to ensure that the psychological selection process is complying with Title VII of the 1964 Civil Rights Acts (which prohibits discrimination in hiring, placement, training, promotion and retention on the basis of race, color, religion, sex or national origin) statistical analysis of the process will be maintained by the consultant at no charge.

It is the expert opinion of Dr. Stock that the entire evaluation process described above conforms to Title VII of the Civil Rights Act of 1964, the 1991 Civil Rights Act, the Americans with Disabilities Act, the Uniform Guidelines on Employee Selection Procedures, Principles for the Validation and Use of Personnel Selection Procedures,

Standards for Educational and Psychological Testing and all other relevant laws, regulations, guidelines and standards.

Dr. Stock has no financial relationship with the developers or distributors of the tests proposed in this bid.

TAB 11E Your ability to develop a customized scoring system for the City.

Dr. Stock is more than willing to develop a customized scoring system for the City of Ft. Lauderdale Police Department. He has customized scoring systems for a variety of law enforcement agencies in the past. Such a customized scoring system, for example, could include highlights of critical information; utilization of local norms; recommendations tied directly to KS&As; and predicative indicators. Dr. Stock is familiar with, and has access to, sophisticated statistical modeling and analysis.

TAB 12 **Any additional information you feel may be pertinent in the evaluation of your proposal.**

Community Betterment Program - Forensic Associates, when feasible, re-invests in the local community by utilizing business related services from minority and women owned vendors and suppliers. For example, we sub-contract report typing to a woman-owned business service. We also attempt to buy office supplies or required repair operations with minority businesses.

The signer of the proposal declares that the only person(s), company or parties interested in the proposal as principals are named therein; that the proposal is made without collusion with any other person(s), company or parties submitting a proposal; that it is in all respects fair and in good faith, without collusion or fraud; and that the signer of the proposal has full authority to bind the principal proposer.

EXHIBIT A

Specialty Guidelines for Forensic Psychologists¹

Committee on Ethical Guidelines for Forensic Psychologists²

The *Specialty Guidelines for Forensic Psychologists*, while informed by the *Ethical Principles of Psychologists* (APA, 1990) and meant to be consistent with them, are designed to provide more specific guidance to forensic psychologists in monitoring their professional conduct when acting in assistance to courts, parties to legal proceedings, correctional and forensic mental health facilities, and legislative agencies. The primary goal of the *Guidelines* is to improve the quality of forensic psychological services offered to individual clients and the legal system and thereby to enhance forensic psychology as a discipline and profession. The *Specialty Guidelines for Forensic Psychologists* represent a joint statement of the American Psychology-Law Society and Division 41 of the American Psycholog-

¹ The *Specialty Guidelines for Forensic Psychologists* were adopted by majority vote of the members of Division 41 and the American Psychology-Law Society. They have also been endorsed by majority vote by the American Academy of Forensic Psychology. The Executive Committee of Division 41 and the American Psychology Law Society formally approved these *Guidelines* on March 9, 1991. The Executive Committee also voted to continue the Committee on Ethical Guidelines in order to disseminate the *Guidelines* and to monitor their implementation and suggestions for revision. Individuals wishing to reprint these *Guidelines* or who have queries about them should contact either Stephen L. Golding, Ph.D., Department of Psychology, University of Utah, Salt Lake City, UT 84112, 801-581-8028 (voice) or 801-581-5841 (FAX) or other members of the Committee listed below. Reprint requests should be sent to Cathy Osizly, Department of Psychology, University of Nebraska-Lincoln, Lincoln, NE 68588-0308.

² These *Guidelines* were prepared and principally authored by a joint Committee on Ethical Guidelines of Division 41 and the American Academy of Forensic Psychology (Stephen L. Golding, [Chair], Thomas Grisso, David Shapiro, and Herbert Weissman [Co-chairs]). Other members of the Committee included Robert Fein, Kirk Heilbrun, Judith McKenna, Norman Poythress, and Daniel Schuman. Their hard work and willingness to tackle difficult conceptual and pragmatic issues is gratefully acknowledged. The Committee would also like to acknowledge specifically the assistance and guidance provided by Dort Bigg, Larry Cowan, Eric Harris, Arthur Lerner, Michael Miller, Russell Newman, Melvin Rudov, and Ray Fowler. Many other individuals also contributed by their thoughtful critique and suggestions for improvement of earlier drafts which were widely circulated.

ical Association and are endorsed by the American Academy of Forensic Psychology. The *Guidelines* do not represent an official statement of the American Psychological Association.

The *Guidelines* provide an aspirational model of desirable professional practice by psychologists, within any subdiscipline of psychology (e.g., clinical, developmental, social, experimental), when they are engaged regularly as experts and represent themselves as such, in an activity primarily intended to provide professional psychological expertise to the judicial system. This would include, for example, clinical forensic examiners; psychologists employed by correctional or forensic mental health systems; researchers who offer direct testimony about the relevance of scientific data to a psycholegal issue; trial behavior consultants; psychologists engaged in preparation of *amicus* briefs; or psychologists, appearing as forensic experts, who consult with, or testify before, judicial, legislative, or administrative agencies acting in an adjudicative capacity. Individuals who provide only occasional service to the legal system and who do so without representing themselves as *forensic experts* may find these *Guidelines* helpful, particularly in conjunction with consultation with colleagues who are forensic experts.

While the *Guidelines* are concerned with a model of desirable professional practice, to the extent that they may be construed as being applicable to the advertisement of services or the solicitation of clients, they are intended to prevent false or deceptive advertisement or solicitation, and should be construed in a manner consistent with that intent.

I. PURPOSE AND SCOPE

A. Purpose

1. While the professional standards for the ethical practice of psychology, as a general discipline, are addressed in the American Psychological Association's *Ethical Principles of Psychologists*, these ethical principles do not relate, in sufficient detail, to current aspirations of desirable professional conduct for forensic psychologists. By design, none of the *Guidelines* contradicts any of the *Ethical Principles of Psychologists*; rather, they amplify those *Principles* in the context of the practice of forensic psychology, as herein defined.
2. The *Guidelines* have been designed to be national in scope and are intended to conform with state and Federal law. In situations where the forensic psychologist believes that the requirements of law are in conflict with the *Guidelines*, attempts to resolve the conflict should be made in accordance with the procedures set forth in these *Guidelines* [IV(G)] and in the *Ethical Principles of Psychologists*.

B. Scope

1. The *Guidelines* specify the nature of desirable professional practice by forensic psychologists, within any subdiscipline of psychology

(e.g., clinical, developmental, social, experimental), when engaged regularly as forensic psychologists.

- a. "Psychologist" means any individual whose professional activities are defined by the American Psychological Association or by regulation of title by state registration or licensure, as the practice of psychology.
 - b. "Forensic psychology" means all forms of professional psychological conduct when acting, with definable foreknowledge, as a psychological expert on explicitly psycholegal issues, in direct assistance to courts, parties to legal proceedings, correctional and forensic mental health facilities, and administrative, judicial, and legislative agencies acting in an adjudicative capacity.
 - c. "Forensic psychologist" means psychologists who regularly engage in the practice of forensic psychology as defined in I(B)(1)(b).
2. The *Guidelines* do not apply to a psychologist who is asked to provide professional psychological services when the psychologist was not informed at the time of delivery of the services that they were to be used as forensic psychological services as defined above. The *Guidelines* may be helpful, however, in preparing the psychologist for the experience of communicating psychological data in a forensic context.
 3. Psychologists who are not forensic psychologists as defined in I(B)(1)(c), but occasionally provide limited forensic psychological services, may find the *Guidelines* useful in the preparation and presentation of their professional services.

C. Related Standards

1. Forensic psychologists also conduct their professional activities in accord with the *Ethical Principles of Psychologists* and the various other statements of the American Psychological Association that may apply to particular subdisciplines or areas of practice that are relevant to their professional activities.
2. The standards of practice and ethical guidelines of other relevant "expert professional organizations" contain useful guidance and should be consulted even though the present *Guidelines* take precedence for forensic psychologists.

II. RESPONSIBILITY

- A. Forensic psychologists have an obligation to provide services in a manner consistent with the highest standards of their profession. They are responsible for their own conduct and the conduct of those individuals under their direct supervision.

- B. Forensic psychologists make a reasonable effort to ensure that their services and the products of their services are used in a forthright and responsible manner.

III. COMPETENCE

- A. Forensic psychologists provide services only in areas of psychology in which they have specialized knowledge, skill, experience, and education.
- B. Forensic psychologists have an obligation to present to the court, regarding the specific matters to which they will testify, the boundaries of their competence, the factual bases (knowledge, skill, experience, training, and education) for their qualification as an expert, and the relevance of those factual bases to their qualification as an expert on the specific matters at issue.
- C. Forensic psychologists are responsible for a fundamental and reasonable level of knowledge and understanding of the legal and professional standards that govern their participation as experts in legal proceedings.
- D. Forensic psychologists have an obligation to understand the civil rights of parties in legal proceedings in which they participate, and manage their professional conduct in a manner that does not diminish or threaten those rights.
- E. Forensic psychologists recognize that their own personal values, moral beliefs, or personal and professional relationships with parties to a legal proceeding may interfere with their ability to practice competently. Under such circumstances, forensic psychologists are obligated to decline participation or to limit their assistance in a manner consistent with professional obligations.

IV. RELATIONSHIPS

- A. During initial consultation with the legal representative of the party seeking services, forensic psychologists have an obligation to inform the party of factors that might reasonably affect the decision to contract with the forensic psychologist. These factors include, but are not limited to
 - 1. the fee structure for anticipated professional services;
 - 2. prior and current personal or professional activities, obligations, and relationships that might produce a conflict of interests;
 - 3. their areas of competence and the limits of their competence; and
 - 4. the known scientific bases and limitations of the methods and procedures that they employ and their qualifications to employ such methods and procedures.

- B. Forensic psychologists do not provide professional services to parties to a legal proceeding on the basis of "contingent fees," when those services involve the offering of expert testimony to a court or administrative body, or when they call upon the psychologist to make affirmations or representations intended to be relied upon by third parties.
- C. Forensic psychologists who derive a substantial portion of their income from fee-for-service arrangements should offer some portion of their professional services on a *pro bono* or reduced fee basis where the public interest or the welfare of clients may be inhibited by insufficient financial resources.
- D. Forensic psychologists recognize potential conflicts of interest in dual relationships with parties to a legal proceeding, and they seek to minimize their effects.
 - 1. Forensic psychologists avoid providing professional services to parties in a legal proceeding with whom they have personal or professional relationships that are inconsistent with the anticipated relationship.
 - 2. When it is necessary to provide both evaluation and treatment services to a party in a legal proceeding (as may be the case in small forensic hospital settings or small communities), the forensic psychologist takes reasonable steps to minimize the potential negative effects of these circumstances on the rights of the party, confidentiality, and the process of treatment and evaluation.
- E. Forensic psychologists have an obligation to ensure that prospective clients are informed of their legal rights with respect to the anticipated forensic service, of the purposes of any evaluation, of the nature of procedures to be employed, of the intended uses of any product of their services, and of the party who has employed the forensic psychologist.
 - 1. Unless court ordered, forensic psychologists obtain the informed consent of the client or party, or their legal representative, before proceeding with such evaluations and procedures. If the client appears unwilling to proceed after receiving a thorough notification of the purposes, methods, and intended uses of the forensic evaluation, the evaluation should be postponed and the psychologist should take steps to place the client in contact with his/her attorney for the purpose of legal advice on the issue of participation.
 - 2. In situations where the client or party may not have the capacity to provide informed consent to services or the evaluation is pursuant to court order, the forensic psychologist provides reasonable notice to the client's legal representative of the nature of the anticipated forensic service before proceeding. If the client's legal representative objects to the evaluation, the forensic psychologist notifies the court issuing the order and responds as directed.
 - 3. After a psychologist has advised the subject of a clinical forensic evaluation of the intended uses of the evaluation and its work product, the psychologist may not use the evaluation work product for

other purposes without explicit waiver to do so by the client or the client's legal representative.

- F. When forensic psychologists engage in research or scholarly activities that are compensated financially by a client or party to a legal proceeding, or when the psychologist provides those services on a *pro bono* basis, the psychologist clarifies any anticipated further use of such research or scholarly product, discloses the psychologist's role in the resulting research or scholarly products, and obtains whatever consent or agreement is required by law or professional standards.
- G. When conflicts arise between the forensic psychologist's professional standards and the requirements of legal standards, a particular court, or a directive by an officer of the court or legal authorities, the forensic psychologist has an obligation to make those legal authorities aware of the source of the conflict and to take reasonable steps to resolve it. Such steps may include, but are not limited to, obtaining the consultation of fellow forensic professionals, obtaining the advice of independent counsel, and conferring directly with the legal representatives involved.

V. CONFIDENTIALITY AND PRIVILEGE

- A. Forensic psychologists have an obligation to be aware of the legal standards that may affect or limit the confidentiality or privilege that may attach to their services or their products, and they conduct their professional activities in a manner that respects those known rights and privileges.
 - 1. Forensic psychologists establish and maintain a system of record keeping and professional communication that safeguards a client's privilege.
 - 2. Forensic psychologists maintain active control over records and information. They only release information pursuant to statutory requirements, court order, or the consent of the client.
- B. Forensic psychologists inform their clients of the limitations to the confidentiality of their services and their products (see also Guideline IV E) by providing them with an understandable statement of their rights, privileges, and the limitations of confidentiality.
- C. In situations where the right of the client or party to confidentiality is limited, the forensic psychologist makes every effort to maintain confidentiality with regard to any information that does not bear directly upon the legal purpose of the evaluation.
- D. Forensic psychologists provide clients or their authorized legal representatives with access to the information in their records and a meaningful explanation of that information, consistent with existing Federal and state statutes, the *Ethical Principles of Psychologists*, the *Standards for Educational and Psychological Testing*, and institutional rules and regulations.

VI. METHODS AND PROCEDURES

- A. Because of their special status as persons qualified as experts to the court, forensic psychologists have an obligation to maintain current knowledge of scientific, professional and legal developments within their area of claimed competence. They are obligated also to use that knowledge, consistent with accepted clinical and scientific standards, in selecting data collection methods and procedures for an evaluation, treatment, consultation or scholarly/empirical investigation.
- B. Forensic psychologists have an obligation to document and be prepared to make available, subject to court order or the rules of evidence, all data that form the basis for their evidence or services. The standard to be applied to such documentation or recording *anticipates* that the detail and quality of such documentation will be subject to reasonable judicial scrutiny; this standard is higher than the normative standard for general clinical practice. When forensic psychologists conduct an examination or engage in the treatment of a party to a legal proceeding, with foreknowledge that their professional services will be used in an adjudicative forum, they incur a special responsibility to provide the best documentation possible under the circumstances.
1. Documentation of the data upon which one's evidence is based is subject to the normal rules of discovery, disclosure, confidentiality, and privilege that operate in the jurisdiction in which the data were obtained. Forensic psychologists have an obligation to be aware of those rules and to regulate their conduct in accordance with them.
 2. The duties and obligations of forensic psychologists with respect to documentation of data that form the basis for their evidence apply from the moment they know or have a reasonable basis for knowing that their data and evidence derived from it are likely to enter into legally relevant decisions.
- C. In providing forensic psychological services, forensic psychologists take special care to avoid undue influence upon their methods, procedures, and products, such as might emanate from the party to a legal proceeding by financial compensation or other gains. As an expert conducting an evaluation, treatment, consultation, or scholarly/empirical investigation, the forensic psychologist maintains professional integrity by examining the issue at hand from all reasonable perspectives, actively seeking information that will differentially test plausible rival hypotheses.
- D. Forensic psychologists do not provide professional forensic services to a defendant or to any party in, or in contemplation of, a legal proceeding prior to that individual's representation by counsel, except for persons judicially determined, where appropriate, to be handling their representation *pro se*. When the forensic services are pursuant to court order and the client is not represented by counsel, the forensic psychologist makes reasonable efforts to inform the court prior to providing the services.
1. A forensic psychologist may provide emergency mental health ser-

- vices to a pretrial defendant prior to court order or the appointment of counsel where there are reasonable grounds to believe that such emergency services are needed for the protection and improvement of the defendant's mental health and where failure to provide such mental health services would constitute a substantial risk of imminent harm to the defendant or to others. In providing such services the forensic psychologist nevertheless seeks to inform the defendant's counsel in a manner consistent with the requirements of the emergency situation.
2. Forensic psychologists who provide such emergency mental health services should attempt to avoid providing further professional forensic services to that defendant unless that relationship is reasonably unavoidable [see IV(D)(2)].
- E. When forensic psychologists seek data from third parties, prior records, or other sources, they do so only with the prior approval of the relevant legal party or as a consequence of an order of a court to conduct the forensic evaluation.
- F. Forensic psychologists are aware that hearsay exceptions and other rules governing expert testimony place a special ethical burden upon them. When hearsay or otherwise inadmissible evidence forms the basis of their opinion, evidence, or professional product, they seek to minimize sole reliance upon such evidence. Where circumstances reasonably permit, forensic psychologists seek to obtain independent and personal verification of data relied upon as part of their professional services to the court or to a party to a legal proceeding.
1. While many forms of data used by forensic psychologists are hearsay, forensic psychologists attempt to corroborate critical data that form the basis for their professional product. When using hearsay data that have not been corroborated, but are nevertheless utilized, forensic psychologists have an affirmative responsibility to acknowledge the uncorroborated status of those data and the reasons for relying upon such data.
 2. With respect to evidence of any type, forensic psychologists avoid offering information from their investigations or evaluations that does not bear directly upon the legal purpose of their professional services and that is not critical as support for their product, evidence or testimony, except where such disclosure is required by law.
 3. When a forensic psychologist relies upon data or information gathered by others, the origins of those data are clarified in any professional product. In addition, the forensic psychologist bears a special responsibility to ensure that such data, if relied upon, were gathered in a manner standard for the profession.
- G. Unless otherwise stipulated by the parties, forensic psychologists are aware that no statements made by a defendant, in the course of any (forensic) examination, no testimony by the expert based upon such

statements, nor any other fruits of the statements can be admitted into evidence against the defendant in any criminal proceeding, except on an issue respecting mental condition on which the defendant has introduced testimony. Forensic psychologists have an affirmative duty to ensure that their written products and oral testimony conform to this Federal Rule of Procedure (12.2[c]), or its state equivalent.

1. Because forensic psychologists are often not in a position to know what evidence, documentation, or element of a written product may be or may lead to a "fruit of the statement," they exercise extreme caution in preparing reports or offering testimony prior to the defendant's assertion of a mental state claim or the defendant's introduction of testimony regarding a mental condition. Consistent with the reporting requirements of state or federal law, forensic psychologists avoid including statements from the defendant relating to the time period of the alleged offense.
 2. Once a defendant has proceeded to the trial stage, and all pretrial mental health issues such as competency have been resolved, forensic psychologists may include in their reports or testimony any statements made by the defendant that are directly relevant to supporting their expert evidence, providing that the defendant has "introduced" mental state evidence or testimony within the meaning of Federal Rule of Procedure 12.2(c), or its state equivalent.
- H. Forensic psychologists avoid giving written or oral evidence about the psychological characteristics of particular individuals when they have not had an opportunity to conduct an examination of the individual adequate to the scope of the statements, opinions, or conclusions to be issued. Forensic psychologists make every reasonable effort to conduct such examinations. When it is not possible or feasible to do so, they make clear the impact of such limitations on the reliability and validity of their professional products, evidence, or testimony.

VII. PUBLIC AND PROFESSIONAL COMMUNICATIONS

- A. Forensic psychologists make reasonable efforts to ensure that the products of their services, as well as their own public statements and professional testimony, are communicated in ways that will promote understanding and avoid deception, given the particular characteristics, roles, and abilities of various recipients of the communications.
1. Forensic psychologists take reasonable steps to correct misuse or misrepresentation of their professional products, evidence, and testimony.
 2. Forensic psychologists provide information about professional work to clients in a manner consistent with professional and legal standards

for the disclosure of test results, interpretations of data, and the factual bases for conclusions. A full explanation of the results of tests and the bases for conclusions should be given in language that the client can understand.

- a. When disclosing information about a client to third parties who are not qualified to interpret test results and data, the forensic psychologist complies with Principle 16 of the *Standards for Educational and Psychological Testing*. When required to disclose results to a nonpsychologist, every attempt is made to ensure that test security is maintained and access to information is restricted to individuals with a legitimate and professional interest in the data. Other qualified mental health professionals who make a request for information pursuant to a lawful order are, by definition, "individuals with a legitimate and professional interest."
 - b. In providing records and raw data, the forensic psychologist takes reasonable steps to ensure that the receiving party is informed that raw scores must be interpreted by a qualified professional in order to provide reliable and valid information.
- B. Forensic psychologists realize that their public role as "expert to the court" or as "expert representing the profession" confers upon them a special responsibility for fairness and accuracy in their public statements. When evaluating or commenting upon the professional work product or qualifications of another expert or party to a legal proceeding, forensic psychologists represent their professional disagreements with reference to a fair and accurate evaluation of the data, theories, standards, and opinions of the other expert or party.
- C. Ordinarily, forensic psychologists avoid making detailed public (out-of-court) statements about particular legal proceedings in which they have been involved. When there is a strong justification to do so, such public statements are designed to assure accurate representation of their role or their evidence, not to advocate the positions of parties in the legal proceeding. Forensic psychologists address particular legal proceedings in publications or communications only to the extent that the information relied upon is part of a public record, or consent for that use has been properly obtained from the party holding any privilege.
- D. When testifying, forensic psychologists have an obligation to all parties to a legal proceeding to present their findings, conclusions, evidence, or other professional products in a fair manner. This principle does not preclude forceful representation of the data and reasoning upon which a conclusion or professional product is based. It does, however, preclude an attempt, whether active or passive, to engage in partisan distortion or misrepresentation. Forensic psychologists do not, by either commission or omission, participate in a misrepresentation of their evidence, nor do they participate in partisan attempts to avoid, deny, or subvert the presentation of evidence contrary to their own position.

- E. Forensic psychologists, by virtue of their competence and rules of discovery, actively disclose all sources of information obtained in the course of their professional services; they actively disclose which information from which source was used in formulating a particular written product or oral testimony.
- F. Forensic psychologists are aware that their essential role as expert to the court is to assist the trier of fact to understand the evidence or to determine a fact in issue. In offering expert evidence, they are aware that their own professional observations, inferences, and conclusions must be distinguished from legal facts, opinions, and conclusions. Forensic psychologists are prepared to explain the relationship between their expert testimony and the legal issues and facts of an instant case.

EXHIBIT B

FORENSIC PSYCHIATRIC AND PSYCHOLOGICAL ASSOCIATES OF FLORIDA

10097 CLEARY BOULEVARD
PMB: 300
PLANTATION, FL 33324

Harley V. Stock, Ph.D., A.B.P.P.
Licensed Psychologist
License # PY0004029

Diplomate, American Board
of Forensic Psychology
Fellow, American Academy
of Forensic Psychology

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(954) 452-0434
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(954) 452-1134

CURRICULUM VITA

HARLEY V. STOCK, Ph.D., ABPP

I. EDUCATION

A. Degrees Received

1. Bachelor of Arts degree from the University of South Florida, August 1970.
2. Master of Arts degree from the University of South Florida, August 1971.
3. Master of Science degree from Emporia State University, August 1972.
4. American Psychological Association Approved Internship, Institute of Mental Health Science, Department of Psychiatry, Rutgers Medical School, September 1975 to September 1976.
5. Ph.D. from the University of Kansas, May 1977.

II. EMPLOYMENT

A. SCHOOL PSYCHOLOGIST - Lawrence, Kansas, 1972 - 1974.

The position was occupied while completing graduate training.

B. SENIOR RESEARCH TEACHING SPECIALIST - Department of Psychiatry, Rutgers Medical School, Piscataway, New Jersey, August 1976 - July 1977.

My duties included:

1. Development and implementation of new curriculum in Psychiatry and the Behavioral Sciences for second year medical students.
2. Tutoring second year medical students in Psychiatry and the Behavioral Sciences.
3. Coordination and administration of liaison work between Rutgers Medical School and other psychiatric institutions.
4. Active membership in the curriculum committee of the Department of Psychiatry.

- C. CLINICAL FORENSIC PSYCHOLOGIST, Center for Forensic Psychiatry, Ann Arbor Michigan, August 1977 to February 1990.

In order to be qualified to determine competency to stand trial and criminal responsibility, I have received certification as a Forensic Examiner from the State of Michigan, Department of Mental Health. Certification in this area requires approximately 1,000 hours of post-doctoral supervision.

In addition to submitting reports to the various courts in the State of Michigan, testimony was also given in court as an expert witness in the area of Clinical Forensic Psychology.

This position involved:

1. Psychological examination of defendants for the Michigan Court System. My responsibilities included determining if:
 - a. The defendant met the statutory requirements in order to be adjudicated competent to stand trial, and/or
 - b. If the defendant was criminally responsible for his actions.
2. Chief Clinician, Inpatient Unit. The Inpatient Unit of the Center for Forensic Psychiatry is the initial treatment facility for individuals adjudicated either:
 - a. Incompetent to Stand Trial
 - b. Not Guilty by Reason of Insanity
 - c. Guilty but Mental Ill, or
 - d. Convict transfer

My responsibilities included:

- a. Providing direct clinical services
 - b. Supervision and coordination of mental health professionals providing clinical treatment, and
 - c. Certifying patients back to the court system when they regain competency to stand trial or back to the prison system.
3. Training and Education
 - a. Supervision of Forensic Psychiatric Fellows, Psychologists and Social Workers at various stages of training.
 - b. Chairperson of Research Committee, 1978 - 1983.
 1. Screen any research to be conducted at the Forensic Center
 2. Generate researchable ideas
 4. Deputy Director, Outpatient Evaluation Unit. The outpatient unit performed approximately 2,000 diagnostic evaluations per year.

My duties included:

- a. Supervision of 15 Ph.D. psychologists
- b. Establishment of policies and procedures
- c. Implementation of administrative decisions
- d. Liaison with state and federal agencies concerning forensic issues

D. POLICE PSYCHOLOGIST, Broward Sheriff's Office, Ft. Lauderdale, Florida, April 1990 to April 1992.

My duties included:

- a. Psychological evaluation
- b. Psychotherapy
- c. Crisis intervention
- d. Police academy instructor

E. CLINICAL CONSULTANT, Seafield Center, Davie, Florida, April 1990 until closing October 1993. Seafield Center was a private hospital for the treatment of alcohol and substance abuse in police officers.

F. CHIEF EXECUTIVE OFFICER, InterPhase 911, Boca Raton, Florida, November 1993 to July 1994. InterPhase 911 was the only residential treatment facility in the United States that treated exclusively law enforcement personnel for substance abuse disorders.

G. MANAGING PARTNER, Incident Management Group, Inc., Plantation, Florida. IMG provides a spectrum of coordinated psychological and security services to major corporate clients.

H. PRIVATE PRACTICE in forensic psychology and psychotherapy, Plantation, Florida.

III. LAW ENFORCEMENT RELATED EXPERIENCE

A. Consulting Psychologist - Ann Arbor Police Department

B. Consulting Psychologist - Washtenaw County Sheriff's Department

C. Liaison Consultation - 22 Police Agencies in Michigan

D. Trained in Hostage Negotiation - F.B.I. Hostage Negotiation School, F.B.I. Academy, Quantico, Virginia.

E. Certified S.W.A.T. - Michigan Law Enforcement Officer Training Council

F. Certified Instructor - Fire Investigation Bureau, Michigan Law Enforcement Officer Training Council

G. Instructor - Ferndale Police Department - Crisis and Stress Management

H. Consultant - Southfield Police Department - Post-Incident Trauma

- I. Instructor - Jackson Community College Police Academy - Police Stress
- J. Instructor - Criminal Justice Training Center, Toledo, Ohio - Hostage Negotiations
- K. Instructor - Criminal Justice Training Center, Toledo, Ohio - Interview and Interrogation
- L. Instructor - International Homicide Seminar - Interview and Interrogation
- M. Instructor - American Polygraph Institute - Interview and Interrogation
- N. Instructor - International Association of Women Police - Interview and Interrogation
- O. Instructor - Washtenaw Community College Police Public Safety Program
 - 1. Stress Management for Police
 - 2. Basic and Advanced Hostage Negotiations for Police
 - 3. Stress Management for Dispatchers
 - 4. Basic and Advanced Interrogation
 - 5. Jail Stress Management
 - 6. Psychological Selection of Police
 - 7. Crisis Communications
- P. Instructor - Schoolcraft College Police Public Safety Program
 - 1. Stress Management for Police
 - 2. Psychological Profiling of Criminals
 - 3. Basic and Advanced Hostage Negotiations Training
 - 4. Crisis Communications
 - 5. Post-Incident Trauma
- Q. Instructor - Wayne County (Detroit) Sheriff's Academy - Crisis Communication for Police
- R. Instructor - Oakland County Police Academy
 - 1. Basic and advanced Interrogation
 - 2. Hostage Negotiations Training
- S. Consultant - Canton Police Department :- Hostage Negotiations
- T. Consultant - Pittsfield Township Police Department: - Post-Incident Trauma
- U. Consultant - Sylvania (Ohio) Police Department: - Psychological Profiling
- V. Consultant - Toledo (Ohio) Police Department: - Psychological Profiling
- W. Consultant - Westland Police Department: - Forensic Hypnosis
- X. Instructor - Henry Ford Hospital Security Section - Crisis Intervention and Stress Management for Public Safety Officers

- Y. Invited Guest Instructor - Special Operations and Research Section, F.B.I. Academy, Quantico, Virginia - Hostage Negotiation School
- Z. Invited Guest Instructor - Behavioral Science Section, F.B.I. Academy, Criminal Psychological Profiling School
- AA. Invited Guest - International Symposium on Terrorism, F.B.I. Academy
- BB. Instructor - United States Secret Service Training Academy - Interview and Interrogation
- CC. Instructor - International Association of Firearms Instructors - Crisis Communications and Stress Management
- DD. Trained in Forensic Hypnosis - Federal Bureau of Investigation, Quantico, Virginia.
- EE. Consultant in Forensic Hypnosis - United States Secret Service
- FF. Instructor - United States Secret Service - Seminar, Polygraph/Investigative Techniques
- GG. American Psychological Association (Division 18) Task Force - Development of Selection Criteria for Police Personnel
- HH. Consultant - United States Secret Service - Post-Incident Trauma
 - II. Seminar - Crisis Communication - United States Secret Service
 - JJ. Consultant - United States Customs - Critical Incident Team
- KK. Hollywood Police Department, Florida - Pre-employment Screening and Staff Consultation
- LL. West Palm Beach Police Department, Florida - Crisis Intervention Services
- MM. Broward County Sheriff's Office, Florida - Pre-employment Screening
- NN. Oakland Park Police Department, Florida - Pre-employment Screening
- OO. North Miami Police Department, Florida - Pre-employment Screening
- PP. Wilton Manors Police Department, Florida - Pre-employment Screening
- QQ. Boca Raton Police and Fire Departments, Florida - Pre-employment Screening
- RR. Hallandale Police and Fire Departments, Florida - Pre-employment Screening
- SS. Indian Creek Police Department, Florida - Pre-employment Screening
- TT. Taylor Police Department, Michigan - Pre-employment Screening
- UU. Livonia Police and Fire Departments, Michigan - Pre-employment Screening
- VV. Parkland Police Department. Florida - Pre-employment Screening

- WW. North Bay Village Police Department, Florida - Pre-employment Screening
- XX. Miramar Police and Fire Departments, Florida - Pre-employment Screening
- YY. Davie Police and Fire Departments, Florida - Pre-employment Screening
- ZZ. DEA - Pre-employment Screening

IV. PRIVATE PRACTICE OF FORENSIC PSYCHOLOGY - FORENSIC PSYCHIATRIC AND PSYCHOLOGICAL ASSOCIATES OF MICHIGAN (CO-FOUNDER);, FORENSIC PSYCHIATRIC AND PSYCHOLOGICAL ASSOCIATES OF FLORIDA (PRESIDENT)

- A. Federal Aviation Administration - Psychological evaluation, on medical referral, for Air Traffic Controller Specialist positions
- B. Disability Determination Service - Psychological consultation and evaluation
- C. Office of the Michigan Attorney General
 - 1. Expert Witness for Licensing and Regulation
 - 2. Civil Torts
- D. Office of the United States Attorney - Various criminal matters
- E. Private Law Firms
 - 1. Psychological Malpractice
 - 2. Child Custody
 - 3. Testamentary Capacity
 - 4. Worker's Compensation
 - 5. Police Liability
 - 6. Special Forensic Consultation
- F. Psychological Screening of Applicants for Police Agencies
- G. Office of the State's Attorney - Florida

V. PRIVATE PRACTICE OF PSYCHOLOGY - CENTER FOR APPLIED PSYCHOLOGY, INCORPORATED (PRESIDENT), ANN ARBOR, MICHIGAN, 1978-1990

- A. General practice of psychology with emphasis on short-term therapy within the cognitive-behavioral model
- B. Business Consultation
 - 1. Domino's Pizza World Headquarters
 - 2. Bendix Corporation
 - 3. Allied-Signal Corporation
 - 4. Car-O-Liner, Incorporated
 - 5. Various medical groups

VI. TEACHING EXPERIENCE

- A. University of South Florida, Tampa, Florida, Spring, 1971. Course - Exceptional Children. Class size: 30. Team teaching, shared responsibility with one instructor.
- B. Division of Continuing Education, Kansas State System of Higher Education, Spring, 1973. Group Facilitator for "Instruction in Child Management Issues".
- C. University of Kansas, Lawrence, Kansas, Fall, 1974. Course - Clinical Problems in Classroom Management. Facilitator for group of seven graduate students. My role was to help them conceptualize and implement research questions in the schools.
- D. University of Kansas, Lawrence, Kansas, 1974 - 1975. Teaching Assistantship. Course - Classroom Management. Seven sections of undergraduates: total class size in 220. Sole instructor.
- E. Trenton State College, Trenton, New Jersey. Academic year 1976 - 1977. Adjunct Instructor in Psychology. Course - Adolescent Psychology. Class size: 35.
- F. University of Michigan, Medical School, Department of Neural and Behavioral Science, Ann Arbor, Michigan, 1977 - 1980. Human Sexuality Sequence.
- G. University of Michigan, Medical School, Department of Neural and Behavioral Science, Ann Arbor, Michigan, 1979 - 1980. Medical Hypnosis.

VII. OTHER TRAINING AND EXPERIENCE

- A. Suicide Prevention Center of Tampa. Counselor. June 1968 to February 1969.
- B. Hotline of Tampa. Project Director. October 1969 to July 1970.
- C. Nina Harris School for Exceptional Children, St. Petersburg, Florida. Internship. April 1971 to June 1971.
- D. Clinic for Exceptional Children at the University of South Florida, Practicum. September 1970 to April 1971.
- E. Children's Psychiatric Ward at Tampa General Hospital. Internship. June 1971 to August 1971.
- F. Clinical Practice in Psychology, Topeka, Kansas. Internship. May 1972 to August 1972.
- G. Advanced Practicum in School Psychology, Lawrence Unified School District 497, Kansas. January 1973 to May 1973.
- H. Field Experience in School Psychology, Kansas. September 1972 to May 1975.
- I. Board of Directors - Douglas County Mental Health Association. September 1974 to August 1975.

- J. Chairperson - Child Advocacy Committee, Kansas Association of School Psychologists.
- K. Primary Certificate in Rational Emotive Psychotherapy - Institute for Rational Psychotherapy (Albert Ellis was applicant's supervisor).
- L. Group Leader in Human Sexuality - Departments of Community Medicine and Psychiatry. Human Sexuality Conference. Rutgers Medical School, January 1977.
- M. Group Leader in Human Sexuality - Department of Neural and Behavioral Sciences, University of Michigan Medical School, 1978 - 1981.
- N. Chairperson - Adolescent Offender's Committee, Michigan Department of Mental Health, 1979 -1982.
- O. Member - International Committee for the Study of Victimization, 1980 - 1983.

VIII. PRESENTATIONS AND PUBLICATIONS

1. Stock, Harley V. "New Ways of Communicating for the School Psychologist." Kansas Association of School Psychologists, Fall meeting, 1974.
2. Stock, Harley V. "Applying Transactional Analysis to the Classroom." State Convention, Kansas Council for Exceptional Children, Spring meeting, 1975.
3. Stock, Harley V. and Westrate, Ronald M. "The School Psychologist Working for a Community Mental Health Center: Consultation Issues." National Association of School Psychologists, Cincinnati, Ohio, 1977.
4. Stock, Harley V. "Multi-Modal Treatment of the Male Sex Offender." National Meeting of the Society for the Scientific Study of Sex, 1977.
5. Stock, Harley V. "Treatment for the Male Sexual Psychopath." Center for Forensic Psychiatry, Lecture Series, October 1977.
6. Stock, Harley V. "Dangerous Behavior: Evaluation and Prediction." Center for Forensic Psychiatry. Lecture Series. January 1978.
7. Stock, Harley V. "Applications of Stress Management and Systematic Desensitization to a Forensic Population." Center for Forensic Psychiatry, Lecture Series, March 1978.
8. Stock, H.V. and Fine, M.J. "The Effects of a Humanistic-Relational Parent Education Group on Neurologically Impaired Children and Their Parents." Journal of Spina Bifida Therapy. October 1978, 1(2): 59-70.
9. Stock, H.V. and Fine, M.J. "Parent Education Groups: A Humanistic-Relational Model - Part II (A Review of Research)". Journal of Spina Bifida Therapy, February 1979, 1(3): 115-143.

10. Stock, Harley V. and Poythress, Norman. "Reliability of Psychologist's Opinion Formation on the Issues of Competency to Stand Trial and Criminal Responsibility" American Psychological Association, Annual meeting, 1979.
11. Barchlay, Rosalyn; Farley, Gail; Poythress, Norman and Stock, Harley. "Advanced Workshop on Selected Issues in Forensic Psychology." American Psychological Association, Annual meeting, 1979.
12. Stock, Harley V. "Special Techniques in Forensic Psychology: Hypnosis." Center for Forensic Psychiatry, Lecture Series, 1980.
13. Stock, Harley V. "Special Problems Associated with Sexuality: Criminal Sexual Psychopath." Department of Neural and Behavioral Sciences, University of Michigan Medical School, 1980.
14. Poythress, Norman and Stock, Harley V. "Competency to Stand Trial: A Historical Review and Some New Data." Journal of Psychiatry and Law, Summer, 1980.
15. Stock, Harley V. "Psychological Aspects of High Technology Terrorism." National Organization of Victims' Assistance, Toronto, Canada, 1981.
16. Stock, Harley V. and Hanowitz, Wayne. "Psychological Aspects of S.W.A.T." Washtenaw County Sheriff's Department, Joint Training Seminar, 1981.
17. Stock, Harley V. "Stress During Hostage Negotiations (F.B.I. Seminar)", Michigan State Police Training Academy, Lansing, Michigan, 1982.
18. Spates, R.; Little, P.; Stock, H.; Goncalves, S. "Intervention in Events of Terrorism" in Handbook of Violence and Prevention; Herzberg, L.; Field, J. and Ostrom, J. (Eds.), 1985.
19. Stock, H.; Spates, R. and Lanceley, F. "High Technology Terrorism: Multi-Level Response." American Psychological Association Annual Convention: Washington, D.C., 1982.
20. Stock, H.; Spates, R. and Ressler, R. "Criminal Psychological Profiling - Help or Hindrance." American Psychological Association Annual Convention, Washington, D.C., 1982.
21. Blunt, L.W. and Stock, H.V. "Guilty But Mentally Ill: A New Look at the Data." American Academy of Psychiatry and the Law, Annual meeting, 1983.
22. Blunt, L.W. and Stock, H.V. "Guilty But Mentally Ill: An Alternative Verdict." Journal of Behavioral Science and the Law. Vol. 3, No. 1: 49-67 (Winter, 1985).
23. "New Trends in Forensic Psychology" - National Conference of District Attorneys, March 1985.
24. "Legal Insanity, Diminished Capacity and Other Issues" - Consortium of Police Professionals, May 1986.
25. Stock, H.V. and Piper, J.W. "Forensic Hypnosis: The Need for a Federal Model." American Psychological Association Annual Meeting, 1986.
26. "Forensic Psychology in the 1990's" Prosecuting Attorney's Association of Michigan, Annual Meeting, 1988.

27. "Trends and Advances in Police Evaluations" - Consortium of Police Professionals, 1989.
28. "Forensic Hypnosis and the Police Psychologist" - Consortium of Police Psychological Services, Annual Conference, 1989.
29. "Post Traumatic Stress Disorder" - Seafield 911, Lecture Series, 1990.
30. "Police Stress" - Fairfield, Connecticut Police Training Officer's Association, 1990.
31. "The Practice of Forensic Mental Health" - Charter Hospital Miami, Florida, 1991.
32. "Stress in Law Enforcement" - Seafield Center, Washington, D.C., 1991.
33. "Response to Hostage Situations" - Conference on the Assessment of Dangerousness: Clinical, Legal and Empirical Approaches, Miami, Florida, January, 1992.
34. "Post-Traumatic Stress" - Nassau County (N.Y.) Police Benevolent Association, 1992.
35. "Post-Traumatic Stress" - Suffolk County (N.Y.) Police Benevolent Association, 1992.
36. "Stress and Police" - Joint Conference (Atlantic City, New Jersey), 1992.
37. "Forensic Homicide Investigation" - Fairfield (Connecticut) University, 1992.
38. Borum, Randy and Stock, Harley. "An Essential Tool to Properly Train Staff and Protect Against Litigation." Corrections Today, June, 1992.
39. Scott, Allen and Stock, Harley. "You've Survived - Now What?" Lifeline, Miami Dade Police Department, September 1992.
40. Stock, Harley. "Why Am I So Tired?" The Chief of Police, December 1992.
41. "Forensic Hypnosis - Myth or Reality?" - Nova University, Psychology Department, Grand Rounds, 1992.
42. Borum, Randy and Stock, Harley. "The Detection of Deception in Law Enforcement Applicants - A Preliminary Investigation". Law and Human Behavior, Vol. 17(2), April 1993.
43. Stock, Harley and Borum, Randy. "Rotating Shift Patterns and Police Performance." The Chief of Police, March - April 1993.
44. Stock, Harley; Grennan, Sean; Janik, James; Sherrets, Steve; and Skultety, Steve. "Failures in Coping: The Law Enforcement Trilogy: Divorce, Alcohol, and Suicide". Law Enforcement Families: Issues and Answers, Conference, F.B.I. Academy, Quantico, VA. July 1993.
45. "Psychological Aspects of SWAT Selection." American Psychological Association, Annual Meeting, 1993.
46. "Psychoactive Substance Use In Law Enforcement." American Psychological Association, Annual Meeting, 1993.

47. Borum, Randy and Stock, Harley. "An Essential Tool to Properly Train Staff and Protect Against Litigation." Journal of Safe Management of Disruptive and Assaultive Behavior, Vol. II (1), July 1993.
48. "Psychological Aspects of Elderly Abuse." Broward County State Attorney's Office, December, 1993.
49. Stock, Harley and Skultety, Stephan. "Staff Substance Abuse: Wrestling Demons in Our Own Ranks." Corrections Today, February, 1994.
50. "Preventing Violence in the Workplace." Ft. Lauderdale Chamber of Commerce, October 1994.
51. "Preventing Violence in the Workplace." Onyx Insurance Group, Miami, October 1994.
52. "False Confessions Elicited by Police". Broward County Association of Criminal Defense Lawyers, October 1994.
53. Bourg, Sherrie and Stock, Harley. "A Review of Domestic Violence Arrest Statistics in a Police Department Using a Pro-Arrest Policy: Are Pro-Arrest Policies Enough?" Journal of Family Violence, 9(2), 177-189, 1994.
54. "Workplace Violence Intervention Strategies". Miami, Florida, Chamber of Commerce, November 1994.
55. Stock, Harley and Hagon, Christopher. "The Myths and Realities of Violence in the Workplace." International Facilities Management Association, Dania, Florida, November, 1994.
56. "Selection of Police/High Security Personnel." Forensic Evaluations and Forensic Applications of the MMPI and MMPI-2, National Conference, Orlando, Florida, February, 1995.
57. Stock, Harley and Hagon, Christopher. "Workplace Violence and the Police Response". Consortium of Police Psychological Services, Annual Conference, 1995.
58. "False Confessions and Police Interrogations". Consortium of Police Psychological Services, Annual Conference, 1995.
59. "Violence in the Workplace". National Seminar, Family Resources Inc., Davenport, Iowa, 1995.
60. "Preparation of a Mental Health Defense ". Advanced Criminal Law and the Death Penalty Seminar, Oklahoma Criminal Defense Lawyers' Association, Oklahoma City, Oklahoma, 1995.
61. "Threat Assessment in the Workplace". Workplace Violence Network, Organization Resources Counselors, Inc., Cleveland, Ohio, 1995.
62. "Strategies for Evaluating and Managing Dangerous Individuals". Business Risks Summit, Incident Management Group, 1995.
63. "Violence in the Workplace". North Carolina Occupational Safety and Health Conference - Duke University Medical School, St. Petersburg, Florida, January, 1996.
64. "Preventing Workplace Violence". Intel Corporation, Portland, Oregon, January 1996.

65. "Forensic Evaluation of Those Charged with Abuse". Florida Crime Prevention Training Institute, Exploitation of the Elderly: How To Fight It. Orlando, Florida, February 1996.
66. "Preventing Workplace Violence". Intel Corporation, Albuquerque, New Mexico, February, 1996.
67. "Violence in the Workplace." Briggs & Stratton, Milwaukee, Wisconsin, March 1996.
68. "Why Behavior Profiles Don't Work". Florida Public Personnel Association, Inc., Ft. Lauderdale, Florida, April 1996.
69. "Police Use of Deadly Force". Consortium of Police Psychological Services. Annual Conference, Marathon, Florida, May 1996.
70. Stock, Harley, Borum, Randy & Baltzley, Dennis. "Police Use of Deadly Force". In H.V. Hall (Ed.), Lethal Violence 2000: A Sourcebook on Fatal Domestic, Acquaintance and Stranger Aggression (pp. 635-662). Kamehala, Hawaii: Pacific Institute for the Study of Conflict and Aggression, 1996.
71. "Workplace Violence". Florida Institute of Certified Public Accountants, Industry conference, Tampa, Florida, February, 1997.
72. "Violence in the Workplace". Guest speaker, Conference, Troy, Michigan, May, 1997.
73. "How to Conduct Liability-Proof Background Verifications", Panelist, Personnel Selection Council of Florida, October, 1997.
74. "Workplace Violence and Its Impact on Business". Florida Institute of Certified Public Accountants, Industry conference, Orlando, Florida, February, 1998.
75. "Workplace Violence - New Data". Florida Institute of Certified Public Accountants, Industry conference, Tampa, Florida, February, 1999.
76. "Importance of Psychological Testing in the Police Officer Hiring Process." and "The Detection of Deception in Police Officer Applicants". South Florida Background Association, April, 1999.
77. Stock, Harley, Borum, Randy & Baltzley, Dennis. "Police Use of Deadly Force". In H.V. Hall & L. Whitaker (Eds.), Collective Violence: Effective Strategies for assessing and interviewing in fatal group and institutional aggression (pp. 391-417). Boca Raton, FL: CRC Press.
78. "Workplace Violence in the Public Sector: Taking a Collaborative Approach." Personnel Law Update 2000, Council on Education in Management, Tampa, Florida, March, 2000.
79. "Workplace Violence in the Public Sector: Taking a Collaborative Approach." Personnel Law Update 2000, Council on Education in Management, Ft. Lauderdale, Florida, March, 2000.
80. "Violence in the Workplace: Merck Case Studies." Merck Security Conference, Philadelphia, Pennsylvania, May, 2000.

81. Stock, H.; Foote, W.; Dutton, M.A.; Chambers, C.; VandenBos, G. "Pathological Organizational Affective Attachment", Law, Psychology and Violence in the Workplace. APA Presidential Miniconvention, APA Annual Convention, Washington, D.C., August, 2000.
82. "Workplace Violence in the Public Sector: New Trends." Personnel Law Update 2000, Council on Education in Management, Orlando, Florida, September, 2000.
83. "Workplace Violence Prevention." Railroad Insurance Management Association, Houston, Texas, October, 2000.
84. "Workplace Violence Prevention." Catholic Health Initiatives, Philadelphia Group, Pennsylvania, December, 2000.
85. "Handling Workplace Violence: A Collaborative Approach to Protecting Your Organization From Liability & Your Employees from Harm." Personnel Law Update 2001, Council on Education in Management, Tampa, Florida, February, 2001.
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108. "Law Enforcement as a Partner in Preventing Workplace Violence, Part 2". Federal Bureau of Investigation, Miami, FL, August, 2004.
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121. Department of Homeland Security, Science and Technology Directorate. "Suspicious Behavior Detection and Insider Threats." Working group member. Leesburg, VA, September, 2009.
122. Stock, Harley V. Invited responses to the report on the Ft. Hood shooting. Department of Defense, Pentagon, February, 2010.
123. Institute for Information Infrastructure Protection. Working group member. "Cyber Security through a Behavioral Lens". Washington, D.C., July, 2010.
124. FDLE, Region 5, Regional Work Group. "Managing Police/Communications Operator Stress". Boca Raton, FL, November 2010.
125. Department of Defense Science Board Task Force on Predicting Violent Behavior - "Identifying the Self-Radicalizing Jihadist in our Midst". Washington, D.C., April, 2011.
126. Shaw, Eric D. and Stock, Harley V. "White Paper: Behavioral Risk Indicators of Malicious Insider Theft of Intellectual Property: Misreading the Writing on the Wall". Symantec. December, 2011.
127. Centra Technology and un-named national security agency. "The Insider Threat to U.S. Critical Infrastructure: an Exercise on Espionage" Working Group. Washington, DC, April, 2012.
128. Centra Technology and un-named national security agency. "The Insider Threat to U.S. Critical Infrastructure: An Exercise on Terrorism " Working Group. Washington, DC, April, 2012.
129. Centra Technology and un-named national security agency. "The Insider Threats to U.S. Critical Infrastructure: An Exercise on Organized Crime" Working Group. Washington, DC, May, 2012.

130. "Forensic Psychology and the Background Investigator". South Florida Background Investigators Association, June, 2012.
131. Foulke Jr., Edwin; Jones, Stephanie; and Stock, Harley V. "Clear and Present Danger? Assessing Security and Avoiding Violence in the Workplace". American Bar Association, Section of Labor and Employment Law, Midwinter Meeting, Miami Beach, FL, March, 2013.
132. Pinares-Baez, Candice and Stock, Harley V. "Violence in the Workplace: Steps to Preventing and Managing Your Risk." Fisher & Phillips LLP, One Day, Many Solutions Employment Law Coast-to-Coast, May, 2013.
133. Stock, Harley V.; Foulke Jr., Edwin; Walthour, Nicole; Bracken, Mark. "Assessing Security and Avoiding Violence in the Workplace" Webinar. American Bar Association, Section of Labor and Employment Law, July, 2013.
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135. Security Management – American Society of Industrial Security: Confronting the Insider Threat (pgs. 36 – 45). October, 2013.
136. Moon, Jr., Tracy; Stock, Harley; Davis, Steve; and Logsdon, Todd. "Effectively Preparing For and Handling Terrorist Events and Catastrophic Accidents: No Business Is Exempt". EHS Today's 2nd Annual America's Safest Companies Conference, Atlanta, GA, October, 2013.
137. National Risk Estimate: Risk to U.S. Critical Infrastructure – National Protection and Program Directorate; Office of Infrastructure Protection; Integrated Analysis Task Force; Homeland Infrastructure and Risk Analysis Center. Department of Homeland Security. Briefer – Working group member in the selected areas of threats to the critical infrastructure of the United States of America: (1) Terrorism, (2) Espionage, (3) Corruption. Washington, DC, December, 2013.

IX. WORKPLACE VIOLENCE CONSULTATION, ASSESSMENT AND MANAGEMENT

- A. Consultation with Fortune 500 companies and government agencies, including AT&T, Briggs & Stratton, CertainTeed Corporation, Eaton Corporation, General Motors, Intel Corporation, Masonite Corporation, Pinkerton Investigative Services, Ryder Systems, United States Department of Defense, United States Department of Education, Inspector General's Office, United States Department of Energy, United States Department of Justice.

X. HONORS AND MEMBERSHIPS

- A. Honors
 1. Psi Chi - National Honor Society in Psychology
 2. Kappa Delta Pi - National Honor Society in Education
- B. Memberships
 1. American Psychological Association
 - a. Division 41 – American Psychology – Law Society

2. Consortium of Police Psychological Services
3. National Academies of Practice (NAP), Distinguished Practitioner and Fellow in the Psychology Academy, 2012

XI. LICENSURE

Licensed Psychologist - Michigan
Licensed Psychologist - Florida

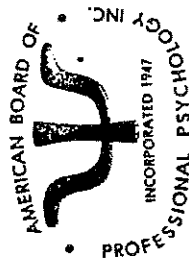
XII. BOARD CERTIFICATION - AMERICAN BOARD OF PROFESSIONAL PSYCHOLOGY (ABPP)

Diplomate, American Board of Professional Psychology
Fellow, American Academy of Forensic Psychology

EXHIBIT C

**RECOGNITION
&
PUBLICATIONS**

American Board of Professional Psychology



Be it known that

Harley W. Stock, Ph.D.

has met all of the requirements of the American Board of Forensic Psychology and is hereby certified as a Diplomate who has demonstrated advanced competence in the specialty of

Forensic Psychology

in witness whereof, the American Board of Professional Psychology grants this diploma under its Seal and Signature on this 11th day of August, 1990

Joseph L. Oldman
President, ~~ABPP~~

David L. Dunn
Vice President, ~~ABPP~~
-16
Executive Officer, ~~ABPP~~

[Signature]
President, ~~ABPP~~

Alice C. Pizale
Vice President, ~~ABPP~~

[Signature]
Corresponding Secretary, ~~ABPP~~

Diploma Number 4107



U.S. Department of Justice

Federal Bureau of Investigation

FBI Academy/CIRG/NCAVC

Quantico, Virginia 22135

April 23, 2002

Harley V. Stock, Ph.D.
Incident Management Group
8751 West Broward Blvd., Suite 212
Plantation, Florida 33324

Dear Dr. Stock,

I want to take this opportunity to express my sincere appreciation to you for taking time out of your busy schedule to provide a half day presentation titled, "Executive Overview: Law Enforcement's Response to Workplace Violence-A New Role" to the members of the National Center for the Analysis of Violent Crime (NCAVC), the Violent Criminal Apprehension Program (ViCAP), and the Behavioral Science Unit (BSU).

The response to your presentation by attendees has been extremely positive and enthusiastic. Your research and clinical findings have generated stimulating dialogue and provided a broader theoretical foundation on workplace violence for the members of the NCAVC, ViCAP, and BSU, which is ultimately the purpose of this type of training. Many agents have commented on how practical and applicable your teachings are to their cases. In addition, your audiovisual and handout materials were helpful in providing concrete examples of your theories. It is my understanding that you have given permission for your handout to be used by an instructor in the Behavioral Science Unit as a resource for a National Academy class. We are grateful for your generosity.

Once again, on behalf of the NCAVC, ViCAP, and BSU, I thank you. We look forward to working with you again on training endeavors in the future such as the upcoming Workplace Violence Symposium being held on June 9-14, 2002.

Sincerely,

Wayne D. Lord, Ph.D., Unit Chief
Child Abduction and Serial Murder
Investigative Resources Center (CASMIRC)
National Center for the Analysis of Violent Crime (NCAVC)



**U.S. Department of Justice
Federal Bureau of Investigation**

Presents this certificate to

Dr. Harley V. Stock

in recognition of participation in the

**"Law Enforcement Families: Issues and
Answers Conference"**

July 27-30, 1993

*FBI Academy
Quantico, Virginia*

Anthony E. Daniels

*Assistant Director, Training Division
Federal Bureau of Investigation*



United States Secret Service Certificate of Appreciation

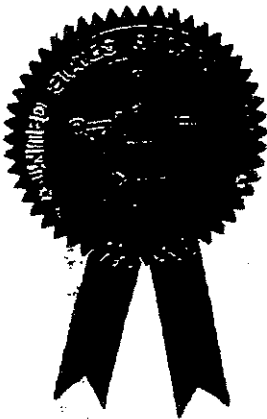
Presented to

Dr. Harley Stock
Center for Forensic Psychiatry
Ann Arbor, Michigan

in grateful recognition for superior contributions
to the law enforcement responsibilities of the
United States Secret Service

Issued in the City of Washington, D.C.

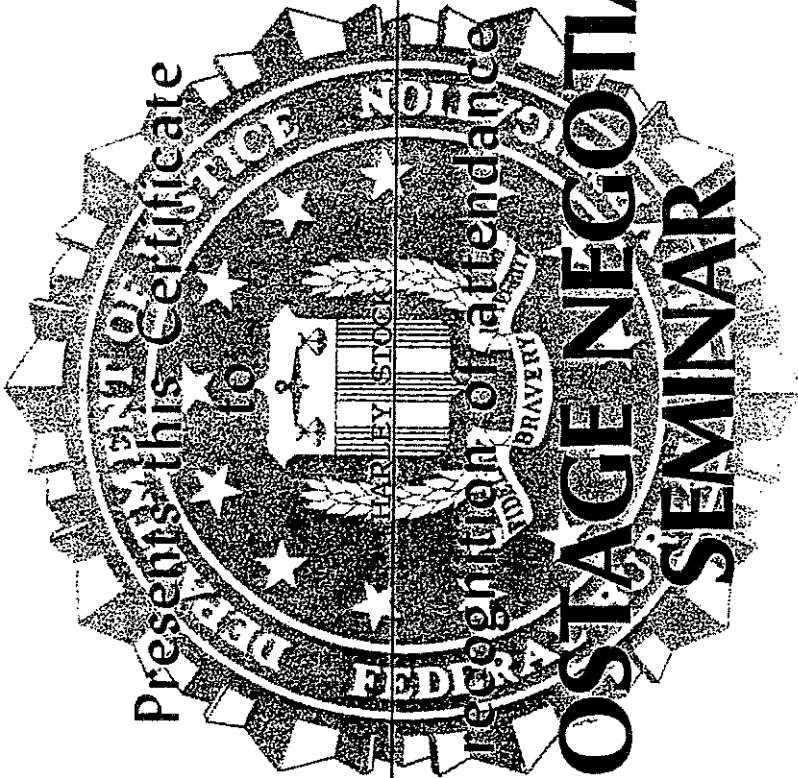
Given under my hand and Seal in the year
1983



John P. Simpson

Director, United States Secret Service

FEDERAL BUREAU OF INVESTIGATION



THE HOSTAGE NEGOTIATION SEMINAR

FBI Academy
Quantico, Virginia

J. D. McKeague

Assistant Director



W A S H T E N A W C O U N T Y
S H E R I F F ' S D E P A R T M E N T



S. O. T. SPECIAL OPERATIONS TEAM

Harley V. Stock

HAS SUCCESSFULLY COMPLETED

THE MICHIGAN LAW ENFORCEMENT OFFICER'S TRAINING COUNCIL PROVISIONALLY CERTIFIED, SPECIAL THREAT RESPONSE UNIT, SPECIAL WEAPONS AND TACTICS TRAINING PROGRAM AND IS A CERTIFIED MEMBER OF

THE SPECIAL OPERATIONS TEAM, W.C.S.D.

Donald J. Schell
S.O.T. COMMANDING OFFICER

Paul H. Floyd
S.O.T. TRAINING STAFF OFFICER

PRESENTED May 28, 19 82

Thomas R. Munnick
SHERIFF

K. A. Crockett
UNDERSHERIFF

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FEDERAL BUREAU OF INVESTIGATION



in recognition of the

SEMPORENSIC HYPNOSIS TECHNOLOGY

James H. McLaughlin
Assistant Director - Training Division
FBI Academy
Quantico, Virginia

Neil S. Hibler

NEIL S. HIBLER, Ph.D.
Seminar Director

May 25-29, 1985

FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION

Presents this Certificate
to

Harley Stock

in recognition of attendance at the
INTERNATIONAL SYMPOSIUM
on
TERRORISM

June 30 - July 1, 1981
FBI Academy
Quantico, Virginia

James D. McKenzie
Assistant Director,
Federal Bureau of Investigation

FBI/DOJ

Detection of Deception in Law Enforcement Applicants

A Preliminary Investigation*

Randy Borum† and Harley V. Stock‡

Using the MMPI and the IPI, the present study examined the differences in psychometric defensiveness between two groups of law enforcement applicants: applicants identified as being deceptive and a comparison group of candidates for whom no deception was indicated. Significant differences were found on the traditional validity (minimization) scales for both instruments as well as several supplemental scales and indexes from the MMPI. A new index (Es-K) from the MMPI showed a highly significant difference between groups and good classification accuracy. The results suggest that deceptive applicants show more defensiveness on psychometric testing and that test results may assist in raising the index of suspicion for detecting deception in law enforcement applicants.

It is generally agreed that honesty and integrity are at the cornerstones of being a police officer (Pendergrass, 1987). In order to identify the best applicant, it has been recommended by national advisory panels that police officers be psychologically screened to assure that only the most suitable are chosen "to serve and to protect" (National Advisory Commission on Criminal Justice Standards and Goals: Police, 1967). The courts have determined that police agencies have a right to conduct psychological evaluations (*McCabe v. Hoberman*, 1969; *Conte v. Horcher*, 1977) and may be held liable for employees who were not properly evaluated (*Bonsignore v. City of New York*, 1981).

* The authors wish to thank Michael Nietzel and two anonymous reviewers for their helpful comments on an earlier draft of this manuscript, and Ronald Roesch for his editorial assistance. Requests for reprints should be sent to Randy Borum, Forensic Training and Research Center, University of Massachusetts Medical Center, Department of Psychiatry, 55 Lake Avenue, North, Worcester, MA 01655.

† Palm Bay Police Department.

‡ Seafield 911.

EXHIBIT C

PUBLICATIONS

Typically, psychologists are asked to screen out preemployment candidates who are at high risk for job-related problems or who could pose a threat to public safety. These evaluations typically involve a clinical interview and at least two objective tests such as the Minnesota Multiphasic Personality Inventory (MMPI) and the Inwald Personality Inventory (IPI); (Inwald, 1985). However, the psychological evaluation is only one component of a larger police selection process. Because of the inherent cost factor, psychological screening is often the last step in a procedure that includes an extensive application form, background investigation, oral board interview, and sometimes a drug screen and polygraph testing. One implied purpose of this rigorous process is to identify individuals who may be dishonest and deceptive. Specifically, assessing the veracity of an applicant's self-report is also an important aspect of the psychological evaluation (Heilbrun, 1992).

Though most psychometric instruments like the MMPI and the IPI have validity scales constructed to detect defensiveness, these measures are not "lie detectors." They do, however, provide information about the way in which the respondent is trying to present him or herself. For example, the Guardedness scale (GD) on the IPI was designed "to identify persons who have minimized shortcomings, denied faults, and answered items in a 'socially desirable' direction" (Inwald, Knatz, & Husman, 1982, p. 6). On the MMPI, the two most commonly used scales to assess defensiveness are the L (Lie) scale and the K (Defensiveness) scale (Meehl & Hathaway, 1946). The L scale "was designed to detect rather unsophisticated and naive attempts on the part of the individuals to present themselves in an overly favorable light" while "the K scale of the MMPI was designed to identify clinical defensiveness" (Graham, 1987, p. 6).

Subsequently, several supplemental validity scales and indexes have been developed for the MMPI. One of the earliest efforts focused on comparing endorsement of obvious items (those which are easily identified as relating to psychopathology) to endorsement of subtle items (items whose relationship to psychopathology is not as easy to detect). This resulted in the Wiener-Harmon Obvious and Subtle (O-S) scales for the MMPI (Wiener, 1948). The rationale for this approach was that real patients will endorse both obvious and subtle items/symptoms of their disorder. However, individuals who are malingering or exaggerating psychopathology would endorse a large number of obvious items, but significantly fewer subtle items. The opposite pattern would be seen in defensive individuals. Since there are separate O-S scales for 5 of the 10 clinical scales, a total score would be derived by subtracting subtle scale *T* scores from the obvious scale *T* scores for each scale and adding the sum of the differences. A large negative number would suggest defensiveness whereas a large positive number would suggest exaggeration.

Although the research on the O-S scales for detection of "faking good" has been somewhat limited, and opinions regarding their use have been varied (Weed, Ben-Porath, & Butcher, 1990), they do appear to have some potential for this purpose (Gendreau, Irvine, & Knight, 1973; Harvey & Sippelle, 1976; Peterson, Clark, & Bennett, 1989; Wasyliw, Grossman, Haywood, & Cavanaugh, 1988). In fact, one study by Grossman, Haywood, Ostrov, Wasyliw, and Cavanaugh (1990)

has shown the Subtle-Obvious scales to be sensitive to motivational sets among police officers referred for fitness-for-duty evaluation.

Another MMPI indicator that has shown some promise for detection of "faking good" is the Positive Malingering (Mp) scale developed by Cofer, Chance, and Judson (1949). The Mp scale comprises 34 empirically derived items which were susceptible to defensiveness and insensitive to malingering (faking bad). In the original study, Cofer et al. (1949) found that a cutting score of 20 or more correctly classified 96% of the honest records and 86% of positively malingered (instructions to make the best possible impression) records. Subsequent research has also found the Mp scale to be effective in identifying "faking good" on the MMPI (Grow, McVaugh, & Eno, 1980; Kelly & Greene, 1989; Wales & Seeman, 1968).

One other validity index from the MMPI which is commonly used is the F-K Index, also called the Gough Dissimulation Index (Gough, 1950). This score is derived by subtracting the raw score of the K scale from the raw score of the F scale. Although this index is more often used to detect malingering (faking bad), Gough also hypothesized that any score less than zero would suggest defensiveness or faking good. However, subsequent studies have shown that normal individuals typically achieve a mean score that is closer to -10 (Colligan, Osborne, Swenson, & Offord, 1983; Greene, 1986). One problem with this index is that it is difficult to distinguish between well-adjusted individuals who are not experiencing psychological distress and individuals who are being defensive (Greene, 1988). Indeed, it has been difficult to identify cutting scores that distinguish normal from defensive profiles, resulting in somewhat limited effectiveness of the F-K Index for detection of defensiveness (Cofer et al., 1949; Grayson & Olinger, 1957; Hunt, 1948; Johnson, Klinger, & Williams, 1977).

Using logic similar to that of Gough in developing the F-K Index, the authors have proposed a new index, which may be more sensitive to defensiveness or "faking good." This index was created by subtracting the *T* score of the K scale from the *T* score of the Ego Strength (Es) scale. The Es scale was originally developed by Barron (1953, 1956) to predict responsiveness to psychotherapy and general ability to cope with problems. He believed that it "measured a general factor of capacity for personality integration or ego strength" (Greene, 1980, p. 191). According to Graham (1987), high Es scores are indicative of an individual who is stable, reliable, responsible, and self confident. High K scores are more indicative of defensiveness in an individual who is trying to give an appearance of adequacy, control, and effectiveness, and who lacks self-insight and self-understanding. However, these two scores are considered to be related, and Caldwell (1988) suggests that interpretation of the Es scale is most effective when seen in comparison to the K scale. The positive characteristics of "personal organization" associated with high Es scores seem to be more prominent when Es is increasingly higher than K. To some extent, both scales measure the effective operation of psychological defenses to bind psychological distress. Consequently, the comparison is made to differentiate the healthy defensiveness from the intentional effort to ignore or minimize difficulties. This is identified as the Es-K Index.

The purpose of the present study was to examine the relationship between psychometric indicators of defensiveness and conscious deception in law enforce-

ment applicants. Although these scales were not designed to be "lie detectors," they do suggest when individuals are trying to present themselves in an overly favorable manner. The underlying principle is quite similar. The applicant is distorting (withholding or fabricating) self-report information in order to make him or herself appear more favorable as an applicant. Therefore, it was hypothesized that there may be a relationship between these two factors. If this is true, then the validity of these scales is extended, and they could potentially be used to raise the index of suspicion for deception in these preemployment screenings.

In this study we examine a unique population: applicants for law enforcement positions who were found to be deceptive and subsequently admitted during the clinical interview that they had intentionally lied in one or more areas of the application process. We compare them to a group of police applicants in whom there was no admitted deception and none could be detected. We were interested in the following questions:

1. Do these two groups differ on the validity indexes of the MMPI and the IPI?
2. Do any of these scales or indexes discriminate between the groups so that they could be used to identify candidates who need closer scrutiny?

METHOD

Participants

Participants were 36 applicants for law enforcement positions of police officer or deputy sheriff. The applicants had applied to law enforcement agencies throughout Michigan, including both large and small departments. Each of them had been referred to a contracted center or practice for psychological evaluation as a component of their screening process. All evaluations used in the study had been conducted over the past 7 years and included an MMPI, an IPI, and a structured clinical interview lasting approximately one hour. The evaluating psychologist had the test results and the completed application form available at the time of the interview.

The criterion for deception was an admission by applicants that they knowingly lied or provided false information in completing the application or background questionnaire in order to appear more favorable or because they thought the information would "look bad." Areas of deception included both minor shortcomings and more significant problems, and were typically related to job history, school history, and drug use. These admissions typically occurred when the applicant was confronted with inconsistencies in collateral information available to the psychologist. In their deception, each of these applicants had falsified sworn and notarized documents. Eighteen applicants who met this criterion were identified, and these subjects comprised the deceptive group. A second group of 18 applicants was drawn randomly from the files. Each of these applicants had denied any deception in completing their application or background questionnaire, and there was no contradictory information discovered from other documents or collateral sources of information to indicate deceptiveness. These subjects comprised the comparison group.

The authors note that while all of the deceptive individuals in this study admitted to lying at various stages of the application process, it is certainly possible that some applicants in the comparison group also intentionally falsified information but were not detected.

The total sample was 83.3% male and 16.7% female. Racial composition was 86.1% White, 11.1% Black, and 2.8% Hispanic. Age ranged from 20 to 35 years with the average age being 25.6. There were no significant differences between the two groups with respect to age, gender, or race.

All applicants had completed a medical examination, an extensive application form, physical agility testing, and oral board interviews prior to their psychological screening. They were also required to meet a minimum educational requirement of a high school diploma or its equivalent.

Instruments

Psychological testing for each applicant included completion of two psychometric instruments. The MMPI is a 566 item, true-false, paper-and-pencil inventory developed by Hathaway and McKinley (1967) to assess clinical psychopathology. Its primary scales consist of three validity and 10 clinical scales measuring a range of psychopathological symptoms and syndromes. The two validity scales which are related to minimization/defensiveness are the L scale and the K scale. In addition, several of the supplemental validity indexes were examined in the present study including (a) the F-K Index (Gough, 1950), (b) the Obvious-minus-Subtle (O-S) scales (Wiener, 1948), (c) the Positive Malingering Scale (Mp) (Cofer et al., 1949), and (d) the Es-K Index proposed by the authors.

The IPI is a 310-item, true-false, paper-and-pencil inventory designed to measure dimensions of personality and behavior relevant to law enforcement (Inwald et al., 1982). It comprises 26 scales including one validity scale called the GD (Guardedness) scale.

Procedure

The method of data acquisition was archival. The deceptive applicants were identified by information in the psychological report which indicated that the individual admitted to being deceptive with regard to his or her application and/or background inquiry. Over 300 files were reviewed from multiple contract centers to identify the 18 deceptive applicants and all necessary test results. The comparison group was drawn at random from a group of applicants whose psychological reports did not indicate an admission of deception. Because of the relatively small number of subjects in the study, the scope of investigation was limited to seven scales including the L, K, Mp, O-S total, F-K Index, and Es-K Index from the MMPI and the GD scale from the IPI.

RESULTS

A separate analysis of variance was run for each of the seven variables. We hypothesized that the deceptive applicants would have higher scores on L, K,

Mp, and GD, but lower scores on O-S total, F-K Index, and Es-K Index. Lower scores on the latter three variables (typically in the negative range) would indicate greater defensiveness.

Results of the ANOVAs revealed significant differences for five of the seven scales and indexes. On the L scale and the K scale, both MMPI validity scales designed to measure minimization, scores were significantly different between the groups, with the deceptive group scoring higher on each. The deceptive group also scored significantly higher on the Positive Malingering (Mp) scale of the MMPI, and on the GD scale, the IPI validity scale that measures guardedness. A highly significant difference was also found for the Es-K index, with the deceptive group scoring significantly lower (in the expected direction). No significant differences were found for either the O-S total score or the F-K index on the MMPI. Means, standard deviations, and F ratios for scales and indices are presented in Table 1.

Classification analyses were examined for all significant variables. The Es-K Index with a cutoff score of -3 had the best prediction rate, accurately classifying 83.3% of the deceptive applicants with a sacrifice rate (false positives) of only 5.5%. Using a comparable rate for detection of deceptive applicants for three other scales, the false positive rate was considerably higher, ranging from about 39% to 44%. The GD scale from the IPI performed slightly better than the basic MMPI validity scales of L and K; however, the GD mean was considerably lower and its standard deviation somewhat greater. These cutoff scores were "optimal" derivations for this particular group, so the issue of "overfit" is likely to be a significant factor in these rates of classification accuracy. Results of the classification analyses are presented in Table 2.

DISCUSSION

The purpose of this study was to examine the relationship between psychometric indicators of defensiveness and conscious deception in law enforcement applicants. The results suggest that, at least to some extent, such a relationship

Table 1. Comparison of Police Applicant Groups on MMPI Scales and Indices

MMPI Scale	Applicant group		F
	Deceptive <i>n</i> = 18 mean (<i>SD</i>)	Comparison <i>n</i> = 18 mean (<i>SD</i>)	
L Scale	58.06 (8.67)	50.22 (5.40)	10.60**
K Scale	66.94 (5.65)	62.11 (7.33)	4.91*
Total O-S	-88.33 (33.18)	-71.89 (34.30)	2.14
Mp Scale	18.39 (3.78)	15.72 (3.79)	4.48*
F-K Index	-18.39 (3.48)	-15.89 (5.61)	2.58
Es-K Index	-7.00 (4.31)	2.22 (5.59)	30.72***
GD Scale	49.39 (8.71)	43.06 (8.59)	4.82*

* $p < .05$. ** $p < .01$. *** $p < .001$, two-tailed.

Table 2. Classification Analysis for Significant Variables

Variable	True positives	False positives
Es-K Index < -3	15 (83.3%)	1 (5.5%)
GD Scale >43	15 (83.3%)	7 (38.9%)
K Scale >63	15 (83.3%)	8 (44.4%)
L Scale >52	14 (77.8%)	7 (38.9%)
Mp Scale >19	7 (38.9%)	3 (16.7%)

does exist. These findings also support the utility of several psychometric validity scales of the MMPI and IPI for the assessment of defensiveness/deception in these forensic preemployment screenings.

The traditional validity scales on both the MMPI (L & K) and IPI (GD) that are designed to detect minimization were significantly different between the groups. Thus, applicants who provide false information on applications or background inquiry may also be more defensive or guarded on psychological testing. Since the distinction occurred for L and K on the MMPI and GD on the IPI, the indication is that the efforts at deception are both naive (more obvious) and sophisticated (more subtle). However, the higher level of significance for the L scale would suggest that the less sophisticated efforts are used more prominently by deceptive applicants. It is also possible, however, that this evidence of more naive strategies may reflect identification of less sophisticated deceivers: In other words, the criterion group might have only consisted of individuals who were poor liars.

On balance, however, there was no significant difference between deceptive and control applicants with regard to the total number of obvious versus subtle items endorsed on the MMPI. However, these items do more directly assess symptom report rather than a style of defensiveness or minimization. In addition, even "normal" subjects' mean scores are typically in the negative range (Greene, 1988).

With the special scales and indexes from the MMPI, the results were somewhat mixed. The Positive Malingering (Mp) Scale showed a significant difference; however, when subjected to classification analysis with a suggested cutting score of 20 (Cofer et al., 1949), the scale would correctly identify only 39% of the deceptive applicants and 83% of the controls. The strongest finding from this study was the efficiency of the Es-K Index, which accurately classified about 83% of the deceptive applicants with a sacrifice (false positive) rate of only 5.5%. This index shows promise for screening deception/defensiveness in a police applicant population.

Interestingly, the F-K Index and Obvious vs. Subtle total did not show a significant difference between the two groups. Though the efficiency of the F-K index for detecting defensiveness/minimization has not been well documented in clinical contexts (Cofer et al., 1947; Grayson & Olinger, 1957; Johnson, Klinger, & Williams, 1977), other research has found it to be more effective in criminal forensic and police officer populations (Grossman et al., 1990; Wasyliw et al.,

1988). A similar trend has been found for the O-S difference (Grossman et al., 1990). One possible explanation for the discrepancy between our results and previous findings may be a difference in the criteria. Whereas previous studies examined motivational sets involving level of psychological/symptomatic disturbance, the criterion of deception in the present study did not necessarily relate to report of symptoms but rather a "style" of trying to conceal or minimize problems to appear more favorable as an applicant.

It should also be noted that for the total Obvious-minus-Subtle score and the F-K Index, the means for *both* groups were within or close to the range that would indicate minimization (-11 for F-K, Gough, 1950; & -75 for O-S, Wiener, 1948). This suggests that, if these indexes are to be used in law enforcement assessments, different cutting scores may need to be applied. This finding is consistent with previous research that recommends using more liberal cutoff scores for use of these validity indicators with a law enforcement population (Grossman et al., 1990).

There are, however, some potential limitations to this study that should be addressed. First, although an admission of lying is an unbeatable criterion for deception, it also poses a potential problem. Namely, the possibility that only unsophisticated deceivers are being identified and that therefore the population may be somewhat skewed and not representative of individuals who are effective at deception. This reflects the criterion problem in doing any type of research in deception or malingering. It is also difficult to distinguish whether such individuals produce these scores because they are prone to lying or because they are overly defensive as a result of problems in their background.

In considering these issues with regard to the present study, we note that although the participants were classified as deceptive based on an admission, that admission typically came only after they were confronted with objective evidence of their deception. None of those who were confronted denied their dishonesty. As for the question of whether to attribute the scores to being "lie prone" or to being overly defensive based on a problematic history, this distinction may not be critical for law enforcement applicant screening. In both cases, there is a propensity to distort information for personal gain and refuse to acknowledge fault. Although the job selection process carries an inherent bias toward presenting favorably, the deceptive participants in this study intentionally lied and/or falsified sworn and notarized documents in order to cover up some potential difficulty. This goes beyond the acceptable scope of positive impression management and calls into question the integrity of the applicant. It is this characteristic that could be problematic in a sworn law enforcement officer.

A more important limitation is the small number of participants and the resulting "overfit" in established cutting scores. Such a limited sample size necessarily limits the generalizability of these findings. Because these cutoff scores were optimally derived for this specific group, there is likely to be lower classification accuracy when they are applied to other groups. There is clearly a need for cross-validation of these findings. It would also be interesting to replicate this study using the MMPI-2 as all of the indicators except the Mp scale have been retained at least in a modified form. Based on reports of equivalency between the

instruments (Butcher, Dahlstrom, Graham, Tellegen, & Kaemmer, 1989), these findings from the MMPI should also apply to the MMPI-2.

In summary, these scales and indexes show some promise for identifying deception in law enforcement applicants. Although they will not categorically identify or distinguish dishonest candidates, they may provide valuable information that the psychologist could use to raise the index of suspicion for a given individual. The psychologist should review several test indicators and use these in combination with the interview and collateral documentation.

Preemployment psychological screening of law enforcement candidates places a heavy ethical and legal burden on psychologists. In conducting these evaluations, it is important for the mental health professional to acquire accurate background and historical information. In addition to the content of this information, the applicant's honesty in disclosure is also of crucial importance. Psychologists should enter these preemployment evaluations with a relatively high index of suspicion for deception. By combining multiple psychological tests with multiple sources of collateral information, and a structured clinical interview, the probability of identifying a deceptive or dishonest applicant increases (Ostrov, 1986). Though additional research is clearly needed, we hope that these findings will be seen as a first step in developing methods for the detection of deception in law enforcement applicants.

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LETHAL VIOLENCE 2000

**A SOURCEBOOK ON FATAL DOMESTIC,
ACQUAINTANCE AND STRANGER AGGRESSION**

EDITED BY

HAROLD V. HALL

CHAPTER 25

POLICE USE OF DEADLY FORCE

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When one civilian uses deadly force against another civilian, the results are obviously tragic. However, such an act is unlikely to have a significant impact on those who did not know the victim or the perpetrator. Certainly, it can be argued that anyone's death by violent means diminishes us as individuals and as a society, but reality reflects that these individual acts occur multiple times on a daily basis across the world with hardly a blip on the collective consciousness of the population. For better or worse, such behavior has become, if not acceptable as a way of life, at least acknowledged as a tragic consequence of a changing society with fluctuating moral values. However, when a police officer uses deadly force against a civilian, the societal ramifications can be significant. Like a stone thrown in a pond, the ripple effect can cause civil unrest that results in the loss of substantial life and property.

Legal Justification For Use Of Deadly Force

Old English law established that unless the sovereign (King or Queen) granted permission for a lawsuit to be filed against the kingdom, no such action could be forthcoming. The concept of "sovereign immunity" was extended to govern-

mental agencies until the 1960s, when several limitations were identified. Specifically, for example, under California law, the governmental entity was determined to be generally liable for negligent or wrongful acts occurring during employment (1) if the employee is personally liable for such an act or omission; (2) when the governmental body failed to exercise reasonable diligence to ensure appropriate compliance with statutory standards for safety and performance; and (3) when negligent selection, retention, or training can be shown to have been the proximate cause of the injury. In addition, it was determined that there is no immunity for false imprisonment or arrest (California Tort Claims Act).

Until 1985, it was difficult for citizens to claim a constitutional violation of their rights when police allegedly used excessive force against them. In *Tennessee v. Garner* (1985), the U.S. Supreme Court reframed such actions by police to fall under the Fourth Amendment. The Court commented that "Whenever an officer restrains the freedom of a person to walk away, he has seized that person...there can be no question that application of deadly force is a seizure subject to the reasonableness requirement of the Fourth Amendment." This case essentially abolished the over-broad use of the "fleeing felon"

doctrine by striking down the use of "all necessary means" to apprehend fleeing suspects. For example, deadly force may not be used against a fleeing felon unless the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. Thus, a purse snatcher, who appears unarmed and jumps over a fence, shouldn't be shot in the back. Additionally, when feasible, the subject must first be warned before deadly force is used. The Garner case was extended in 1989 (*Graham v. Connor*) with the concept of "reasonableness." That is, was the officer's use of force reasonable, given all the current and past circumstances known to the law enforcement agent when he took action? This standard is determined from the perspective of a reasonable officer on the scene of the crime. For example, suppose an officer confronts a man with a weapon in the middle of a robbery. The officer commands him to drop the weapon. The man turns toward the officer and points the gun in the officer's direction. The officer shoots and kills the man. It is then discovered that the weapon was really a well-constructed toy model of a gun. If this event is not placed in the proper contextual framework of a reasonable perception standard, this officer theoretically would be guilty of shooting an unarmed man. The only "solution" to this problem is to let the perpetrator shoot first so the officer can verify that he or she is being challenged with a "real" gun. Obviously, such an alternative is unrealistic.

Prior to the use of such force, there has to be a governmental termination of freedom of movement by the officer through intentionally applied means (*Reed v. Hoy*, 1991). The Court had previously recognized the problem of "second guessing" a police action by stating: "Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers, violates the Fourth Amendment" (*Graham v. Connor*, 1989).

While these cases have addressed the proper

behavior expected of a law enforcement officer under specific situations, it should also be recognized that when approached by a duly qualified police officer who gives a lawful command, the person being arrested or questioned has a duty not to resist such detainment or arrest. If the person chooses not to comply, the officer may lawfully use that amount of force needed to overcome this resistance.

Other than those in the military, police officers are the only organized group given the authority to commit institutional homicide. That is, based solely on the premise of being a sworn law enforcement agent, an officer can use his or her discretion to take another life, within legal and departmental guidelines. This was not always the case. Police officers did not routinely carry firearms until the 1850s (Miller, 1975). Since then, virtually all police departments have regulated those special circumstances under which deadly force can be utilized. Such requirements closely emulate the legal definition for justifiable use of force.

Historically, courts have recognized that killing someone is not always first degree murder. For example, a person can use deadly force when that person, or members of the immediate household, reasonably believe such force is necessary to prevent imminent death or great bodily harm to himself or herself or another, or to prevent the imminent commission of a forcible felony. Police officers are given additional special statutory entitlement. While citizens generally have a duty to retreat, when possible, from a deadly encounter, police have no such restrictions. Indeed, while the average citizen usually tries to escape from a deadly situation, police officers have the responsibility to proactively move toward the problem.

However, restrictions of the use of deadly force do exist. Police are not given carte blanche. A police officer is justified in using deadly force when (a) the officer reasonably needs to defend

himself or herself or others from bodily harm when making an arrest, (b) preventing an arrested subject in custody from escaping, (c) capturing an escaped felon, or (d) arresting a felon who is fleeing from justice and the felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person. When feasible, some warning is given. However, police cannot use deadly force to make an unlawful arrest (Gould & Gould, 1992).

Deadly force has been statutorily defined as that force "...which is likely to cause death or great bodily harm and includes, but is not limited to: (1) the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict bodily harm, and (2) the firing of a firearm at a vehicle in which the person to be arrested is riding" (Gould & Gould, 1992).

Thus, a public policy problem emerges: How does a police officer maintain civil order by enforcing a public policy as mandated by law, while using the precisely correct amount of force, in a constantly changing environment, to control a subject, protect the victim, decrease the risk of harm to bystanders, and safeguard the officer's own life? This set of behaviors operates in an environment that encourages second guessing of such action by laymen with little knowledge of the actual job requirements of a peace officer. What starts out as a tactical decision by a well-trained professional operating in a para-military organization can become a lightning rod for dissident groups espousing obvious, and hidden, agendas. Some civilian groups believe that the police have too much discretion in the use of deadly force and need to be carefully monitored through civilian review processes. It should be noted that "[b]y the end of 1991, more than 60 percent of the nation's largest cities had civilian review systems, half of which were established between 1986 and 1991" (American Civil Liberties Union, 1992). Other militant groups are afraid that the

eroding of police powers in favor of the "bad guy" will accelerate the decline of society. The United States is not the only country facing this dilemma. Studies in China (Fairbairn & Sykes, 1987), Australia (Elliot, 1979), and Canada (Chappell & Graham, 1985) reflect the increasing use of deadly force by police around the world.

Frequency Of Use Of Deadly Force By Police

How often is deadly force, which results in a justifiable homicide, used by our nation's police agencies? Nobody knows for sure. Multiple hurdles currently exist that impede the interpretation of meaningful data. These include: (1) reporting mechanisms within individual police departments, (2) definitions of what constitutes a critical incident, (3) policies defining the use of deadly force, (4) officer training in a "use of force" continuum, (5) reported crime levels within a community, (6) local victimization rates, (7) contextual factors, and (8) low reporting rates of use of force by police agencies. In addition, some police agencies do not report an incident by a police officer who shoots at a perpetrator and misses, as a "shooting by a police officer". Even though this officer clearly intended to use deadly force, but because of some factor was unsuccessful, this action seems not to "count."

When the International Association of Chiefs of Police, the major "membership" group for police administrators, launched its first attempt to quantify data on justifiable homicide rates by police, only 42% of those agencies surveyed responded (Matulia, 1982). However, other research has evidenced higher return rates. A Police Foundation study had a 93% response rate (Sherman & Cohn, 1986). Even so, the actual number of police-involved homicides fluctuates greatly, depending on the reporting source. The National Center for Health Statistics of the U.S. Health Service initiated a reporting mechanism

for medical examiners to describe "Death by Legal Intervention of Police" (National Center for Health Statistics, 1967). Significant criticism of this system (Blumberg, 1989) suggests that the reported rate of 200 to 300 citizens killed by police each year underreports the actual occurrence rate by 50 to 75%. In a New York study, public health records accurately captured only 38% of already reported homicides by police (New York State Commission on Criminal Justice, 1987).

Further, although the Federal Bureau of Investigation (FBI), through its Uniform Crime Reporting System, has maintained information on justifiable homicides by police since 1940, problems of data interpretation exist. Submission of information by police agencies is largely voluntary. While there are over 15,000 police departments and sheriff offices across the United States, an average of only 9,000 agencies report data to the FBI. This presents an interesting dilemma in terms of defining the true scope of the problem. The FBI has captured exquisitely detailed data on how many police officers are killed in the line of duty. Generally, over the last decade, between 140 and 160 officers are killed yearly in the line of duty, with about half feloniously killed. However, because only about 60% of all law enforcement agencies report fatal actions taken by the police, a significant flaw is evident.

Some research (Sherman & Cohn, 1986) suggests a "ratio" of one police officer slain on duty for every twelve citizens (1:12) justifiably killed by the police in large cities. Analysis of FBI data suggests an actual ratio of 1:4.4 nationwide (FBI Annual Report, 1979, 1980, 1988, 1991). Thus, annual estimates of justifiable fatal shootings by police range from 250 to 300 (Sherman & Langworthy, 1979) to over 1,000 (Fyfe, 1988). If only 60% of all police agencies report such data to the FBI, and if the reporting mechanism is flawed, an extrapolated ratio of approximately one officer feloniously killed for every eight police-initiated

justifiable killings of citizens (1:8) can be derived, suggesting approximately 500 to 600 fatal police shootings annually.

Geller (1986) estimated that police attempt to fatally shoot about 3,600 people per year. Of these, 600 perpetrators are fatally wounded, 1,200 are wounded but not killed, and 1,800 are shot at but missed. In general, justifiable fatal shootings by police have been decreasing (Sherman & Cohn, 1986). However, it should be noted that each time a police officer shoots at a suspect, the intent is to stop the person's aggressive actions. This may or may not result in death. The idea of "shooting to wound" is the stuff of T.V. fantasy and certain civilian groups' naivete. Police officers are trained to shoot at the "center mass" of a subject, that is, the middle of the chest. Any other wounding of an individual is generally the outcome of unintended circumstances. An attempt to statistically quantify this slippery issue really misses the point. The vast majority of police contacts with citizens do not result in the use of deadly force.

The probability of any one police officer becoming involved in a fatal shooting is proverbially less than being struck by lightning. For example, given that the average officer retires after 25 to 30 years of service, a police officer employed in Jacksonville, Florida, would theoretically have to be on duty 139 years before being involved in a fatal shooting (Sherman & Cohn, 1986). In Portland, Oregon, an officer would have to work 193 years (Snell & Long, 1992). Even in New York City, the use of firearms by police against civilians is rare. Of 1,762 events in which physical force was used to subdue a subject, officers resorted to the use of a firearm on only five occasions (New York State Commission of Criminal Justice, 1987). In the entire state of New Jersey in 1990, police responded to approximately 8.5 million calls. Officers fired their weapons on 167 occasions (Sullivan, 1992). The FBI estimated that during 1990, almost 1.8 million individu-

als were arrested for what could collectively be viewed as violent crimes (assaults, robbery, murder, and rape). Yet, as described previously, less than 1/20 of 1% of all encounters with citizens resulted in a fatal shooting committed by a police officer (FBI, 1991).

We believe that police officers, in general, tend to under react with regard to the use of deadly force in situations where such force is legally justified. While there is scant evidence in the research literature to support this view one way or the other (Dwyer, Graesser, Hopkinson, & Lupfer, 1990), the authors' clinical experience with thousands of police officers suggests that before an officer uses deadly force, he or she considers a variety of issues. The factor most frequently reported to us in our informal surveys, and the least discussed in the police literature, is liability. When faced with the prospect of having to defend one's life, or that of someone else, an officer often worries if trouble will result from his or her actions.

While in many ways it may seem encouraging that police are not killing as many citizens as might be "justified," one potential concern is that a tendency for officers to underreact when additional force is *necessary* (not merely allowed) may actually endanger more officers and civilians. Thus, fear of liability may inhibit an officer from taking justifiable action. These averted deadly force opportunities need to be carefully examined to ensure that police officers are responding appropriately and to identify those tactics which can be employed on a systematic basis to deescalate a potentially deadly encounter. Very few police departments gather any information in this regard (Greenberg, 1990; Jamieson, Hull, & Battershill, 1990).

Use Of Deadly Force Models

Multiple police tactics exist that can be construed as deadly force. For example, a police car

ramming a fleeing vehicle can obviously cause it to crash and kill the occupants (or innocent bystanders). One technique for halting a fleeing vehicle is called "precision immobilization" and is used by some law enforcement agencies (Pearson, 1992). While theoretically, such a tactic may be sound, fleeing felons often don't obey the rules of the road.

The U.S. Supreme Court has reviewed a procedure that is known as the "dead man's roadblock." This occurs when a roadblock is intentionally erected by the police on the roadway so that the fleeing person's observation of the impasse is restricted until it is unlikely that he or she can avoid it and the vehicle crashes (*Brower v. the County of Inyo*, 1989). Other police interventions that can result in deadly force, intentional or not, include: (1) the use of incendiary devices, such as "flash-bang" grenades; (2) high speed pursuits; (3) defensive physical techniques inappropriately applied, such as choke holds; (4) road spikes that flatten tires; (5) fatal attacks by police dogs; (6) fatal TASER shocks; (7) the use of chemical agents, such as tear gas; (8) striking devices, like batons; and (9) firearms.

There is no general agreement in the police literature on what constitutes "deadly force." The International Association of Chiefs of Police Model Deadly Force Policy (1990), The Commission on Accreditation for Law Enforcement Agencies Standards on Use of Deadly Force (1988), and the National Organization of Black Law Enforcement Executives (1990) each approach the issue from slightly different perspectives and suggest somewhat different rules and regulations.

Police officers always have a range of options from which to choose in a confrontational (tactical) situation. These levels are often described in terms of a "use of force continuum." Desmedt and Marsh (1990) have defined the following levels of officer response in a use of force continuum:

(1) *Social Control* - Using positive body language to set appropriate boundaries. Just having a police officer on a scene can quell a potentially violent situation. However, too many officers confronting one subject may induce "panic" and increase aggressive actions of a subject.

(2) *Verbal Control* - Verbal direction is given in short bits of information that can be readily followed to insure compliance, i.e., "Drop the gun. Do it now."

(3) *Weaponless Control Techniques* - (a) Pain compliance holds - These cause the subject to shift his or her attention from the officer to the site of the pain. As compliance to commands is forthcoming, the painful stimuli are decreased to reinforce appropriate behavior. Pain compliance holds are based on stimulating nerve pathway transmissions and are not intended to cause permanent physical destruction of tissue.

(b) Control (short stick) instruments can also be used. These are non-impact devices. They maximize pain but do not produce permanent physical damage. The ability of a subject to tolerate pain, as well as altered states of consciousness induced by drugs or alcohol, may render pain compliance techniques unreliable for gaining control over a resisting subject.

(4) *Stunning Techniques* - Physical blows that cause temporary stunning will inhibit resistance without causing permanent physical damage (although there is some probability of physical injury). A stunning technique overwhelms the sensory input and causes short-term disorientation.

(5) *Direct Mechanical Techniques* - Significant leverage or impact pressure is used directly against the skeletal structure of the body, as opposed to muscle groups. This can fracture bone or cause damage to tissue.

(6) *Neck Restraint Immobilization Techniques* - Such techniques must be appropriately applied in a specified way to avoid depriving the brain of oxygen for a significant period of time or causing

heart arrhythmia. This is to prevent a nonlethal maneuver from becoming a fatal one. These holds include carotid restraint, lateral vascular restraint, and "choke holds." While a vascular restraint may cause pain and confusion, choke holds constrict air to the lungs and may induce severe physical damage that can only be remediated by surgical intervention to the throat cartilage.

(7) *Electrical Shocking Devices* - Non-lethal electrical field discharge weapons (TASER) are commonly referred to as stun guns. Disadvantages include limited range and immobilization ability.

(8) *Chemical Agents* - Often referred to as "tear gas," this class of control options has a variety of different chemical compositions. Problems with these agents include: (a) unpredictable effect, (b) the time required for the chemical to become reactive against the subject, and (c) immediate incapacitation is not guaranteed.

(9) *Impact Weapons* - These include batons and flashlights and are used to apply increased mechanical pressure at specific points of the body, including nerve pathways and joints. They may also be used to stun the subject. General police instruction is to use such weapons only below shoulder level.

(10) *Firearms* - This refers to the use of a handgun, shotgun, or rifle. Attempts by officers to gain control and compliance of subjects are not unilateral. As Desmedt and Marsh (1990) noted "...the officer will control with the subject's consent, if possible, but force the subject to comply, if necessary." In a police encounter with a civilian, three types of subject responses have been identified: (1) *The cooperative subject* — this individual is essentially compliant with police commands; (2) *The resister* — this individual is not being responsive to verbal or social control, but is not proactively aggressive towards the officer. The passive resister does not attempt to flee, but also does not follow the officer's directions. Such an individual may grasp a fixed object, such

as a telephone pole, to immobilize himself or herself. The active resister tries to continually maintain a physical space between the resister and the officer. Such maneuvers may include swinging the arms to avoid being detained or running away; (3) *The assailant* — three levels are identified. In the first, the subject moves toward the officer and attempts to make physical contact. The action is not likely to cause significant physical damage to the officer, but may limit the officer's responses. At the second level, the actions of the subject will probably cause physical injury. This is considered an "attack," although it usually occurs without a weapon. The likely injury outcome to the officer is not "serious." It may include sprains, minor broken bones, cuts, or damage to the teeth of the officer. At the third level, the subject's actions will probably cause death or serious physical injury. Imminent threat of serious physical injury or death to the officer or innocent civilians is clear. The mode of infliction of damage can be varied, i.e., gun, car, or tire iron. This is considered to be the use of "lethal force" by the subject (Desmedt & Marsh, 1990).

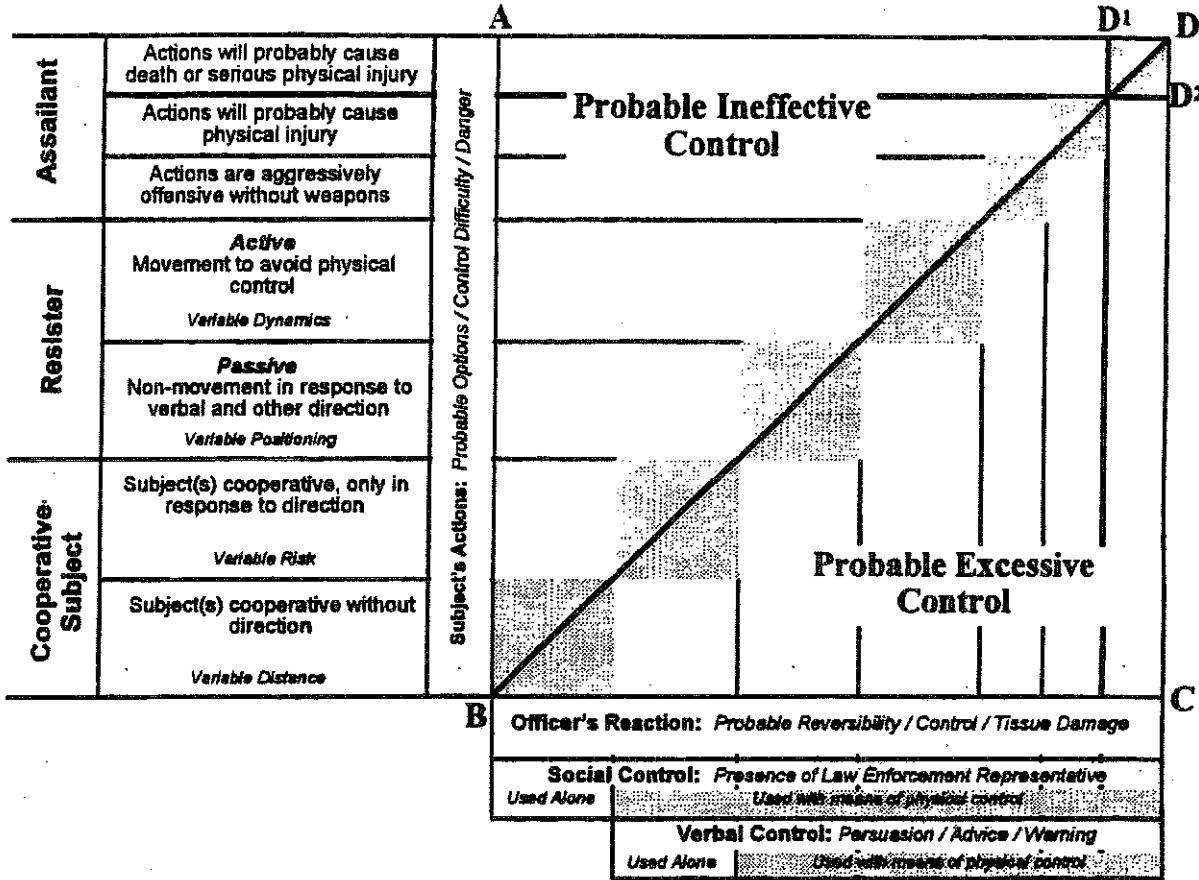
As a way to help officers apply use of force guidelines in practice, a number of agencies have adopted a "use of force continuum" (as noted above), which suggests the range of appropriate officer responses based on the level of subject resistance (Desmedt & Marsh, 1990; Graves & Connor, 1992; Kazoroski, 1987). The potential value of this visual and conceptual aid is that it provides a heuristic or model that the officer can use to evaluate and plan his or her response. However, the utility of a continuum depends on two key variables: defensibility and applicability. That is, the continuum must be consistent with a defensible departmental policy that has adequately considered appropriate legal standards, and it must be easily understood and applied by officers in field situations.

There are several models which have sought, in different ways, to address these two important

issues. An empirical approach was taken by Samuel Faulkner (1991) at the Ohio Peace Officer Training Academy. Faulkner developed an *Action-Response Continuum*, which is based on research with over 5,000 law enforcement officers and trainers. He also collected data on responses by members of the community and civil rights protection groups. This enhanced the defensibility of his approach. In addition, he took this research and placed it in the context of a continuum where areas of subject resistance and officer responses are conducive to images which are easily remembered. Therefore, this type of continuum can be more easily recalled and applied in actual confrontations.

Another comprehensive and well-integrated use of force continuum has been developed by Desmedt and Marsh (1990), as illustrated in Figure 1. This model shows how an assailant's action leads to the choice of "force options" available to the officer, and how an "officer reaction" occurs based on which force option was chosen. For example, a person may be cooperative, but physically be standing too close to an officer so that the officer's safety is compromised. The use of verbal direction is appropriate at this level ("please back up"), but certainly not pain compliance techniques. However, if the subject cannot be controlled by verbal directions, such as persuasion or warning, and continues to be "resistant," pain compliance maneuvers are indicated. Yet, it would be inappropriate to put a "choke hold" on this subject. As the subject's behavior escalates by becoming more aggressive, the officer has more counter-aggressive responses to choose from. While such a continuum may suggest a smooth fluidity, this is often not the case. A perpetrator may be relatively calm in response to the officer's verbal commands and then produce a gun. The officer will clearly not have the luxury of going through pain compliance techniques, then "stunning" maneuvers, and then using chemical agents. An officer may "jump" the continuum

FIGURE I.
USE OF FORCE MODEL



TO FIND THE PROPER USE OF FORCE

To use the Model in training for determining the appropriate level of force an officer should use in response to demonstrated threat / resistance follow this procedure:

- A. Determine the position of threat/resistance on the vertical axis AB.
- B. At that level, strike a horizontal line to the 45 degree center line BD.
- C. At the point where BD is intersected, strike a line straight down to the horizontal axis BC. The intersection point on the horizontal axis is the proper use of force in any of the categories of officer control.

TO EVALUATE THE USE OF FORCE

To use the Model in situational analysis for determining in retrospect whether an officer reacted appropriately:

- A. Determine the level of threat/resistance on the vertical axis.
- B. At that level, draw a horizontal line to the right edge of the graph.
- C. Determine the level of control used, and mark it on the horizontal axis BC.
- D. At that point, draw a vertical line upward until it intersects with the line drawn in Step B.
- E. Repeat for all actions taken in order, and label each intersecting point chronologically.

Control Modes without Weapons		Firearms and Other Lethal Force
Holding <small>Arms - restraint only</small>	Stunning <small>Dilated pressure acting</small>	
Control Modes with Weapons		
Control Instruments	Impact Weapons	
Chemical Agents		
K-9		

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to the use of lethal force. This is referred to as "One Plus One" response. The officer uses one level of force higher than the level of resistance

offered by the suspect.

The officer must have the "ability to disengage or escalate" during such an ongoing event

(Americans for Effective Law Enforcement, 1988). This implies that, in addition to a purely physical response to a situation, appropriate judgment is also needed to sort through the multi-level, multi-task, situation-specific response the officer is going to make. We recommend that psychological training in decision-making under stress be incorporated into tactical training (Borum, 1993).

Meyer (1991) evaluated eight nonlethal force strategies. The TASER (stun gun) and chemical irritant sprays were potent agents to stop physical aggression and produced little physical injury. Other acceptable alternatives (baton, physical attack and flashlight) caused significant injury. Newer methods of restraint (capture nets, for example) could decrease injury to officers and civilians, increase positive public perception of police tactics, and reduce liability claims. Kornblum and Reddy (1991) noted that upon investigating 16 deaths thought to be caused by TASER use, 11 actually resulted from drug overdose, three from gunshot wounds, one from a combination of heart disease and TASER shock, and the cause was undetermined in the remaining case.

Advances in technology suggest that sophisticated alternatives to lethal force are on the horizon (American Society of Law Enforcement Trainers, 1995). Aqueous foam will immerse the individual in a solution that causes disorientation. This has application to riots and prison uprisings. Sticky foam creates a "synthetic spider web" that entangles the individual. Unfortunately, if a sufficient amount is applied to the subject's head, suffocation may occur. A "smart gun" is being developed that will only operate once it "recognizes" the operator of the weapon. These options are being evaluated by cooperation between governmental agencies and private industry.

After reviewing the multiple possible agents of lethal force, we now suggest the adoption of a definition of deadly force by police as any tactically-approved technique which reasonably can be expected, when appropriately applied, to have

as an intentional outcome the death of a person. For example, one person in 10,000 may have an allergic reaction to the application of CS (tear) gas. Such a death cannot be *reasonably* anticipated, nor was the application of this controlling agent intended to kill. Thus, this would not be an intentional application of deadly force.

What Kind of Police Officer Uses Excessive Force

As noted previously, the use of excessive force by a police officer is a complex, interactional event and cannot be explained solely by the officer's personality dynamics. Scrivner (1994), however, recently described the following five profile types of violence-prone officers, listed in ascending order of frequency:

Chronic Risk Group

These individuals appear to have a lifelong, ingrained pattern of problematic behaviors that brings them in conflict with others. They are threat sensitive, manipulative, and may abuse psychoactive substances. They tend to project blame onto others for their problems and, because they don't seem to learn from past experiences, are likely to get in trouble repeatedly.

Job Related (Traumatic) Experience Group

Officers involved in critical incidents, such as fatal shootings, often have difficulty re-integrating into routine police work. Such incidents may leave officers more vulnerable to "acting out" if proper psychological debriefing and follow-up treatment are not initiated.

Early Career Stage Problems Group

Some police agencies only require a high school education for employment. Thus, individu-

als as young as 20 years old are hired. In one department with which the senior author consulted, they hired such an individual and issued him a gun, but not the ammunition. He had to have his father go to the local sporting goods store to buy bullets for him because he was under 21. Young officers are often "gung ho." They like the power and authority given to them. Unfortunately, they often do not have extensive life experiences to help them modulate their impulses. A strong Field Training Officer (FTO) Program, in which a specially trained senior officer monitors behavior and gives corrective feedback, will often guide the youthful officer through a maturational process.

Inappropriate Patrol Style Group

As some officers progress in their career, they become more cynical. They believe that using force will generally bring most situations under control. Because this style often "works," they ignore a more problem-solving orientation. However, these officers will often respond to interventions by the agency because their interpersonal style is acquired over time, rather than resulting from fixed personality traits, as seen in the chronic risk group.

Personal Problems Group

For these officers, their "emotional glass"

may have already been almost full. When faced with a personal loss, such as divorce or perceived change in job functioning, their behavior may deteriorate. Such officers may exhibit pre-incident behavioral characteristics that can be detected by an early-warning system. As shown in Table 1, the five categories are not equally distributed.

Who Gets Shot And Why

Retired Officer Mark Fuhrman, of the Los Angeles Police Department, who will forever be marked as a racist and a liar for his testimony in the O.J. Simpson double murder trial, represents what most Americans identify as a "rogue cop." In a transcript obtained by the New York Times, Fuhrman stated: "Most real good policemen understand that they would just love to take certain people and just take them to the alley and just blow their brains out. All gang members for one. All dope dealers for two. Pimps, three." (Reibstein, Murr, Crogan, & Foote, 1995). Even if such statements were made as "self-aggrandizement," people view them as representative of police behavior.

The 81 second beating of Rodney King that was captured on video tape on March 3, 1991 showed him to be shot with a TASER, kicked, punched, and also hit with a baton 56 times. This beating was administered by three officers, with

TABLE 1
OFFICERS REFERRED TO COUNSELING DUE TO EXCESSIVE FORCE*

Officer profile type	Percent referred
Personal Problems	28%
Patrol Style	21%
Early Career Problems	18%
Job-Related Experience	17%
Chronic Risk	16%

*Adapted from Scrivner, 1994

one sergeant assisting. Approximately 20 police officers stood by and watched. That Mr. King didn't die is more likely attributable to luck than skillfully administered tactical blows by the police. The jurors saw the tape differently. One of the jurors noted after the verdict that Mr. King appeared to be proactively resisting arrest and "was in full control" of his behavior (Daniels, 1992). Yet, approximately 86 percent of White Americans and 100 percent of Black Americans polled felt the verdict was unjust (Marshall, 1992). Such demonstrations by police officers fuel the perception of the public that they need to be afraid of those who have sworn to protect them. Two separate reports following the King beating suggested that significant attention needs to be paid to the selection process of police officers (Independent Commission on the Los Angeles Police Department, 1991; Kolts, 1992).

The rate of fatal police shootings is not evenly distributed across the country, or even within a given jurisdiction (Geller & Karales, 1981; Horvath, 1987). Indeed, some of the most seemingly tranquil parts of the country (San Diego, California) report amongst the highest rates of fatal shootings per 1,000 police officers (4.1). The New York Police Department reports among the lowest (0.7) (Geller & Scott, 1992).

Many of the fatal shootings by police take place in Black communities. Black perpetrators were 7.7 times more likely to be shot at than Whites in St. Louis, Missouri (St. Louis Metro Police Department, 1992), six times more than likely than Whites in New York (Fyfe, 1981), and four times more likely than Whites in Chicago (Geller & Karales, 1981). Yet, between 1970 and 1984, the number of Black civilians killed by police dropped significantly (Sherman & Cohn, 1986). In general, fatal shootings by police have decreased over the past decade. Data on Hispanic Americans is more difficult to recover because of problems in ethnic classification.

Data on who kills police officers is enlighten-

ing. From 1981 to 1990, of 1,030 persons who killed police officers, 42% were Blacks, 55% were White, and 3% were of "other" classified races (FBI, 1991). Eighty-seven percent of officers killed were White, 12% were Black, and 1% "other races" (FBI, 1989). There does appear to be a fairly strong correlation between arrest pattern and shooting victims. For example, Horvath and Donahue (1982) reported that in an urban population center of Michigan, 75% of those arrested were Black, as were 82% of those at whom shots were fired. In a non-urban area, Horvath (1987) reported a Black arrest rate of 36%, with Blacks comprising 35% of those at whom shots were fired. Similar findings were suggested by Binder, Scharf, and Galvin (1982) and Meyer (1980). Interpretation of these data is difficult in that multiple possible explanations arise: (1) It has been reported that Blacks proportionally commit more crime (Matulia, 1985). (2) Blacks have a higher unemployment rate than Whites and thus come into contact with police more often (Milton, Halleck, Lardner, & Albrecht, 1977). (3) Police racism — "The evidence of racial discrimination in arrests undermines any use of arrest rates to show an absence of discrimination in police homicide...Neither suspects' attitudes nor a complainant's preferences constitute proper grounds for enforcement decisions" (Sherman, 1980). Interestingly, Black officers shoot civilians (Geller & Karales, 1981) and are shot by civilians (Konstantin, 1984) at a much higher rate than expected. (4) Several factors, other than race, seem to dictate when lethal force is used by police. These include whether the suspect engages in threatening behavior, has a weapon, and the type of crime being committed (Alpert & Fridell, 1992). Almost all the suspects shot by police are male. Donahue and Horvath (1991) indicated that those who were fatally shot by police in Detroit were usually armed, threatened use of a weapon, and had a higher number of prior misdemeanor and felony charges and convictions.

Obviously, many more possible explanations exist. However, a general review of existing research on the interaction of police shootings and the race of subjects evidences significant methodological problems (Alpert & Fridell, 1992), and "easy" explanations should be avoided. Most likely, all lethal outcomes involving police use of deadly force occur from multiple causes.

The following case study is based on an actual police incident involving use of lethal force. Names, dates, and locations have been changed. Variables associated with key events are in parentheses.

Case Illustration. On the evening of July 14, 1993, the rain was falling heavily and impaired visibility (attribute of setting). John Collins, a 33-year-old, Caucasian male, heard his neighbor's burglar alarm go off at 1:30 a.m. (mobilizing event). His neighbor was away and John had the key to the house. He went to investigate. Finding nothing unusual, he turned the alarm off with the code his neighbor had left with him.

Shelly Green, who lived behind John, also heard the alarm sound. She called the police (mode of mobilization — police dispatch). However, she thought the alarm was coming from John's house and provided his address.

When Officer Pete Mattheson, a 23-year-old, Black officer, arrived at the scene, he was dressed in a departmental issued black rain coat. He was wearing a baseball-type hat that had the name of the police agency stencilled in one-inch high white letters. He was not required by departmental regulations to remove his badge from his uniform and place it on the outside of his rain gear. His partner, Sam Leonard, a 29-year-old, Caucasian, was similarly dressed.

When Mr. Collins had returned to his house, he inadvertently did not pull the outside living room door completely shut. The driving rain and wind subsequently blew it open. He returned to

bed. Thus, when Officers Mattheson and Leonard arrived at the scene of the dispatched burglar alarm, they found Mr. Collins' door ajar.

Officer Leonard, with a shotgun, decided to maintain a perimeter (i.e., a boundary or line of force) on the step leading up to the door. Officer Mattheson went in and announced "police." Mr. Collins was aroused from his sleep by a noise, got up and peered around the corner into his living room. He turned on a light. There, he saw a Black male, in a black rain coat and baseball-type hat, with a gun (attribute of participants). He jumped Officer Mattheson. The two struggled for control of Officer Mattheson's weapon (actions, intentions, and resources of suspect). In the struggle, they fell through the open door and out onto the step where Officer Leonard was standing. Now, faced with two perceived assailants, Mr. Collins went for Officer Leonard's shotgun. Officer Mattheson shot and killed Mr. Collins.

Officer Mattheson was subsequently fired from the department, charged and tried for manslaughter. He was eventually acquitted. He received extensive psychological counselling for Post-Traumatic Stress Disorder. He was unable to get another job as a police officer and now works as a security guard. Mr. Collins' family successfully sued the police department for wrongful death.

Multiple coincidental events, unfolding in cascading fashion, shaped this particular use of lethal force: (1) The neighbor gave police the wrong address of the burglary alarm. (2) The door to Mr. Collins' house was blown ajar due to the weather conditions. (3) Officers Mattheson and Leonard, while in departmentally issued rain attire, were not easily identified as police officers. (4) Officer Mattheson thought he was at the right address of a possible burglary, found a door open, and got no response when he announced "police." Thus, his "vulnerability awareness" was high. (5) Mr. Collins had already answered an alarm next door and was hypervigilant. (6) Officer Matthe-

son decided he "had to do something," so he moved forward into the house. (7) Mr. Collins, awakened from his sleep, saw a Black male with a gun in his living room. He went into a "survival" mode, and responded. (8) Some tactical problems, as they relate to training, existed at this juncture. Officer Mattheson should have continually yelled, "Police. Get down on the floor," and used furniture or his free hand to keep a distance between himself and Mr. Collins. However, "real life" action does not always allow for theoretical training. (9) As the struggle continued, Officer Leonard became involved. Neither he nor Officer Mattheson shouted "police." Instead, they were fighting for their lives. Officer Mattheson committed to a "here goes" strategy and shot Mr. Collins.

This case illustrates how a situation that started with a dispatch call to the wrong address, was complicated by inappropriate regulations concerning officer uniform display and perhaps lack of sufficient tactical training, caused misperceptions in both police officer and victim that lead to a fatal shooting.

Various sociological theories have emerged to explain who becomes the "victim" of a police shooting. Terms such as institutional racism, social deprivation, lack of appropriate opportunity for employment, or an oppressive environment, suggest that perpetrators of violence may not always be fully accountable for their actions (Cloward & Ohlin, 1960). A competing theory holds that there is a "subculture of violence" within certain segregated sections of a community. This subculture is defined by "...a cluster of values that support and encourage the overt use of force in interpersonal relations and group interactions." (Wolfgang & Zahn, 1983). However, this viewpoint appears to paint with too broad a brush. Certainly, the large percentage of people who emerge from such an environment are not violent. We believe that a police-involved shooting is a much more complex,

interactional event. It encompasses a specific officer with unique attributes, under certain situational variables, in a broader contextual environment. Thus, while one officer may elect to use fatal force, under the same circumstances, another may not.

There do appear to be situationally mobilizing events that are frequently associated with a police shooting. The "pre-intervention situation" (Sherman, 1983) is the type of call that compels an officer to respond. A mobilizing aggressive event on the part of the subject then causes the officer to engage in a tactical response. Consistently, robbery calls and domestic and non-domestic disturbances account for between 53 and 66% of police shootings (Fyfe, 1978; Geller & Karales, 1985; Milton, Halleck, Lardner, & Albrecht, 1977).

A police-civilian shooting episode is always interactional. While an officer may start a "confrontation" just by arriving at a crime scene in progress, it is the perpetrator who determines how the interaction will proceed by his or her level of compliance with lawful police directions. The events leading up to the shooting may take place over a long time, as during a stand-off. Or, such events may transpire in "split-seconds," as when an officer comes upon a crime scene and the suspect reacts with overtly aggressive behavior that could be construed as life-threatening to the safety of the officer or others. The International Association of Chiefs of Police (IACP) claims that about 90% of police shootings take place within a three-second time frame (IACP, 1989). However, it is unclear when the clock starts to toll. Our interpretation is that the time starts from the first aggressive movement by the subject which the officer determines is life-threatening to himself or herself or others. Fyfe (1989), an opponent of the "split-second syndrome," believes that examining and modifying officers' approaches to potentially violent encounters is more likely to reduce violence in police-citizen encounters than are changes in officers' actions during the encounter.

Psychological Factors In The Use Of Deadly Force

Solomon (1990) described five stages in the "dynamics of fear" that an officer goes through in a potentially violent encounter. These stages are fluid and an officer can "jump" from Stage I to Stage IV, for example, instantaneously.

Stage I: "Here comes trouble" — The officer has reason to believe that a situation has the potential to become problematic.

Stage II: "Vulnerability awareness" — The officer may believe that he or she is becoming vulnerable to the threat or may lack immediate control to contain the situation.

Stage III: "I've got to do something" — There is a cognitive shift in this stage from internal focus on perceived vulnerability to the adoption of an action plan.

Stage IV: "Survival" — If life threatening behavior on the part of the perpetrator continues, perceptual narrowing may occur to focus on the immediate threat and survival strategies are illuminated.

Stage V: "Here goes" — The officer commits to engage in the survival strategies as the only viable option to the perceived threat.

Scharf and Binder (1983) have taken another approach to de-constructing these high risk encounters into identifiable stages:

1. *Anticipation*: This stage covers the period from when the officer becomes aware of a need for intervention (e.g., radio call) up to the officer's arrival on the scene.

2. *Entry and Initial Confrontation*: This is the stage at which the officer physically enters the scene or makes initial citizen contact. Tactical decisions here include observations about possible use of cover and concealment to protect the officer.

3. *Dialogue and Information Exchange*: This is referred to as the "definitional phase" — the stage at which the officer makes an assessment,

issues orders if necessary, or attempts to negotiate with the subject/citizen about the nature of the problem, possible solutions, or both.

4. *Less-than-lethal Control Tactics*: This stage, added by Geller and Scott (1992), suggests that the officer should consider whether non-lethal control tactics could be effectively utilized. These might include weaponless defensive tactics or weapon-assisted leverage and compliance techniques, or even chemical, electrical, or impact weapons.

5. *Final Frame Decision*: At this critical point, an officer must make a decision about whether or not to shoot.

6. *Aftermath*: This is the post-event stage encompassing any departmental and administrative response, procedure, or review related to the encounter.

We believe a similar "model" is also working in the mind of the perpetrator. Fear is contagious. If the officer is afraid because of the situation, the perpetrator is also likely to be afraid. The ability of a person to respond to a stressful situation involves a complex relationship among arousal, perception of the task, and capacity to respond efficiently and effectively as first demonstrated by Yerkes and Dodson (1908): "(1) For any task there is an optimal level of arousal such that performance is related to arousal in the form of an inverted U. (2) The optimum level of arousal is a decreasing monotonic functioning of the difficulty of the task" (Hockey, 1979). Stress or anxiety can increase performance until it reaches a point where it becomes overwhelming and then performance rapidly decreases.

We interpret this to address the issue of lack of requisite behavioral variety under stress. That is, when faced with an unfamiliar or stress-arousing situation, the perpetrator engages in Option A, which doesn't work to solve the problem. The perpetrator then tries Option B. That doesn't work. Neither does Option C. The perpetrator then reverts to Option A. It still won't work, but

because of high arousal levels, the capacity to choose from other alternatives is diminished. For example, the subject during a home invasion robbery points a gun (Option A) at the responding officer and is commanded to "drop it." The perpetrator turns and looks for an avenue of escape (Option B), which may be blocked, then runs into a bedroom (Option C) and is cornered. The perpetrator cannot think of any other options, again points the gun (Option A) at the officer, and is fatally shot. The interactional nature of a police/perpetrator situation is described in Table 2.

Based on what we have learned from the research on deadly force encounters and the psychological factors that operate therein, several prescriptive strategies can be recommended.

Suggested Strategies to Lessen the Use of Deadly Force by Police

1. *Tracking System:* A nation-wide, systematic tracking system should be developed that can accurately collect data on the fatal and nonfatal use of force by police officers. The National Highway Traffic Safety Administration maintains the Fatal Accident Reporting System (FARS) related to vehicular accidents. Data is uniformly collected in 90 different categories (Teret, Wintemute, & Beilenson, 1992). A similar system should be constructed for incidents involving police use of force. This data can be utilized to enhance training programs.

This proposed reporting system should be mandatory. All law enforcement agencies would be required to comply, either by law or to maintain accreditation. While the following is not intended to be all inclusive, the information might describe the reported event as follows: (a) weather conditions, (b) lighting, (c) patrol assignment, (d) perpetrator biography, (e) type of crime, (f) gun and ammunition used by officer, (g) number of shots by officer, (h) tactical decisions (reason for discharge of weapon), (i) number of perpetra-

tors, (j) number of victims, (k) relationship of victim and offender, (l) officer on or off duty, (m) level of threat by perpetrator prior to shooting, (n) shots fired or weapon used by perpetrator, (o) other options used by officer (mace, baton, etc.), (p) type of officer injuries, (q) protective cover used or not by officer, (r) was officer wearing ballistic vest, (s) prior knowledge of subject or situation, (t) stray bullets by officer and perpetrator (u) unintentional wounding, (v) demographics of officer, and (w) use of force continuum sequence.

Fyfe (1981) also suggested a shooting typology that might be incorporated to uniformly describe these events. He indicated that some shootings are "elective" by the officer because other options of gaining control of the situation could have been implemented. "Non-elective" shootings are those in which the officer's discharge of a weapon is the only viable choice. Fyfe's typology includes: (1) assaults with guns against police, (2) assaults with knives or other weapons, (3) physical assaults on police, and (4) unarmed or no assault.

2. *Establish Clear Policy:* Every agency should develop a written policy directive on the use of deadly and non-deadly force. This policy should contain clear definitions of levels of force, a description of the standard used to judge the appropriateness of an officer's actions, and the conditions under which force or restraint may be used.

The directives should be consistent with constitutional principles and current case law in the jurisdiction. This is imperative because this policy outlines the agency's expectations about officer conduct in use of force situations and provides a consistent standard by which to judge an officer's action in any given situation. However, in developing these policies, it is also important to seek input from line personnel so that feedback from field experience can enhance the "real world" applicability of the directives as they are described.

TABLE 2
DYNAMICS OF LETHAL INTERVENTION

Activating Event

Police Officer

Perpetrator

1. Probable cause to believe that a crime is being committed and response to the crime scene.

1. Engaging in behavior that solicits police attention

Selective Attention To The Perceived Dangerous Stimuli

1. Something is wrong. Environmental cues suggest dangerous situation is evolving. Officer assesses alternatives.

1. Police presence signals that previous acts now have law enforcement scrutiny and avenues of escape are narrowing.

Cognitive Changes or Distortions

1. Perceptual narrowing occurs (weapon focus effect).
2. There is a heightened sense of danger and physiological arousal.
3. Internally focused response to threat causes changes in thinking patterns.

1. A perceptual shift from original target of the encounter to the police officer takes place.
2. Choices narrow - fight, flee, give up.
3. Physiological arousal leads to changes in thinking.

Selected Action Plan

1. Based on subject's level of perceived compliance to commands, tactical option selected from internalized use of force continuum.

1. Based on officer's behavior, and avenues of escape available, decision to be compliant or not.

Action Plan Enactment

1. The officer enacts an action plan and modifies it continually based on compliance by subject.
2. Avert plan - retreat and reformulate new strategy.
3. Develop a new plan and implement it.

1. The suspect can comply with officer demands or,
2. Face consequences of non-complying.

A number of departments were forced to change their use of force policies following the U.S. Supreme Court's decision in *Tennessee v. Garner* (1985), which ruled that any policy directives authorizing use of deadly force to apprehend unarmed and nonviolent criminal suspects were unconstitutional. As noted above, this decision did not erase all ambiguity concerning proper standards for deadly force, however, it did establish a national minimum standard. Many of the agencies that did modify their policies adopted language more consistent with a defense-of-life

standard (which is now required by the Commission on Accreditation of Law Enforcement Agencies [COALEA] for any department seeking to be accredited) (Geller & Scott, 1992). Thus, their policies tended to become more restrictive.

Despite initial concerns that such restrictions might place officers at increased risk, experience with these more restrictive policies suggests that they did reduce the number of shootings by police without producing any negative impact on officer safety. As stated by Geller and Scott (1992):

The empirical research suggests with remark-

able unanimity, but, admittedly, with less data and weaker research techniques than are desirable, that restrictive policies seem to have worked well where they have been tried....Adoption of restrictive policies usually has been followed by marked decreases in shootings by police, increases in the proportion of the shootings that are responses to serious criminal activity, greater or unchanged officer safety, and no adverse impact on crime levels or arrest aggressiveness.

3. Enforcement of Policy: For a policy to have effective force, it must have administrative support and follow-through enforcement. Particularly when an agency moves to a more restrictive deadly force policy, it is important for the written directives to be buttressed by a clear message from the highest levels of the administration that supports the principles of the policy and encourages officers to use restraint in shootings (Sherman, 1983).

Many agencies have some type of internal shooting review system to investigate possible policy violations, and sometimes to aid in enforcement. William Geller of the Police Executive Research Forum has identified several features of Review Boards that appear to be quite promising (Geller & Karales, 1981; Geller & Scott, 1992): (1) conducting reviews of all incidents in which shots are fired, not just those in which an individual has been struck; (2) including reviews of "averted shootings," that is, incidents in which an officer would have been justified to shoot, but was able to resolve the incident by other means; (3) ability to provide dispositions or recommendation that are not limited to judgments about the appropriateness of the individual officer's actions, but may also include administrative deficiencies, if relevant; (4) ability to go beyond the adjudication of officer liability in the case, to also identify and recommend preventive strategies at a systemic level (e.g. training needs, weapon and equipment modification, supervisory changes, etc.).

4. Pre-employment Screening: While there is no clear demographic "profile" of the officer with a propensity to use deadly force, and the empirical relationships between individual officer characteristics and the outcomes of high risk encounters are presently not compelling, law enforcement agencies are still responsible for exercising reasonable care in the selection of employees for public safety positions, and they may be held liable for improper conduct by employees who were not properly screened or evaluated (*Bonignore v. City of New York*, 1981).

Many, if not most, major law enforcement agencies currently have comprehensive, multi-stage selection systems that include psychological screenings as one component of the program. Indeed, this component of the screening process has been widely advocated (Milton et al., 1977) and is mandated by COALEA for agencies seeking accreditation. Although pre-employment psychological screening by itself does not guarantee the identification of all applicants who may subsequently use force inappropriately, a careful pre-employment application process consisting of personnel interviews, written tests, and careful background investigation may reveal characteristics, such as a history of impulsive or aggressive behavior or poor emotional control, that could suggest that the applicant would be at higher risk to show an inappropriate response in a stressful use of force encounter. The empirical basis for these assessments is continuing to expand.

5. Assessment Center: Through the above screening process, departments can reasonably identify minimally qualified candidates who are unlikely to be problems to the department later. This is not sufficient. Using a business model, the customers (the public receiving the services) are demanding highly skilled service providers (police officers). The challenge is to select and promote the people most likely to be high level performers. The assessment center concept may be the answer.

The premise of an assessment center is that the closer we can get to having the applicant actually perform the job, the more accurate the test will be, and the higher the probability of success on the job. This is the strength of an assessment center. With an assessment center, we identify the critical tasks required to do the job. The applicant is then placed in a scenario where these critical tasks are simulated and has to actually perform the job tasks. For example, some of the critical task areas for a new law enforcement officer are to handle interpersonal conflicts (e.g., a domestic violence call) and take reports (e.g., on burglary calls).

An entry level assessment center might place the applicant in a room with arguing spouses, siblings, or roommates. The applicant would have received instructions on what resources were available to him or her prior to going into the simulation. The applicant's task would be to use the appropriate skills to calm the participants down and gather sufficient information to write a simple report or make a determination if one or both of the suspects should be arrested. The applicant might then participate in another simulation involving a recent burglary with witnesses available. This task would measure the applicant's ability to gather sufficient information, through questioning, to complete a basic report. As can be seen, we are measuring many skills, such as leadership, judgment, oral and written communication, and the ability to follow instructions.

The assessment center and job sample methodologies have some negative aspects. This testing is expensive and time consuming to arrange. Some critics note that if care is not taken to provide compelling simulations, realism suffers and applicants are not motivated to perform (Cordner, 1992).

6. Early Warnings Systems: Some agencies have developed "early warning systems" to monitor officer conduct and identify cases in which further review of an officer's patterns of behavior

might be warranted. These systems almost always monitor officers' histories of complaints and disciplinary action, with consideration given to the officers' assignment and the rates and types of complaints that are typically found among similarly-situated officers. Specifically, the following factors have been identified in the professional literature as being relevant to include in these warning systems (Geller & Scott, 1992): (a) civilian complaints against the officer, (b) rates of arrest made for resisting arrest or disorderly conduct, (c) involvement in prior shootings or incidents involving injury, (d) record of assignments, including partners and supervisors, (e) record of discipline, and (f) prior commendations and performance evaluations.

Reviews can be conducted by administrators or peer review panels, and may also include interviews with the officer involved. If problem areas are identified, the reviewers can make recommendations for remediation where appropriate, which could include re-training in areas of need, specialized new training, psychological counseling, or referral to a psychologist for a fitness for duty evaluation.

7. Employee Assistance Programs: It is well known that law enforcement is a highly stressful occupation with the potential for family/relationship difficulties (Borum & Philpot, 1993), alcoholism (Pendergrass & Ostrov, 1986), and other stress-related problems that can affect officers' conduct on-duty. Thus, police agencies are well-advised to provide access to psychological services for their employees. Many agencies have a psychologist either on staff or retained on a consulting basis to handle referrals for counseling or evaluation. Some departments have moved toward more formal programs for employees' mental health services such as Employee Assistance Programs (EAPs). Police administrators should encourage officers to seek these services when they need them. Officers are unlikely to utilize these services if they believe the administration

will view it as a sign of weakness or instability.

8. *Training*: Once a clear, defensible use of force policy has been developed and implemented, it becomes necessary to train officers in its interpretation and meaning so that they can apply it appropriately during encounters in the field. Officers should be able to understand all aspects of the policy and its intent in the context of departmental values and relevant statutory and case law. At least one case from the U.S. Supreme Court also suggested that agencies are indeed responsible to train officers on constitutional standards regarding the use of deadly force by law enforcement officers (*City of Canton v. Harris*, 1989).

This level of training should focus on application and implementation. There should be discussions about, and possibly even role playing of, likely field scenarios involving potential use of force and how the policy should guide officers' decision making. Ideally, this would include participation by command (or management-level) personnel and representation from the city attorney or attorney general's office for legal guidance. Specific types of training are described below.

Dynamic Training. There is a principle of learning called "state dependent learning" that is important to consider in all aspects of use of force training. This principle suggests that it is easier to recall and apply a skill when the conditions under which it was learned are similar to the conditions in which it is to be applied. This includes not only environmental conditions, but also conditions of physical and mental states. For example, target shooting skills acquired in a distraction-free indoor range and practiced at a relaxed pace may not generalize well to an actual armed encounter because the conditions (internal and external) are dramatically different.

It is sometimes stated that individuals under stress will react according to their training. This is not entirely true. Under conditions of extreme

stress, it is not necessarily the "trained" response, but the "dominant" response, that emerges. The goal of training in the appropriate use of force is to make the trained response the dominant one. That is, to train officers in a way that allows the correct response to become reflexive and automatic (Borum, 1993).

This points out the importance of "dynamic training" or simulation scenario training under "real life" conditions. Whether training for verbal, physical, or shooting skills, an officer must learn to respond under stressful conditions where the adrenaline is pumping, there are distractions in the environment, and there is a threat to which one must respond. This type of training is called "dynamic" because it changes. The scenario is not set or predictable. The officer must assess and respond to an ongoing situation (Chaney, 1990). Circumstances which are much more similar to actual law enforcement encounters are utilized. The officer can gain a sense of confidence in his or her ability to respond and survive and, where necessary, can analyze mistakes without having to suffer the actual consequences. Recent advances in the technology of Virtual Reality show tremendous potential for these types of law enforcement training applications.

Performance Under Stress. Despite advances over the years in use of force training, insufficient attention is still given to the mental and psychological factors involved in stressful confrontations (Borum, 1993; Borum & Stock, 1992). Officers can learn the techniques and physical skills of defensive tactics and shooting, but if they panic, "freeze," or "overload" under pressure, they may not be able to respond appropriately. Stress and anxiety, at extreme levels, can interfere with an individual's thinking and motor skill performance (Nideffer, 1985); therefore, officers must learn about these psychological and physical reactions, and be trained to control and minimize their negative effects. It is important for officers to realize that such reactions are normal, and that

they can learn to control their responses and perform effectively.

Extremely stressful conditions can affect the officer both physically (e.g., tension, rapid breathing and heart rate) and psychologically (e.g., fear, poor concentration, distracting negative thoughts). Effects in either area may create anxiety at a level that can interfere with judgment and performance. Through training and exercises in relaxation, breathing control, concentration enhancement, positive self-talk, and mental rehearsal, officers can learn to improve and control their physical and psychological responses. These strategies can be used to improve performance generally, and to minimize any negative effects during high-stress situations specifically (Meichenbaum, 1985).

Perceptual Distortion. It is also important to train officers and those who investigate shootings about the range of perceptual distortions that can occur during deadly force encounters (Solomon & Horn, 1986): Perhaps the most common of these (up to 83% in one study) is *time distortion*. Many officers report feeling an expanded sense of time — that the event seemed to be happening in slow motion, where seconds seemed like minutes (67%). Others, however, have reported an opposite effect, where events seemed to happen faster than actual time (15%). *Auditory distortion* is also quite common (63%) and typically involves either an intensified (18%) or diminished (51%) intensity of sound during an event. For example, a shot may sound like a cannon or not be heard at all. This “auditory exclusion” phenomenon has obvious implications for reconstruction or investigation of the incident. Another common factor is visual distortion, which was experienced by 56% of the officers in Solomon and Horn’s sample. Although some officers may experience a marked increase in perceived detail (18%), the more common distortion is to experience some narrowing of focus, similar to “tunnel vision” (37%). In these cases, the officer becomes completely

focused on one specific target area, and blocks out all other surrounding objects or events. Some officers even report that objects or persons in focus appeared to be magnified. This narrowing of visual scope may be particularly intensified when a weapon is involved. This phenomenon, known as the *weapon focus effect*, has been well-documented in the social science literature (Kramer, Buckhout, & Eugenio, 1990; Loftus, Loftus, & Messo, 1987).

Tactical Training. Clearly, any comprehensive training effort on deadly use of force must include extensive tactical and shooting proficiency training. As we have previously noted, firearms training must transcend the firing range and incorporate realistic scenarios and dynamic training. The FBI and a growing number of police departments have created simulated city stages (e.g., Hogan’s Alley) where trainers and officers engage in simulated encounters that require officers to make decisions about the proper level of force and to respond under realistic conditions. Officers should also be trained to fire their weapons accurately under a variety of different environmental conditions with variable lighting, after sprinting, and in scenarios with multiple opponents, bystanders, or both (Morgan, 1992). Shooting accurately is an important skill, but the ability to apply (or not apply) that skill appropriately under stressful conditions is equally critical. The goal of tactical training more generally is to teach officers to think critically about all stages of a potentially violent encounter.

9. *Human Relations and Cultural Awareness:* Many states have begun to include a required training block on “human diversity” in the requirements for basic officer and instructor certification. Training in advanced interpersonal skills and cultural awareness can also have implications for preventing and managing high risk encounters.

Police-suspect encounters are incredibly complex social interactions. Each actor is scanning

the other person and the situation for cues of aggression or threat to guide their response. Given that the level of tension in these encounters is often quite high, there is the potential for misinterpreting cues or for inadvertently engaging in behavior that causes the other person to feel a heightened sense of fear or perceived threat. In a survey of Colorado law enforcement agencies, John Nicoletti (1990) found that

elevated stress levels, lack of training, lack of control over the situation and lack of self-confidence were the most frequently cited causes for overreaction, while the behaviors mentioned most frequently as being desirable for de-escalation of force were communication and mediation skills, attitude, self-defense and physical condition and anger control.

Thus, the goal of training in human relations and diversity is to help officers to attend appropriately to the interpersonal dynamics of these encounters so that they can better "read" and control the situation.

10. *Conflict Management:* A natural extension of the human relations training is to broaden skills in conflict management. This goes beyond training in firearms and defensive tactics to helping officers learn about communication, mediation, and negotiation. If an officer lacks appropriate communication and interpersonal skills, he or she may, through the officer's own behavior, induce fear in the citizen that could unnecessarily precipitate an aggressive response.

Tactical conflict management or "violence reduction" exercises have been developed in major law enforcement agencies in New York City; Chicago, Illinois; and Dade County, Florida. These programs utilize role playing and scenario exercises to teach officers how to control a potentially violent encounter and to de-escalate, rather than exacerbate, tensions. Offering violence reduction training also strongly reinforces a departmental philosophy about using the "least injurious control techniques" that would be

appropriate in any given encounter. Although there have not been any well-controlled empirical investigations of the effectiveness of these violence reduction programs, anecdotal accounts from programs such as the one in Metro-Dade (Miami, Florida) suggest that there has been some success in reducing shootings by police, enhancing officer safety, and improving relations between police and the community.

Case Illustration: Officer John Maynard was dispatched to a "domestic disturbance" at 1410 W. Washington Avenue. Sgt. Stan Norman responded as a "backup" unit. At the scene, Tonya Jackson informed them that her husband, LaMont Jackson, had trapped four relatives in a bedroom and had a knife. He had been drinking heavily and was very angry.

The officers entered the residence, initially drawing their police batons, but not their firearms. The officers encountered LaMont Jackson, who was agitated and stabbing the outside of the bedroom door with a knife. Upon seeing the officers, he put the knife down. Officer Maynard directed Jackson to move away from the knife. Instead, Jackson picked it back up and stood still. He was near the kitchen, about 9 to 12 feet from the officers. The four relatives remained in the bedroom, behind Jackson. The officers repeatedly directed Jackson to drop the knife as they drew their firearms. Jackson moved toward the officers, with the knife held in an aggressive posture. When Mr. Jackson was about six feet away, Sgt. Norman fired one time, striking Jackson. Mr. Jackson continued advancing toward the officers, still holding the knife. Sgt. Norman fired a second round, which caused Mr. Jackson to fall to the ground. He subsequently died.

Relevant Considerations:

1. The officers entered the residence with batons, not firearms, drawn. This demonstrates that they were not predisposed to resort primarily

the other person and the situation for cues of aggression or threat to guide their response. Given that the level of tension in these encounters is often quite high, there is the potential for misinterpreting cues or for inadvertently engaging in behavior that causes the other person to feel a heightened sense of fear or perceived threat. In a survey of Colorado law enforcement agencies, John Nicoletti (1990) found that

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Relevant Considerations:

1. The officers entered the residence with batons, not firearms, drawn. This demonstrates that they were not predisposed to resort primarily

to the use of firearms for physical control or even intimidation.

2. The officers were duty bound to protect occupants behind the bedroom door which they had observed Mr. Jackson stab repeatedly. Therefore, they could not retreat from Mr. Jackson, even for purposes of their own safety.

3. The officers repeatedly and continuously attempted to persuade and direct Mr. Jackson to drop the knife.

4. Sgt. Norman waited at his own risk until LaMont Jackson was within a distance of about six feet from him until he fired at Jackson, thereby placing himself at great risk.

5. To attempt to use a police baton could have been ineffective use of force and placed others at similar danger to that in which Sgt. Norman found himself.

6. Sgt. Norman's second shot represented a discreet transaction brought about by Mr. Jackson's second attempt to assault with the knife. Each shot was purposeful and no other alternative existed, given the quickly escalating dynamics of the situation.

7. Forensic findings did not dispute the distance between the subject and Sgt. Norman, as described by Sgt. Norman, at the time he discharged his firearm.

Conclusion

In summary, the available data indicate that the use of lethal force by police is a relatively rare event. In general, police officers appear to be enforcing the law within the constitutional and statutory limitations entrusted to them. Yet, there certainly are some officers who overreact to provocative situations. We have attempted to identify the complex interaction between officer and subject that leads to deadly encounters and offer comprehensive strategies to analyze data, select appropriate law enforcement candidates and train them for the important job they are to undertake.

Annotated Bibliography

Geller, W. A. & Scott, M. S. (1992). *Deadly Force: What We Know*. Washington, DC: Police Executive Research Forum. This book is perhaps the most comprehensive, well-researched, and authoritative source on police deadly force currently available. In a series of five chapters, the authors cover the following topics: studying the use of deadly force, the prevalence of shootings, describing and explaining shootings of and by police, and shooting control strategies. A final chapter provides some guidance for law enforcement agencies on setting standards, supporting officers, managing the public information function and then outlines some directions for future research. The text is full of useful facts, figures, tables, and forms that will be of interest to researchers and practitioners.

Fyfe, J. J. (1988). Police use of deadly force: Research and reform. *Justice Quarterly*, 5, 165-205. Police use of deadly force first became a major public issue in the 1960s, when many urban riots were precipitated immediately by police killings of citizens. Since that time, scholars have studied deadly force extensively, police practitioners have made significant reforms in their policies and practices regarding deadly force, and the United States Supreme Court has voided a centuries-old legal principle that authorized police in about one-half of the states to use deadly force to apprehend unarmed, nonviolent, fleeing felony suspects. This essay reviews and interprets these developments. (Abstract, p. 165)

Scrivner, E. M. (1994). *The Role of Police Psychology in Controlling Excessive Force*. Washington, DC: National Institute of Justice (NCJ 146206). This report discusses the role of police psychologists in preventing and

identifying individual police officers at risk for use of excessive, nonlethal force and the factors that contribute to police use of excessive force in performing their duties. Data are presented from a survey of 65 police psychologists about the type of services they provide to police departments and how those services are used to control force. A typology of five profiles of violence-prone officers is described with some recommendations for intervention at an individual and organizational level.

Uniform Crime Reports Section, Federal Bureau of Investigation, U.S. Department of Justice (1992). *Killed in the line of duty: A study of selected felonious killings of law enforcement officers*. Washington, DC: Federal Bureau of Investigation, U.S. Department of Justice. This publication reports the results of a largely qualitative study of 51 incidents in which police officers were killed in the line of duty. While the results of the study must be viewed cautiously, they do provide some detailed information about the officers, the perpetrators, and the context of the deadly police-citizen encounters. The authors identify what they believe is a "‘deadly mix’ of an easy-going officer who will use force only as a last resort with an offender of aberrant behavior in an uncontrolled, dangerous situation." In the final section, they provide recommendations for interviewing and interrogating these subjects and for enhancing training and procedural review. They also identify for law enforcement managers some "signals" that an officer may be at increased risk to be victimized in a high risk encounter.

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FORENSIC PSYCHOLOGY

Emerging Topics and Expanding Roles

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CHAPTER 20

Workplace Violence: Advances in Consultation and Assessment

Harley V. Stock

FORENSIC PSYCHOLOGICAL BUSINESS CONSULTATION

Who should conduct workplace violence threat assessments? Clinical psychologists treat patients. Industrial/organizational psychologists treat companies. Forensic psychologists evaluate the clinical psychologist's patient who is threatening the industrial/organizational psychologists' company. The forensic psychologist, by virtue of training and experience, is uniquely positioned to evaluate threats that emanate from the workplace (Packer & Borum, 2003).

An organization is an open system (von Bertalanffy, 1950). Such a system is dynamic and attempts to maintain equilibrium among the individual business unit requirements, overall company functioning, and the outside world the company interacts with (Levinson, 2002). A threat of violence can destabilize some or all of the system and cause significant disruption to business continuity. The forensic psychologist conducting a workplace violence threat assessment must be sensitive about and have the ability to evaluate how the organizational culture and the individual employees are contributing to the threatening event. The organization has as much of a personality as does the subject of the evaluation. Without this understanding, the forensic psychologist conducting a workplace threat assessment may encounter significant resistance from the organization to enact a risk management strategy, which is the ultimate outcome of the forensic process. For every forensic risk management suggestion involving an employee, there may be an opposite, and not equal, reaction by the organization.

BUSINESS PREPARATION AND RESPONSE FOR A WORKPLACE VIOLENCE EVENT

It is cheaper and safer to prepare a workplace to prevent potential disaster than to respond after a disaster has occurred. The following practices identify methodology to evaluate and react to individual and environmental workplace violence risk factors.

Preemployment Screening

A number of methods (psychological testing) and techniques (behavioral interviewing) exist that can, to some extent, identify behaviors and experiences that might suggest further inquiry prior to hiring an employee. The forensic psychologist must be familiar with the legal and ethical issues associated with preemployment screening. For example, certain questions on the Minnesota Multiphasic Personality Inventory 2 may be considered medical, and for legal reasons, this test may have to be administered after a conditional job offer is tendered (Klimoski & Palmer, 1994).

Background Investigation

Information on past criminal activity and financial and employment history may be investigated by a third-party security consulting firm. Multiple safeguards about disclosure of such information must be in place.

Workplace Risk Audit

This process involves evaluation of any policy, procedure, or physical barrier that contributes to the reduction of risk. Companies should have a workplace violence policy that clearly describes the commitment to a safe workplace, employees' roles and responsibilities, and remediation (reporting mechanism and responses) available. Definitions of unacceptable behavior are described, along with possible administrative remediations. A security risk audit may include an employee survey about security concerns and examination of current protective practices (liaison with local law enforcement, evacuation plans, and assessment of protective barriers such as access control).

Threat Assessment

This function can range from establishing an internal threat management team, consisting of representatives from human resources, legal, security, and occupational health, to contracting out the assessment process to a forensic psychologist. It is wiser for the business to establish this process prior to the threatening event. If not, the company will have a crisis within a crisis.

Damage Control

If an event occurs that has the potential to significantly disrupt business continuity, a critical incident stress management plan should be available (Paton & Smith, 1995). This plan addresses the stages of corporate response (i.e., precrisis, crisis phase, resolution phase, postcrisis phase) and individual response to a crisis (i.e., anxiety, denial, anger, grief, resolution).

INCIDENCE OF WORKPLACE VIOLENCE

The issue of workplace violence has received so much attention that, at least for one setting, the U.S. Postal Service (USPS), the term "going postal" has become part of everyday usage. However, this is not a fair representation of the true incidence of workplace violence within the USPS.

Over a 14-year period (1986 to 1999), there were 29 workplace homicide events resulting in 54 deaths at various postal facilities. In 15 of those episodes, a postal

employee was the perpetrator (Lopez, 2005). The expected national base rate during that period of time was 1 workplace homicide per 150,000 employees/year. Given the number of USPS employees (approximately 770,000), the actual number of workplace homicides (54) in the USPS was 25% lower over that time period than the expected homicide rate of 72. Thus, such a characterization of Postal Service employees as more dangerous than employees of other occupations is a myth (USPS, 2000). As another example, discharged psychiatric patients are not the prototypical violent offender in the workplace. Approximately 0.6% committed a violent act in the workplace within 1 year of discharge (Monahan et al., 2001). This illustrates the importance for the forensic psychologist to understand base rates, or how often an event happens in a specific population.

The occurrence of a targeted homicide in the workplace, in which the nexus is an established interpersonal workplace relationship between the perpetrator and the victim, is greatly exaggerated in the press and professional publications. Often referred to as an "epidemic," an "explosion" of violence, or "a recurrent national nightmare" (S. A. Baron, 1993; Labig, 1995; Mantell, 1994), a closer analysis of the data suggests the opposite trend. Of 4,154 occupational homicides between 1997 and 2002, 80% (3,310) took place during the commission of a crime in which the victim and perpetrator had no workplace-oriented relationship prior to the event, and therefore it was not a targeted workplace homicide (Bureau of Labor Statistics, 2002).

There are two official, government-sponsored surveillance systems for workplace homicide: the Bureau of Labor Statistics (2002) national *Census of Fatal Occupational Injuries*, which gathers data from death certificates, open information sources such as newspapers, and reports from regulatory agencies, and the National Institute for Occupational Safety and Health (NIOSH), which supports the National Traumatic Occupational Fatalities system and gathers information from death certificates. The calculated base rate of workplace violence homicides for 2003 is approximately 1 per 218,000 employees annually. Over a 10-year period (1994 to 2003), the overall occupational incidents of homicide decreased from 1,080 to 631, a decline of approximately 42% (Bureau of Labor Statistics, 2003).

The vast majority of victims were workers in retail and personal services, such as cashiers, clerical personnel, and taxi drivers. These attacks are generally opportunistic and may involve venues in which protective measures (i.e., bullet-resistant glass, immediate door-locking mechanisms) are considered an expensive luxury (NIOSH, 1996). Forensic psychologists are generally not consulted about specific threat assessment in these cases as the homicidal events are usually spontaneous. However, forensic psychologists can play a role in preincident planning by helping a business become aware of situational specificity of aggression, preattack verbal and nonverbal perpetrator communication, and victim behavioral responses that can lead to increased safety.

As was the trend with workplace homicides, the overall violent victimization rate dropped precipitously from 55 to 33 per 1,000 employees between 1993 and 1999 (Bureau of Justice Statistics, 2001). In the most robust study done to date, it is estimated that approximately 6 million workers were threatened yearly in the workplace (Northwestern National Life, 1993). There are an estimated 1,700,000

“violent victimizations” yearly in the workplace. Compared to being killed in the workplace, a worker is 150 times more likely to be sexually assaulted and 1,600 times more likely to be the victim of a simple assault (U.S. Department of Justice, 2004). This data may be inaccurate due to reporting mechanisms available and the hesitancy of victims of workplace violence to acknowledge these episodes.

In general, workplace offenders were not known to their victims in over half of the assaults. However, teachers and mental health workers knew about two-thirds of their assailants. Men (49.6%) were more likely than women (40.2%) to report a workplace crime to the police. When the crime was rape or other sexual assault in the workplace, it was reported 24% of the time, compared to 71% of robberies being reported. The occupational field reporting highest workplace violence was law enforcement (74.8%), and the lowest was mental health (22.9%; Bureau of Justice Statistics, 2001).

In summary, out of about 600 to 800 annual workplace homicides, approximately 160 to 200 homicides occurred in which a personal relationship was established prior to the event (i.e., work associate; a relative, such as husband or wife; or other acquaintance, such as current or past boyfriend/girlfriend). Men were almost four times as likely to be killed by a work associate and women were almost twice as likely to be killed by an intimate partner or other personal acquaintance (Bureau of Labor Statistics, 2003). The implications for domestic violence spilling over into the workplace are addressed later in this chapter.

CONSEQUENCES OF WORKPLACE VIOLENCE

Eleven percent of employees in the Northwestern National Life (1993) survey indicated that they considered bringing Mace to work, and approximately 4% thought about bringing a gun to the job. Of those attacked at work within the year prior to the survey, 40% contemplated bringing Mace to work, and about 20% thought about bringing in a gun. The hidden and tangible costs of a workplace violence event can be substantial. Individuals who are victims of violence are likely to miss more days of work, have higher workers' compensation complaints, change jobs more frequently, make more medical claims, suffer higher rates of burnout, and generally be more dissatisfied than other workers (Budd, Arvey, & Lawless, 1996). American businesses lose over \$4 billion a year in productivity and business disruption due to violence (Albrecht, 1997). However, Castillo (1995) indicated, research about nonfatal violence may not always be accurate.

DEFINITION OF WORKPLACE VIOLENCE/AGGRESSION

Over the past 30 years, aggression in the workplace has been labeled work harassment (Brodsky, 1976), unreliable workplace behavior (Hogan & Hogan, 1989), workplace violence (Kinney & Johnson, 1993), and counterproductive work behavior (Fox & Spector, 1999). A general definition of violence is “the actual, attempted, or threatened physical harm to another person that is deliberate and nonconsensual” (Webster, Douglas, Eaves, & Hart, 1997, p. 13). Reiss and Roth (1993) take a parsimonious route by defining violence as an action by a perpetrator

that creates a fear in, attempts to harm, or does harm the victim. National Institute for Occupational Safety and Health (NIOSH) defines workplace violence as "all violent acts, including physical assaults and threats of assault, directed toward persons at work or on duty" (Jenkins, 1996, p. 6). Although Webster et al. (1997) note that dangerousness is viewed as a trait and violence as an event, the author of this chapter believes that violence is the outcome of putting a potentially violent person in a specific set of circumstances.

Workplace violence is a special type of violence and thus deserves a unique definition. The following definition of workplace violence is suggested: an intentional act committed by an individual or group for the purpose of (or resulting in) psychologically and/or physically affecting an organization or persons associated with an organization. This definition encompasses the following dimensions: (a) intentional act—the initiating event is a reflection of a purposeful series of behaviors; (b) individual or group—the perpetrator(s) may be acting individually or may represent an ideological position, such as a terrorists; (c) purpose of (or results in)—the behavior may have an intended course or may cause an outcome that; (d) psychologically and/or physically effects—violence can both psychologically destabilize and physically harm the intended target (most events of workplace violence are more likely to psychologically, rather than physically, impact the target); and (e) an organization or persons associated with an organization—a business's capacity for continuation can be significantly disrupted, for example, by an attack on its computer system. In that instance, no individual employee would be hurt, but all employees might suffer the repercussions of such an attack. This part of the definition also recognizes the self-injurious (suicidal) behaviors by the perpetrator, that the location of the threatening event does not have to physically be at the workplace, and that unintended targets need to be considered (Stock, 2002).

CAUSES OF WORKPLACE VIOLENCE/AGGRESSION

There is some semantic splitting between the concepts of *aggression*, such as any attempt to harm (Tedeschi & Felson, 1994), and *violence* (direct, impactful, and physical behavior; Neuman & Baron, 1998). For our purposes, workplace violence is at the far end of the workplace aggression continuum (see Table 20.1).

Forensic psychologists are most often called to consult with business or government agencies on issues of workplace violence when the content of the threat is death or significant disruption of business activity. Although aggression in the workplace has been described as a continuum in Table 20.1, forensic psychological evaluations will generally be in the high-risk (7 to 10) range.

R. A. Baron and Richardson (1994) suggest that the root causes of workplace violence can be segregated into five distinct categories: (1) physical aspects of the workplace (e.g., ambient temperature, auditory overloading, close physical proximity to others); (2) social impact (e.g., group and societal expectations as to appropriate and inappropriate workplace behavior, coupled with individual expectations and interactions); (3) biological causes (e.g., hormonal influences, specific arousal [limbic] pathways, physical/neurological disorders, level of consciousness as mediated by psychoactive substances); (4) cognitive distortions (e.g., misinterpretation of events, linked associations between the current disruptive event and past similar

Table 20.1 Aggression in the Workplace

1 Withholding minor information	}	Low Risk
2 Spreading rumors		
3 Verbal argument		
4 Work slowdown	}	Moderate Risk
5 Misdirected activities		
6 Minor computer sabotage		
7 Nonlethal threats/harassment		
8 Environmental aggression/lethal threats	}	High Risk
9 Nonlethal attack		
10 Lethal attack		

behaviors); and (5) individual personality contributions (i.e., specific personality characteristics of the aggressor).

James (1998) has identified six unique justification mechanisms that give the perpetrator an “excuse” for aggression:

1. *Hostile attribution bias*: The employee believes actions by coworkers, even those behaviors others might see as positive, are intended to hurt the employee. For example, by making the employee a project manager of a difficult endeavor, the supervisor is intentionally setting the employee up to fail. Other employees would view the same assignment as a positive challenge.
2. *Retribution bias*: Aggression is legitimized as the vehicle to regain respect or get even. Maintenance of the relationship is secondary to vindication and revenge.
3. *Derogation of target bias*: The flaws of the target are amplified and positive attributes are devalued.
4. *Victimization by powerful others bias*: Themes of exploitation and perceived injustice attributed to the target cast the perpetrator in the role of victim.
5. *Potency bias*: Being perceived by others as strong, assertive (aggressive), or fearless is enhanced by acting against those in a position of authority/strength. Conversely, any indication of weakness by the perpetrator is seen to invite aggression from the target.
6. *Social discounting bias*: Using “socially unorthodox” or antisocial ideas to justify aggression, the perpetrator will significantly embrace nontraditional values and unconventional beliefs.

LEGAL AND ETHICAL ISSUES

Forensic psychologists must be familiar with the special legal constructs, legislative requirements, and ethical constraints for the area in which they practice. Because of the unique nature of forensic consultation to the workplace, the forensic psycholo-

gist may be exposed to liabilities and issues not previously encountered. This section describes key legislative, legal, and ethical workplace-related concerns.

Legislative Issues

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) was initially concerned about deficits in workplace environmental safety that could lead to physical injury. The OSHA general duty clause indicates that an employer "shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees" (Occupational Safety and Health Act, 1979). In 1992, OSHA extended the general duty clause to include recognized hazards from violence. Some states, such as California, have adopted language similar to that in the OSHA general duty guideline (California Occupational Safety and Health Act, 1973). The federal OSHA subsequently recognized that specific environments, such as retail establishments that are open at night and hospitals and health care/social services settings are at increased risk for violence. OSHA (U.S. Department of Labor, 1996) eventually promulgated volunteer guidelines for these types of locations. OSHA also issued an advisory statement requiring those types of businesses to implement specific record keeping, risk analysis processes, and training. Some states (Alaska, 2003; Washington Industrial Safety and Health Services Agency, 1997) have enacted legislation concerning workplace violence that is not limited to certain types of businesses. Canada (Canadian Province of Quebec, Labour Standards Act, 2004) enacted North America's first legislation on antibullying in the workplace. "Vexatious" workplace behavior in Canada includes repetitive, hostile, or unwanted actions that are damaging to the victim's psychological integrity or personal dignity and are harmful to the work environment.

In general, to prove a violation of the OSHA general duty guideline, it must be established that

- (1) a condition or activity in the employer's workplace presented a hazard to employees, (2) the cited employer or employer's industry recognized the hazard, (3) the hazard was likely to cause death or serious physical harm, and (4) the feasible means existed to eliminate or materially reduce the hazard. (Biles, 2004, p. 3)

Legal Theories

Legal theories, which are bolstered by judicial decisions, illuminate the minefield that companies try to maneuver. Forensic psychologists conducting workplace threat assessments may find their behavior being examined under the following legal constructs.

Negligent Action

The basic elements of a negligence action are:

- *Duty*: Did the company, or with due diligence, could the company have known about the individual's propensity for violence?
- *Breach of duty*: Once put on notice about the potential risk of harm, what did the company do to mitigate that risk?

- *Causation*: Was there a direct nexus between what the company knew, or should have known, about the potential risk and a subsequent incident?
- *Damages*: The nature (physical/psychological), type (punitive), and financial award are determined in this step.

Several different types of negligent action may directly or indirectly involve the forensic psychologist:

- *Respondent superior*: An employer is acting through the facility of an employee or agent, and if an on-the-job civil liability is incurred due to some fault of the employee/agent, the employer must accept responsibility. This concept establishes a "special relationship" between an employer and employee. For example, if coworker A threatens to kill supervisor B at her home, the employer cannot abdicate its responsibility to protect the supervisor solely because the murder will not take place on company property.
- *Negligent hiring*: The majority of negligent hiring actions focus on failure to do background screening that would have revealed a record of violence (*Grove v. Rainbow International Carpet Dyeing and Cleaning Company*, 1994), but preemployment psychological screening, particularly in a law enforcement environment, may expose the forensic psychologist to examination of the selection procedures used (see Borum, Super, & Rand, 2003, for a discussion of screening for high-risk occupations).
- *Negligent security*: Based on the information available concerning a foreseeable risk of violence, did the workplace establish sufficient physical or environmental barriers to prevent or mitigate against the violent act? (*Saelzler v. Advanced Group 400*, 2001). On the surface, this issue would appear to be clearly, and only, within the purview of the security consultant. However, depending on the type of risk assessment, a question such as "What is the likelihood the subject will approach the target within the next 12 hours?" or "Should we put this person under surveillance to make sure he or she does not approach the target?" may be asked of the forensic psychologist.
- *Negligent retention*: This occurs when the employer knows an employee has a propensity toward violence but permits the employee to retain employment despite this knowledge (*Natasha Saine v. Comcast Cablevision of Arkansas, Inc.*, 2003).
- *Negligent supervision*: The company assumes liability for its management team members or agents when a management person fails to properly supervise an employee who, ultimately, inflicts harm on other coworkers (*Simmons v. U.S.*, 1986). A forensic psychologist may be asked to evaluate whether a supervisor is creating a toxic work environment that could foster organizationally disruptive behaviors in his or her subordinates. A toxic work environment is characterized by authoritarian management style, unpredictable discipline patterns, and employee devaluation.
- *Negligent training*: Companies that fail to train employees about specific issues, such as workplace risk assessment, or offer improper training may be liable. It

would not be recommended for a forensic psychologist to offer a company training on workplace violence risk assessment that is only brief or superficial. Such training may lead the employer to the false belief that it can assess risk of violence in the workplace, resulting in inappropriate decisions with unfortunate outcomes.

Other civil claims arising out of a workplace risk assessment include intentional or negligent infliction of emotional distress on the victim or wrongful death of the victim. The subject of the risk assessment may also file claims of defamation of character, invasion of privacy, wrongful discharge, discrimination, and being a qualified individual under the Americans with Disabilities Act (ADA).

Forensic psychologists conducting risk/threat assessments should be familiar with the three main components of the Title I (Employment section) of ADA:

1. *Disability*: (a) a "physical or mental impairment" that "substantially limits" one or more of the "major life activities" of an individual, (b) a "record" of such an impairment, or (c) "being regarded" as having an impairment.
2. *The need for reasonable accommodation*: Employers must attempt to make "reasonable accommodations" for the identified mental or physical impairment of otherwise "qualified individuals with disabilities" unless it can be demonstrated that the accommodation would impose an "undue hardship" such as significant costs or other difficulty on the employer. A "reasonable accommodation," for example, may include physical modification of existing facilities or job restructuring. However, it is essential for the forensic psychologist to understand that, even if an employee is suffering from a major mental illness, an employer is not obligated to offer a reasonable accommodation if the employee represents a "direct threat" to self or others. Evidentiary factors for a "direct threat" include (a) the duration of the risk, (b) the nature and severity of the potential harm, (c) the likelihood the potential harm will occur, and (d) the imminence of the potential harm. A risk of a direct threat is significant if there is "a high probability of substantiated harm; a speculative or remote risk is insufficient" (ADA, 29 C.F.R., 1990).
3. *Discrimination*: The purpose of the ADA is to describe a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities" through enforceable standards (ADA, § 2, 1990). Discrimination of disabled individuals is barred in job application procedures, job advancement, discharge, compensation, job training, and "other terms, condition or privilege of employment" (ADA, § 102(a), 42 U.S.C., § 12101, 1990).

The Health Insurance Portability and Accountability Act (HIPAA, 1996) has not yet been subjected to judicial opinion regarding the relationship between a forensic psychologist in the course of conducting a risk assessment and the employee, or subject of that assessment. Connell and Koocher (2003) offer cogent arguments why the forensic practitioner needs to be HIPAA compliant: (a) Diagnosis in a forensic examination may be considered "health care," and those who perform the evaluation are "covered entities"; and (b) the forensic examiner may receive health

care information from another provider. This information must be handled in a secure way. Connell and Koocher make equally persuasive arguments why the type of evaluations typically done by forensic psychologists do not fall under HIPAA requirements: (a) Forensic evaluations are not health care because there is no intent to treat the subject of the evaluation, and (b) the evaluation is undertaken to answer a psychological question and forensic evaluation services are not recognized for third-party insurance payment. They offer the caveat, "Each practitioner must engage in a careful analysis of their own practice activities that might qualify as 'health care' services" (p. 16).

Ethical Issues

The forensic psychologist must be familiar with and adhere to the "Ethical Principles of Psychologists and Code of Conduct" of the American Psychological Association (APA, 2002). Not having membership in the APA does not excuse a psychologist from behavior comporting to the generally acceptable ethical principles of the profession.

The following sections of the "Ethical Principles of Psychologists and Code of Conduct" (APA, 2002) should be carefully reviewed and followed when conducting a workplace threat assessment: 2.01 (Boundaries of Competence); 2.04 (Basics for Scientific and Professional Judgments); 3.05 (Multiple Relationships); 3.07 (Third-Party Requests for Services); 3.10 (Informed Consent); 4.02 (Discussing the Limits of Confidentiality); 4.04 (Minimizing Intrusions on Privacy); 6.01 (Documentation of Professional and Scientific Work and Maintenance of Records); 6.04 (Fees and Financial Arrangements); 9.01 (Bases for Assessment); 9.02 (Use of Assessments); 9.03 (Informed Consent in Assessments); 9.04 (Release of Test Data); 9.06 (Interpreting Assessment Results); 9.08 (Obsolete Tests and Outdated Test Results); 9.09 (Test Scoring and Interpretation Services); 9.10 (Explaining Assessment Results).

If a psychologist claims special status, such as being a forensic psychologist, there is an obligation to follow the "Specialty Guidelines for Forensic Psychologists" (Committee on Ethical Guidelines for Forensic Psychologists, 1991).

HISTORY OF RISK ASSESSMENT PRACTICES

The concept of risk assessment is not novel to forensic psychology. Risk assessment methods have been applied to unexploded bombs (Macdonald, Knopman, Lockwood, Cecchine, & Willis, 2004), environmental damage (Goklany, 2001), and various health risks (Bailar, Needleman, Berney, & McGinnis, 1993).

Monahan (1981) initially tattooed into the literature clinicians' inability to accurately assess the relationship between violence and mental illness by noting that psychologists and psychiatrists were correct in only one out of three predictions concerning future violence in a known population of violent, mentally ill individuals.

Although mental health clinicians initially argued among themselves about the inability to predict dangerousness, the U.S. Supreme Court believed that it was both necessary and possible for clinicians to comment about future violence under certain circumstances. In *Barefoot v. Estelle* (1983, p. 8), Justice White, perhaps somewhat naively, noted that the probability to predict that a "particular criminal will commit

other crimes in the future and so represent a danger to the community” was not that difficult a task because “if it is not impossible for even a lay person sensibly to arrive at that conclusion,” then psychiatrists should certainly be qualified. In legal challenges to violence risk assessment outcome, such as sex offender recidivism (*Kansas v. Hendricks*, 1997), the Court indicated that a risk assessment process was an acceptable procedure to assist the trier of fact in deciding whether a sex offender should be civilly committed to a mental hospital after serving a prison sentence.

Today, most clinicians are familiar with the *Tarasoff* decision (*Tarasoff v. Regents of the University of California*, 1976) in terms of duty to warn or protect an identifiable target from aggression by a patient. This decision emphasized that psychotherapists were required to follow the standards of the profession when assessing the likelihood of future violence. Justice Mosk, in a separate opinion for the case, asked, “What standards?” Amazingly, the courts today have the same view of risk assessment. In another California case that will likely extend the impact of *Tarasoff*, the Court noted that predicting a patient’s dangerous propensities according to the standards of the profession presents four serious problems: (1) “It is almost universally agreed among mental health professionals themselves, that therapists are poor predictors of future violent behavior”; (2) fear of liability will cause therapists to overpredict “dangerousness”; (3) a duty to warn requirement may obfuscate clinical treatment; and (4) such expectations of prediction “holds psychotherapists to an ill-defined community standard” (*Ewing v. Northridge Hospital Medical Center*, 2004, p. 11).

Monahan’s (1988) negative initial assessment about violence prediction capabilities was attenuated by his positive suggestions concerning the potential use of historical, individual, contextual, and clinical variables in risk assessment. These early insights formed the basis for the subsequent generations of risk assessment development. It is now recognized that the question of violence prediction is not generic. One model of risk assessment will not fit all possible circumstances that the forensic psychologist is called on to evaluate. This is particularly true with targeted threat assessment in the workplace.

CURRENT RISK ASSESSMENT PRACTICES AND ISSUES

There is currently debate in the forensic risk assessment arena regarding the appropriate application of actuarial versus forensic clinical risk assessment procedures. This is not an easy dichotomy to dissect.

Historically, Meehl (1954) clearly differentiated between clinical (i.e., a hypothesis about individual behavior) and actuarial (i.e., a systemized combining of information, resulting in a probability statement) methods. He supported actuarial assessment when possible. Contemporary researchers (e.g., Litwack, 2001) suggest that actuarial methods are defined by fixed and specific decision rules. For example, Monahan et al. (2001) used CHAID (Chi-squared Automatic Interaction Detector) to construct a classification tree model for risk.

Based on a review of the divergent forensic literature on actuarial versus forensic clinical risk evaluation, the following definition outlines the essential minimum components for a forensic actuarial risk assessment: (a) identification of static

(fixed or unchangeable; e.g., age, past history of sexual abuse) and/or dynamic (contemporary and changeable; e.g., escalating violent fantasies) predictor variables; (b) by empirical method, theoretical formulation, or clinical observation; (c) that in optimal combination with each other produces a score; (d) that at a statistically significant level can segregate the person being evaluated into a discrete risk class membership (i.e., high, moderate, low) with both sensitivity (true positives) and specificity (true negatives); (e) on the specific dependent variable being assessed (e.g., general violence, risk of recidivism, sexual offending, workplace violence); and (f) over an identified time period.

What constitutes “clinical judgment” is not well understood. Grove and Meehl (1996) suggest that clinicians use idiosyncratic, not well-conceived, uninformed methods to formulate predictions of violence. Notwithstanding this position, other research (Menzies & Webster, 1995) reveals that clinicians have a better than chance ability to predict violence. Borum, Otto, and Golding (1993) have identified specific areas that affect clinical decision making (i.e., limitations in complex configural analysis, underutilization of base rates, confirmatory bias), but note that such decisions are not as flawed as the literature might indicate. At the other extreme, Quinsey, Harris, Rice, and Cormier (1998) believe that any form of clinical assessment of violence should be halted in favor of using solely an actuarial process. What separates true actuarial measures from clinical judgment is that statistical (mathematical) methods are consistently utilized to reach an opinion in actuarial assessment. For example, the use of receiver operating characteristics can compensate for Type I and Type II errors and adjust for alternating base rates and selection ratios in calculating an effect size.

As Monahan et al. (2001) noted after the completion of the MacArthur Study of Mental Disorder and Violence, actuarial instruments

are best viewed as “tools” for clinical assessment (cf. Grisso & Appelbaum, 1998)—tools that support, rather than replace, the exercise of clinical judgment. This reliance on clinical judgment—aided by an empirical understanding of risk factors for violence and their interactions—reflects, and in our view should reflect, the standard of care at this juncture in the field’s development. (p. 134)

Depending on the source, violence risk assessment is in its fifth (Hall, 2001), sixth (Douglas & Kropp, 2002), or seventh generation (Banks et al., 2004). The maturing of the field is characterized by the application of more refined statistical (actuarial) analysis comingling with increasingly informed forensic clinical judgment, including the reliance on multiple sources of data (see Table 20.2). The blossoming of the risk assessment field has seen outcome predictions undergo a metamorphosis from such statements as “My best guess is . . .” (unstructured clinical opinion) to “Based on a combination of multiple risk factors from these identifiable risk models, Mr. X has Y probability of committing X offense in Z time frame” (actuarial/informed forensic opinion).

Until this risk assessment issue (forensic, forensic in combination with actuarial, or purely actuarial) is settled by a court, Duggan’s Law may apply: “To every PhD, there is an opposite PhD” (Dixon, 1978, p. 132).

Table 20.2 Evolution of Forensic/Actuarial Risk Assessment

Generation	Process	Strength	Weakness	Outcome Prediction
I.	Unstructured clinical opinion	Idiosyncratic; based on knowledge and experience of examiner.	Person- and context-specific risk management strategies.	Varies from "best guess" to precision prediction.
II.	Structured clinical opinion	Structured, but not research-driven, interview to collect data.	More uniform approach.	Some consistent basis for finding.
III.	Empirically guided evaluation or structured professional judgment	Assessment based on empirically derived behavior related to violence, including history, opportunity factors, and triggering stimuli.	Can be used by nonclinicians; sets minimum set of risk factors.	Subject of evaluation is more or less like offender group.
IV.	Anamnestic approach	Detailed examination of history of violence and threatening behavior.	Identifies unique "patterns" of violence to aid risk management.	Specifically tailored to individual.
V.	Actuarial risk assessment	Comparison of individual to norm-based reference group on statistically determined risk factors.	Transparent decision process provides a precise, probabilistic estimate of the likelihood of future violence.	Discrete classification of likelihood of violence.
VI.	Actuarial-forensic risk assessment	Actuarial risk factors and empirically based method are clinically modified by the unique contextual circumstances of the evaluation.	Semitransparent; can explain how certain risk factors more or less contribute to prediction.	Modifies actuarial prediction to individual case.
VII.	Multimodel actuarial risk assessment	Combines prediction variables of different risk assessment models into an iterative classification tree.	Superior prediction ability compared to each constituent model used individually.	More discrete classification.

Risk Assessment Instruments

There are several current structured risk assessment guides that have utility for the forensic psychologist, depending on the population membership of the subject being evaluated: the Violence Risk Appraisal Guide (VRAG; Quinsey et al., 1998); the HCR-20 (Historical, Clinical, Risk Management), developed by Webster et al. (1997); the Sex Offender Risk Appraisal Guide (SORAG; Harris et al., 2003); the Spousal Assault Risk Assessment (SARA) Guide (Kropp, Hart, Webster, & Eaves, 1999); and the Structured Assessment of Violence Risk in Youth (SAVRY; Borum, Bartell, & Forth, 2000).

There are no purely actuarial risk assessment instruments currently available for assessing workplace violence, but strides have been made in this area. For example, this author (Stock, 1997) developed the Behavioral Risk Assessment System (BRASS), a proprietary workplace risk analysis instrument with 23 categories of behaviorally anchored risk-related activities (i.e., target compliance, volatility, perceived injustice) that were derived from the literature on violence in general and workplace violence in particular. Hall (2001) has proposed a Workplace Violence Risk Assessment Checklist that has 60 items divided into four categories: (1) historical and demographic; (2) recent events (e.g., acquires firearms or related lethal equipment or weapons); (3) work attitude and traits (e.g., sense of identity wrapped up in the job; tends to have poor assertiveness skills); and (4) organizational deficiencies (e.g., the organization uses intrusive methods to monitor employees, especially electronic monitoring; performance standards do not have built-in employee input).

By bifurcating how an organization's corporate culture might enhance the risk for workplace violence versus the risk factors that focus on an individual employee, Webster, Bloom, and Eisen (2003) have developed two complementary risk instruments. The Workplace Risk Assessment (WRA-20) samples five domains of an organization's structure that, left unchecked, may support the eruption of a violent event: (1) status (e.g., grievances/human rights complaints); (2) prevention (e.g., employee assistance program); (3) communication (e.g., reporting/disclosing events); (4) responsiveness (e.g., termination process); and (5) environment (e.g., management style). The Employee Risk Assessment (ERA-20) samples four domains: (1) historical (e.g., history of suicide attempts); (2) clinical (e.g., substance abuse); (3) attitudinal (e.g., disgruntled); and (4) situational (e.g., laid off, fired, demoted, missed promotion). Webster et al. warn about the "provisional, untested nature" (p. 5) and lack of norms for the WRA-20 and the ERA-20.

None of these instruments should be considered to have sufficiently researched psychometric properties to be considered a test. In general, the most efficacious use of these instruments is as a guide to ensure that all domains of the specific risk referral question are being evaluated and that any actuarial risk information available is factored into the risk or threat question being addressed.

A NEW MODEL FOR WORKPLACE VIOLENCE ASSESSMENT

People who threaten violence in the workplace are different from those who threaten in other environments. For example, Monahan et al. (2001) describe it as a

“rare” risk factor when hospitalized psychiatric patients admit to making a threat; because “most minimally rational people who do not want to be in a hospital can consciously suppress the verbalization of such intentions while they are being evaluated, direct threats are presumably rare and for that reason will not emerge as items on an actuarial instrument” (p. 133). Yet, in an unpublished sample of 100 cases of risk assessment in the workplace by this author, in which a threat to kill was alleged to have been uttered by the subject of the evaluation, approximately 85% of the examinees acknowledged making such a threat to kill. Another significant difference between traditional and workplace risk assessment is the triggering event that propels the request for a forensic psychological threat analysis. For example, in an unpublished sample by this author of 250 cases of threats of violence in the workplace, 76% involved specific threats to kill an identifiable target(s), 12% threatened to commit suicide, 8% involved a threat to engage in a behavior that would cause significant business disruption (e.g., attacks on the critical infrastructure of the business such as computer data storage), and only 4% consisted of specific threats that were likely to have less than lethal consequences (e.g., break someone’s leg). Thus, the forensic psychologist engaging in workplace risk assessment is likely to be asked to evaluate the potential for lethal outcome, as opposed to general acts of violence. In 100% of cases described previously, some type of threatening communication (face-to-face, third party, e-mail) occurred prior to the forensic psychological assessment. Given the very low base rate of interpersonally targeted workplace homicide, in the majority of the cases of threatening communication a prediction of nonlethal behavior will be correct, even without any data. However, the wrong prediction in those few cases of true positives for lethal behavior will be catastrophic to everyone involved (the victim, the victim’s family, coworkers, the reputation of the workplace, and the forensic psychologist). The forensic workplace violence threat assessment process needs to be able to optimally distinguish between those people who threaten and those who actually pose a threat.

All current risk assessment instruments (e.g., VRAG, SORAG, SARA, HCR-20, WRA, BRASS) utilize HOT (history, opportunity, triggering stimuli) risk variables interacting with individual characteristics that support violence (Hall, 2001). A nonexhaustive list may include (a) history of violence, child abuse, violent parent(s); (b) opportunity factors—purchase/access to a weapon, noncompliance with use of psychotropic medication, release into an environment that supports violence; and (c) triggering stimuli—drug/alcohol use, changes in relationships.

However, little attention in the risk assessment literature has been paid to contributing behaviors of the target, or potential victim. This author (Stock, 2000) proposes a model of four separate, but potentially overlapping, interactive domains to be considered when performing a workplace risk assessment process. These domains can be sampled using actuarial assessment tools and forensic clinical judgment. Each area is discussed next and some (but not all) contributing risk variables are described. HOT issues are contained in each domain (see Figure 20.1).

- I. *Employee/subject*. This factor focuses on the individual who has allegedly uttered the threat. It may be a current or past employee, vendor, customer, patient, or significant other to the target. Examples of this domain include

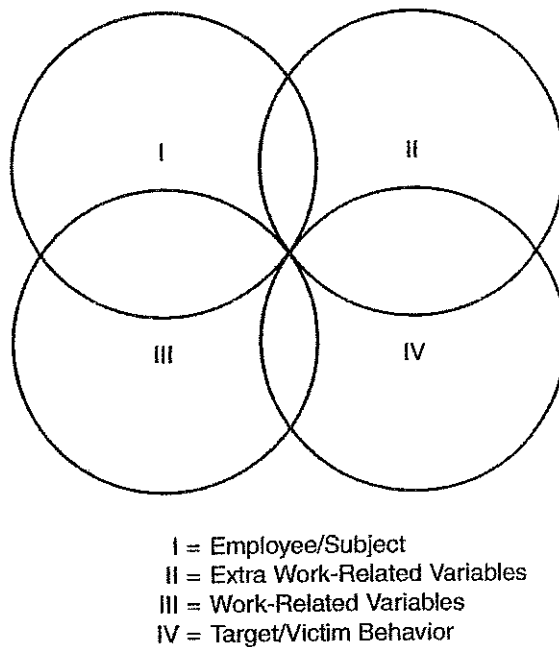
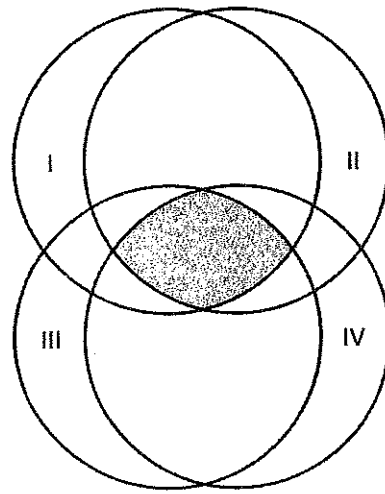


Figure 20.1 General configural analysis.

current and past mental state, motivation and means to carry out the attack, current and past psychoactive substance use, hostile attribution bias, sense of perceived injustice, volitional controls, and likelihood of behavioral compliance with recommendations.

- II. *Extra work-related variables.* These factors include situations or events that are occurring in the subject's life outside of the workplace but may be contributing to, or mitigating against, violence in the workplace. For example, health issues for self or important others, financial obligations, disruptive interpersonal interactions, social status, and support system availability may be referent conditions.
- III. *Work-related variables.* These factors include workplace activities, supervisory behaviors, environmental conditions, corporate culture, and coworker relationships.
- IV. *Target/victim behavior.* The target is the identified (or could be identified) focus of the threat. The target may be an individual, group of individuals, or the entire business entity. Target assessment includes reasons for target selection, likely target compliance with protective measures, psychological status of target, and relationship to the subject making the threat.

This model may serve to assist the forensic examiner in the risk abatement process. To illustrate the use of this model, consider that employee A has threatened to kill employee B. Category I analysis indicates that A currently drinks eight beers a day, is currently in treatment with a psychiatrist and is on psychotropic medication,



- I = Employee/Subject
- II = Extra Work-Related Variables
- III = Work-Related Variables
- IV = Target/Victim Behavior

Figure 20.2 Case-specific overlap.

believes B has treated him unfairly, and blames B for his work problems. Category II analysis finds that Employee A's father is terminally ill, causing him significant stress; the employee is filing for bankruptcy; and his wife has recently informed him that she wants a divorce. Category III analysis reveals that the employee works in a physically uncomfortable environment; his coworkers do not like him; his company is contemplating disciplinary action against him; and the corporate culture supports, by ignoring, incidents of teasing and bullying. Category IV analysis suggests that the target of the threat, Employee B, teases Employee A mercilessly. Even after human resources intervention, B continues to make inappropriate remarks to the subject. Conceptually, this case presents with significant overlap in all domains (see Figure 20.2).

To enhance the risk mitigation strategies, the company, in consultation with the forensic psychologist, decides to relocate Employee B to another plant site. This is enough to disrupt the violent event by removing the target, even though categories I through III continue to indicate contributing risk factors (see Figure 20.3).

The purpose of this model is to analyze the overlap of the four contributing behavioral areas of concern and identify those unique risk variables that can be manipulated, in a specific sequence, to reduce the risk to the identified target(s). This model suggests that not all issues need to be addressed equally. Those variables, in this case, target behavior that can be identified and changed, may be sufficient to significantly reduce the risk. As the domain overlap increases, more complicated risk reduction strategies will be in order.

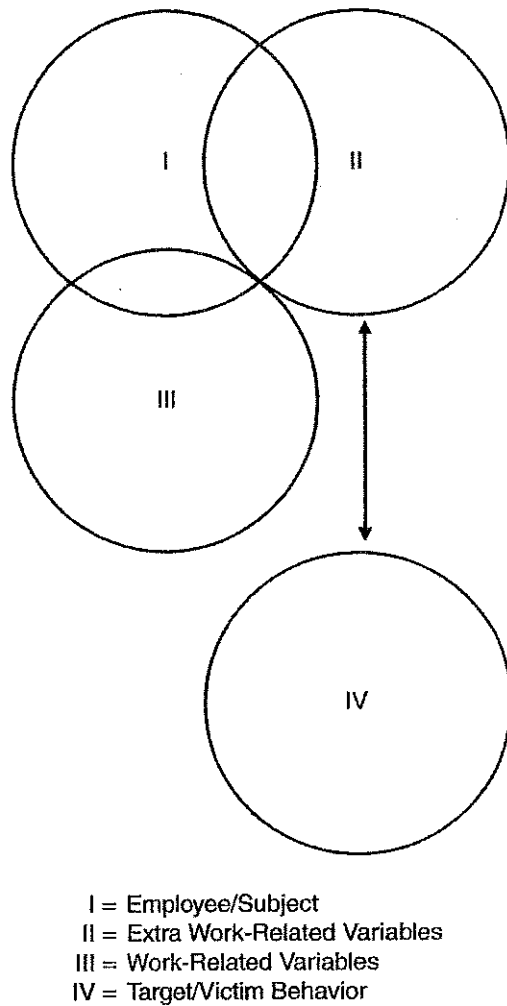


Figure 20.3 Case-specific risk strategy.

ISSUES IN CONDUCTING A WORKPLACE TARGETED THREAT ASSESSMENT

Four general classifications of workplace aggressors have been identified:

Type I: The aggressive act is generally committed during the commission of a crime. The perpetrator has not specifically targeted the victim based on prior work-related interpersonal friction. These crimes are opportunistic and often spontaneous. (The forensic psychologist will not be called on to do a targeted violence threat assessment on the Type I perpetrator.) Prevention for this type of violence is enhanced security measures.

Type II: The perpetrator is a customer, client, resident (e.g., pupil, inmate, patient), or other recipient of services provided by the victim employee's organization.

Type III: The perpetrator has a specific current or historical employment relationship to the workplace (e.g., ex-employees, vendors, or current employees).

Type IV: The perpetrator may or may not be an employee, but the motivation for the threat is extrawork related (e.g., domestic violence). In this classification, the interpersonal tension between the perpetrator and the victim migrates from outside of the workplace (Injury Prevention Center, 2001).

Risk assessment and targeted violence threat assessment are two distinct, but sometimes overlapping processes. Reddy et al. (2001) define targeted violence as occurring "where both the perpetrator and target(s) are identified or identifiable prior to the incident" (p. 157). Some risk assessments (e.g., domestic violence) may have an identifiable target, but most risk assessments do not (e.g., Is a patient ready for discharge into the general community? Is the inmate ready for release into the general population of the prison? Does the sexual offender pose a general risk for recidivism?). The distinctions between general risk assessment and workplace targeted threat assessment are described in Table 20.3.

Table 20.3 Risk versus Threat (Targeted Violence) Assessment

Risk Assessment	Threat Assessment
Goal is to predict future behavior. Person may already be in custody or involved in some type of difficulty.	Goal is to prevent harm to targeted person; subject not likely in custody; legal control may not be possible when threat is issued.
↓	↓
Before an action is taken (release, probation), a risk assessment is initiated: Situation is static. Base rate usually available.	Some action may be taken before assessment is completed: Situation is dynamic.
↓	↓
No identifiable, specific victim.	Usually a specific target/asset identified.
↓	↓
Assessment is comparison to a known reference group (base rate).	Assessment may not have comparison to a reference group (base rate).
↓	↓
Protective options/inhibitors are already in place.	Protective options/situation management is fluid.
↓	↓
Decision is yes/no if high risk. Don't engage in questioned event (release/probation).	If credible threat, decisions depend on rapidity of activity toward target and available options to reduce harm.

Depending on the workplace environment of the target, the lack of a direct threat to the target does not decrease risk. For example, a U.S. Secret Service study found that in the past 50 years, 43 people have attempted attacks on public figures in the United States. None of them directly threatened the intended victim (Fein & Vossekuil, 1999). The targeted threat assessment approach has three guiding principles: (1) "Targeted violence is the result of an understandable and often discernable process of thinking and behavior"; (2) "violence stems from an interaction among the potential attacker, past stressful events, a current situation, and the target"; and (3) identification of the subject's "attack-related behaviors" is possible (Borum, Fein, Vossekuil, & Berglund, 1999, p. 329).

Given these rather broad contours of the threat assessment process, how does the forensic psychologist conduct a targeted workplace threat evaluation? In general, one answer is: cautiously and prudently. The following are basic issues to be considered in conducting a forensic threat assessment:

Preevaluation Issues

- What is the specific purpose of the threat assessment, and am I qualified to conduct such an evaluation? For example, a fitness-for-duty evaluation of a police officer (Borum et al., 2003) is a different process, in terms of legal, ethical, and risk factors, from evaluating an employee who has threatened to kill a coworker. Due to the current state of the art of workplace violence targeted threat assessment, the forensic psychologist must be up-to-date on those risk variables that empirically demonstrate some predictive utility, but should also use forensic/clinical acumen acquired performing similar types of evaluations. Supervision by a qualified forensic psychologist is often helpful.

- What is the relationship between the evaluator and the subject of the evaluation? In general, it is considered unethical for a forensic psychologist to both evaluate the potential perpetrator of workplace violence and treat the same individual as a patient. However, this does not mean that a treating clinician, with proper authorization, cannot provide data that may inform the risk abatement process.

- What type of notification of informed consent must be provided? Neither the "Ethical Principles of Psychologists and Code of Conduct" (APA, 2002) nor the "Specialty Guidelines for Forensic Psychologists" (Committee on Ethical Guidelines for Forensic Psychologists, 1991) specifically address informed consent in the context of a workplace violence threat assessment process, but general guidelines can be inferred and documented in the consent form:

- If the subject is being mandated to participate, this should be clearly stated.
- Under most circumstances, there is no psychologist-patient relationship; the person is undergoing a forensic threat assessment, not psychotherapy. Although the forensic psychologist will have a professional relationship to the examinee, confidentiality does not exist.
- There is no privilege (control) of the evaluation records by the subject of the evaluation. The client is the company making the referral. A report may be generated or information discussed with the referring company. The forensic psychologist, of course, should use discretion about disclosing information. It

is important to be familiar with applicable state and federal statutes concerning what kind of, and under what circumstances, information can be released, even with a signed consent form.

—All possible outcomes of the risk assessment should be disclosed. For example, in a fitness-for-duty threat assessment these would include (a) fit for duty without restrictions, (b) fit for duty with mandatory counseling, (c) temporarily unfit for duty with mandatory counseling, or (d) permanently unfit for duty.

By informing subjects of the possible outcomes, they can determine if they want to participate in the evaluation. If they elect not to participate, consequences of the refusal (possible job termination) should be discussed. The minimum acceptable forensic practice in a face-to-face risk/threat assessment is written informed consent. Such notification should be carefully documented. Verbal informed consent is acceptable for those occasions when a remote threat assessment (e.g., by telephone) may be necessary.

- Who has access to the results of the evaluation? Although privilege is waived during most forensic risk assessments, the subject of the evaluation may be entitled to a summary of the examiner's findings. This feedback may be verbal or written at the forensic psychologist's discretion.

- If psychological tests will be utilized, can the examiner demonstrate the utility of the test to the assessment question being asked? There is great debate in the forensic arena about the use of projective tests, such as the Rorschach (Gacono, Evans, & Viglione, 2002; Wood, Nezworski, Stejskal, & McKinzey, 2001; Chapter 5). The justification for use of projective techniques in workplace risk assessment should be carefully considered. There are specific tests (e.g., Hilson Safety/Security Risk Inventory [HSRI]; Inwald, 1995), that, although not normed on workplace violence perpetrators, include germane questions related to violent or "risky" behavior. For example, the HSRI has scales that measure "lack of anger control," "risk taking patterns," and "lack of work ethic." Inwald, the test developer, indicates there is "an inverse relationship between lack of social judgment and work history to engaging in anti-social behaviors and risk taking patterns" (R. Inwald, personal communication, May 2005).

- Who does the evaluator question and in what order? It depends on the nature of the threat. For example, if an employee calls from home indicating that she will bring a bomb to work in 4 hours, it is probably more prudent to direct the initial risk assessment questions to her, as opposed to gathering a group of her coworkers to interview. Collateral sources are often helpful to inform the unfolding events.

THE WORKPLACE TARGETED THREAT ASSESSMENT PROCESS

One model for assessing targeted violence in the workplace is based on the threat assessment protocol developed by the United States Secret Service. This procedure is defined as "a set of operational activities that combine the use of an investigative process and information gathering strategies with target-violence relevant questions" (Reddy et al., 2001, p. 168). This definition may seem similar to other risk assessment strategies, yet there are significant differences in its theoretical

underpinnings. Empirically guided or actuarial systems are inductively based (Turvey, 1999), using risk factors derived from a known population to classify the examinee into a discrete risk category and then derive an intervention strategy. The Secret Service threat assessment approach is deductive, based on a series of 10 research-based questions (Fein & Vossekuil, 1998).

Three core principals form the bulwark. First, targeted violence is predicated on the thinking processes and preattack behaviors of the subject that are identifiable. For example, weapon selection, method of attack, purpose of attack, and psychological factors should be considered. Second, targeted violence occurs because of a specific interaction between the perpetrator and the target, mediated by current and past situational (stressful) contextual experiences. Third, specific factors about the target, including environmental vulnerability and the subject's information-gathering processes about the target's behaviors and lifestyle, are considered.

This process focuses on information gathered about each unique case to generate inferences (as opposed to relying on risk factors) to determine if the individual subject is on a pathway of aggression toward an identified, or identifiable, target. Multiple collateral sources of data are explored. The rate of this acceleration toward the target is captured in the acronym ACTION (Borum & Reddy, 2001):

Attitudes that support or facilitate violence: Does the subject believe that violence is a justifiable solution? What provocation is necessary to engage in the violent act? Will this violent act support the ultimate goal of the subject?

Capacity: What are the subject's physical and intellectual abilities to carry out the threat? Does he or she have the means (e.g., access to weapons) and opportunity (e.g., proximity) to carry out the attack?

Thresholds crossed: Has the subject engaged in illegal behaviors (e.g., stalking) to further the plan for violence? Does the subject care about going to jail?

Intent: Many people threaten, but few carry out the threat. The key question is whether the person has psychologically shifted from rumination about an attack to action toward the target.

Others' reactions: Some social support systems (e.g., terrorist groups) encourage violence. Other support systems (e.g., family, influential coworkers) may discourage or interfere with the aggressive act. Interpersonal insensitivity, as reflected in lack of interest in other people's opinions to mitigate violence, may put the subject at increased risk.

Noncompliance: How likely is the subject to be compliant with work recommendations (i.e., avoid the target) and treatment recommendations? Does the subject evidence sufficient insight about his or her own contribution to the current situation?

Intervention strategies are then devised to disrupt the pathway to violence. By attempting to distinguish between the issuance of a threat and the intent to implement the content of the threat, the emphasis is placed on risk mitigation, as opposed to solely risk prediction. Following are the 10 key questions identified in the Secret Service study (Fein & Vossekuil, 1998), along with comments by this chapter's author on their application specifically to workplace targeted threat assessment.

Question 1

What motivated the subject to make statements or take action that caused him or her to come to attention? People do not necessarily threaten before they take an aggressive action. Therefore, the forensic psychologist should inquire about why this event is now taking place. In the workplace, such motivations may include (a) disruption of normal business routine, (b) informing the workplace of a potential problem, (c) intimidating the target, or (d) calling attention to self to prevent homicide/suicide. In this author's experience, a sense of "perceived injustice" frequently permeates workplace threats. This may be overlooked by forensic psychologists, perhaps because of a lack of familiarity with the organizational retaliatory behavior (ORB) literature. Skarlicki and Folger (1997) define ORB as specific disruptive behaviors by an employee who feels he or she was treated unfairly by the employer. Perceived injustice has its grounding in equity theory (Homans, 1961), which evaluates the income-output expectation ratio between two employees or an employee and an organization. *Distributive injustice* occurs when an employee perceives that he or she has not received a fair share of the bounty a company has to distribute, such as time off, a bonus recognition for a task, or a pay increase (Greenberg, 1990). A sense of *procedural injustice* occurs when the employee believes that the organization's policies and procedures are being enacted in an inconsistent, biased, or unethical way (Cropanzano & Folger, 1989). An employee may perceive *interactional (or interpersonal) injustice* by a supervisor's lack of respect, not providing adequate information about decisions, or acting in an interpersonally insensitive manner. A perception of unjust treatment in the workplace may lead to retaliatory behavior in an attempt to reestablish psychological equilibrium. Such acts generally do not include significant physical aggression (Skarlicki & Folger, 1997).

Although retaliation is certainly important to understand motivation, this author's experience suggests, and recent literature supports, that the difference between those who threaten and those who pose a realistic threat is the presence of the need for revenge (Bies & Tripp, 2005). Aquino, Tripp, and Bies (2001) define revenge as an action by an employee in the face of perceived injustice that serves to injure or punish the wrongdoer. Retaliation consists of a set of less than lethal behaviors. Revenge is the motive for interpersonal aggression. A workplace targeted threat assessment is incomplete without inquiry into perceived injustices and motivation for revenge.

Question 2

What has the subject communicated to anyone concerning his or her intentions? There are three kinds of threats:

1. *Direct threat*: The specific target, specific perpetrator, and specific outcome are clearly identifiable. Significant linguistic analysis is not necessary to understand the content of a direct threat.
2. *Conditional threat*: The unique conditions that must be present for the aggressive act to happen are described (e.g., "If you don't bring my tools back tomorrow by 8 A.M., then I'm going to punch you in the head"). A conditional threat may allow a quick de-escalation of potential aggression by satisfying the "if" part of the threat; in this case, return of the tools. However, this is not

to suggest that conditional threats are any less serious than direct threats, but this type of threat may allow for rapid mitigation strategies to be enacted.

3. *Veiled threat*: The receiver of this communication generally responds by experiencing a physiological sensation of uneasiness but cannot pinpoint the exact threat content. There is a lack of specificity of outcome and motivation for action in this type of threat, such as a statement by an employee to a supervisor: "Tomorrow you'll be sorry." Typically, threats will be delivered to one or more audiences: (a) the target, (b) coworker(s), (c) a supervisor, (d) a family member, or (e) organizational representatives (e.g., human resources, security, or occupational health). The threat delivery system may be verbal, written, or even a videotape. Special attention should be paid to the subject's report of impending loss of volitional control.

Question 3

Has the subject shown an interest in targeted violence, perpetrators of targeted violence, weapons, extremist groups, or murder? Some individuals who threaten in the workplace evidence identification with the aggressor. They may verbalize, "I understand why the person at another company killed his supervisor. I'm in the same spot he was in." Weapon inquiry should not only focus on access to weapons, but, more important, whether the subject envisions the weapon as a "power equalizer" against the target. Inquiries about contemporary weapon proficiency practice, special weapon training, and type of weapon availability is appropriate. Too frequently, a weapon is interpreted to be a handgun, rifle, or shotgun. Also inquire about explosives, biological and chemical agents, and exotic weapons such as compound hunting bows and martial arts devices. Membership or interest in extremist groups that espouse violence should be evaluated.

Question 4

Has the subject engaged in attack-related behavior, including any menacing, harassing, and/or stalking type behavior? Attack-related behaviors include gathering intelligence on the victim's habits and lifestyle, analysis of security protective barriers and procedures in the workplace, and approaching the victim in novel or unusual ways. Stalking is described as multiple approach behaviors toward a target that cause the target to fear for his or her safety (Meloy & Gothard, 1995). Meloy, Davis, and Lovette (2001) identified three risk factors of violent stalkers that differentiate them from nonviolent stalkers: (1) history of sexual intimacy with the victim, (2) lack of Axis I major mental disorder, and (3) an explicit threat.

Domestic violence, which may or may not include stalking, clearly affects the workplace. In a 1997 national survey, 74% of domestic violence victims reported being harassed at work by their abuser (Wells, 2004). Triggering behaviors by the victim should be examined. For example, Walker and Meloy (1998) noted that a woman is at highest risk for spousal homicide after a separation has been initiated. A significant finding by Rosenfeld and Harmon (2002, p. 672) in a study of "stalking and obsessional harassment" was that "criminal history and previous violence was unrelated to violence in the course of stalking and harassment cases" based on

access to official arrest records. This finding is in stark contrast to other, similar research (Mullen, Pathé, Purcell, & Stuart, 1999) and suggests that in special circumstances such as harassment and stalking, the reliance on the dictum of past behavior predicting future behavior needs to be judiciously applied.

Question 5

Does the subject have a history of mental illness involving command hallucinations, delusional ideas, feelings of persecution, and so on, with indications that the subject has acted on those beliefs? The true base rate for mental disorder for those who threaten or carry out threats in the workplace is largely unknown. Feldman and Johnson (1996) studied 252 incidents of workplace violence. They gathered information from news accounts and personally conducted consultations. The most frequent diagnosis for the perpetrator was Antisocial Personality Disorder (20.71%), followed by depression (18.93%), substance abuse disorders (13.93%), and psychotic disorders (10.36%). A human resource publication (*IOMA*, 2005) cites a reconstructive study using media sources that found a mental health history of 13.4% in perpetrators of workplace violence.

Clinical common sense has suggested that the presence of a major mental illness greatly enhances the probability of violence due to lack of volitional control. Some research (Binder & McNiel, 1988) suggests that because of hyperarousability and other dyscontrol symptoms, individuals in the manic phase of a Bipolar Type Disorder are at a higher risk for acting out inappropriately. Monahan et al. (2001) found that in discharged psychiatric patients, the 1-year prevalence rate for violence was almost twice as high for those diagnosed with depression (28.5%) versus a diagnosis of Schizophrenia (14.8%). Patients diagnosed with Bipolar Disorder were in the middle (22%). However, a multiplier (two to three times) for violence across all three groups was the concomitant use of alcohol or drugs. The highest group at risk for violence was diagnosed with a personality or adjustment disorder and substance abuse.

The key forensic risk factors for those with a mental disorder are (a) substance use in combination with diminished behavioral control, (b) medication/treatment noncompliance, and (c) the presence of violent thoughts (Monahan et al., 2001). Grisso, Davis, Vesselinov, Appelbaum, and Monahan (2000) devised a useful tool, the Schedule of Imagined Violence, to systematically evaluate violent cognitions in a structural way by inquiring about presence of violent thoughts; recency, frequency, chronicity of violent thoughts; type of harm planned; target selection; change in seriousness of harm; and proximity to the target.

Threat/control override delusions should be asked about. These are a special kind of delusion that require a focused investigation. The astute forensic examiner will ask the subject: "Is someone trying to harm you?" "What is the motivation to harm you?" and "Do external forces have the ability to control your actions or thoughts?" Command hallucinations are another symptom calling for special attention. Approximately 39% to 89% of psychotic individuals who experience command hallucinations, including commands to commit violence, comply (Hersh & Borum, 1998). The forensic examiner should inquire about the identity of the

voice, the frequency and context of past compliance with a specific command, current ability to resist the command, the presence of a delusional belief that supports the command, and if there is a specific command for violence.

Question 6

How organized is the subject? Is he or she capable of developing and carrying out a plan? FBI studies of serial killers have proposed an "organized" versus "disorganized" scheme (O'Toole, 1999). Even a very disorganized perpetrator is capable of carrying out a fatal attack. The forensic examiner should evaluate current cognitive abilities, focusing on the capacity to (a) concentrate on tasks, (b) link together various sources of data, (c) acquire a weapon, (d) move toward the target in a logical and perhaps undetected way, and (e) defeat security/protective barriers. By adopting the perpetrator's model of the world, the forensic psychologist should also evaluate what mitigating/aggravating factors about the attack can be envisioned.

Question 7

Has the subject experienced a recent loss and/or loss of status, and has this led to feelings of desperation and despair? Losses, real or imagined, can be pathways to impaired function. For example, Price, Choi, and Vinokur (2002) noted that an activating event such as job loss, perceived as a reduction in personal control, may be expressed as a mental health issue. The nature of the loss, ranging from the death of a pet (Sharkin & Knox, 2003) to deficits in physical ability (Rothermund & Brandstädter, 2003) and loss of a job, may not correlate with the perceived psychological value of the loss. Areas of inquiry should focus on loss of relationships, environmental/material possessions, and perceived status changes. After identifying the area(s) of loss, it is advisable to examine the relationship between perception of the loss, the psychological impact of the loss, and subsequent action regulation control. An inverse relationship exists between despair and resilience such that the more desperate the person becomes and the higher the attribution bias of cause of despair to the target, the higher the risk.

The study of resilience is relatively new (Bonanno, 2004), but application to forensic risk assessment is apparent. The core question is how sufficient is the perpetrator's ability to maintain psychological equilibrium following a significant loss. Analysis should be on the personality trait of "hardiness," which has three components: (1) finding a purpose in life, (2) the capacity to evaluate and influence the outcome of current precipitating events, and (3) the belief that one can benefit from both positive and negative life experiences (Kobasa, Maddi, & Kahn, 1982).

If an individual threatens to commit suicide, and the attribution for the suicidal ideation is attached to the workplace, he or she is at higher risk for committing homicide in the workplace (Burgess, Burgess, & Douglas, 1994). That is, employees who say "This place is driving me crazy and I'm going to kill myself here at work" have less inhibition for lethal attack on their tormentors because they have decided to end their own life.

Over a 10-year period (1992 to 2001), 2,170 workers committed suicide in the workplace, about 3.5% of all workplace fatalities. At work, an individual is at higher risk from homicide than suicide. Away from work, the opposite is true. Ninety-four percent of work-related suicides were men. Relative risk indicators that increase risk for suicide in the workplace are sex (male), race (Caucasian), age (55 and older), and being self-employed. Among all occupations, police officers had the highest relative risk (Pegula, 2004).

Question 8

Corroboration. What is the subject saying, and is it consistent with his or her actions? As noted previously, most subjects who threaten to kill in the workplace admit to the threat. This author's experience suggests that the main motivation for threatening is to call attention to perceived grievances in the workplace. Secondly, these subjects want some intervention to disrupt their plan, without the perception that they cannot control their own behavior. Although the subject may acknowledge making the threat, he or she may tend to dissimulate about culpability in the events leading up to the threat by saying, "Yes, I said I would blow the place up, but I was just kidding. I was a little mad, but anybody in my place would be and I didn't say I would bring in dynamite and attach it to the main generator of the plant." Therefore, multiple collateral sources of information (e.g., coworkers, supervisors, and employment records) are important. The ability to assess credibility of received information is a critical skill for a forensic psychologist. Familiarity with the literature on the detection of behavioral deception (Frank & Ekman, 2004) is advisable.

Question 9

Is there concern among those who know the subject that he or she might take action based on inappropriate ideas? The potential of imminent behavioral dysregulation should be addressed. The pioneering work by Dollard, Doob, Miller, Mowrer, and Sears (1939) on the relationship between frustration and aggression is highly relevant. Specific attention should focus on environmental conditions that lead to frustration, the emotional response (such as anger to the workplace event), and the cognitive appraisal systems engaged in response to the provocation of aggression (Fox & Spector, 1999).

Question 10

What factors in the subject's life and/or environment might increase/decrease the likelihood of the subject's attempting to attack a target? Destabilizing environmental factors include access to and use of psychoactive substances. Protective (or mitigating) factors are important to assess (Swanson et al., 1997). Target availability is a key factor. A protective strategy of relocating the target does not diminish the impact of the perpetrator's psychiatric disorder but still significantly decreases risk. On the other hand, increasing the perpetrator's social support system, decreasing workplace expectancies, assessing financial stability, and enhancing treatment compliance through a workplace behavioral contract are perpetrator-centered risk mitigation strategies.

Table 20.4 The Workplace Targeted Threat Assessment Process

I. Understanding the nature of the threat	<ul style="list-style-type: none"> A. What is the threat? B. What is the likelihood of imminence of threat action? C. Is a forensic threat assessment needed?
II. Conducting a forensic threat assessment	<ul style="list-style-type: none"> A. Document everything. B. Review personnel file (of subject and target) and other data sources. C. Interview the subject(s). D. Interview the target(s). E. Interview the collateral sources. <ul style="list-style-type: none"> 1. Supervisor 2. Coworkers 3. Spouse/significant other 4. Past employer(s) F. Consider doing a background investigation. G. Use a structured risk assessment method.
III. Risk management	<ul style="list-style-type: none"> A. Protect the target. B. Protect property. C. Consider contacting law enforcement/criminal prosecution. D. Consider contacting emergency mental health provider. E. Consider a restraining order. F. Develop a specific plan based on the risk assessment to modify/control: <ul style="list-style-type: none"> 1. Subject behavior 2. Work-related variables 3. Extrawork-related variables 4. Target behavior G. If the subject is going to be terminated, evaluate if this is a high-risk termination.

The forensic examiner should evaluate not only current protective or destabilizing factors, but also forecast “what if” scenarios so that a proactive, rather than a reactive, risk abatement plan can be implemented. Workplace targeted violence assessment should be conducted in a logical and coherent way (see Table 20.4).

RISK COMMUNICATION

How information about the risk assessment outcome is conveyed greatly influences the utility of that information. In an attempt to explain communication errors, Karelitz and Budescu (2004) noted that when “probabilities” are not clearly explained, errors in communication occur. Such miscommunication between the sender and the receiver of the information can have disastrous results. Most communicators of risk information want to express a clinical opinion (“I don’t think he is at risk for being violent”), whereas the receiver wants to get precise, numerical

information ("There is a 60% probability he will be violent"; Wallsten, Budescu, Zwick, & Kemp, 1993).

Heilbrun, O'Neill, Strohman, Bowman, and Philipson (2000) identified six strategies for conveying risk information:

(1) The probability that Mr. X will commit a violent act towards others over the next Y months is X. (2) Mr. X, a Y year old male with a certain status (e.g., 'a 45 year old male with a violence history, no substance abuse problem, and not psychopathic'). (3) Mr. X's risk of committing a violent act towards others is (high versus moderate versus low). (4) Mr. X's risk of committing a violent act towards others is dependent upon (identified risk factors); to reduce risk (specify interventions to address each risk factor). (5) Mr. X is (dangerous versus not dangerous). (6) Mr. X is (%) likely to commit a violent act towards others. (p. 142)

The purpose of evaluating an individual in the workplace who has threatened harm is not to issue a general statement as to whether the person is dangerous or not. This author believes that the best model for communicating risk assessment information is to indicate the risk posed by a particular individual (a) with identified risk factors, (b) engaging in a specific set of behaviors, (c) under described circumstances, (d) toward an identified target, (e) within a circumscribed time frame, and (f) given the information currently available.

RISK MANAGEMENT: THE FINAL STEP

The gods today stand friendly, that we may, Lovers in peace, lead on our days to age! But since the affairs of men rest still uncertain, Let's reason with the worst that may befall.

—William Shakespeare, *Julius Caesar*, Act 5, Scene 1

As Shakespeare noted: Expect the best and plan for the worst. The goal of the workplace risk management process is to immediately assess, control, reduce, and ultimately prevent the act of targeted violence. It is not primarily to psychotherapeutically intervene with the perpetrator to assist in developing insight into the underlying dynamics that drive the threatening behavior, although this may certainly be a secondary outcome.

Risk management strategies have been applied to the determination of insurance rates (Theil, 2001), risky behavior and outcomes (Warneryd, 1996), and terrorist attacks (Fleming, 1998). Across all venues, the basic risk management process has five components:

(1) Identification and evaluation of exposure loss; (2) Development of cost efficient and effective alternative tools and techniques to effectively avoid, retain, transfer and/or control these exposures; (3) Selection of desirable alternatives within applicable budgetary constraints; (4) Implementation and administration of the chosen alternative(s) with (5) dynamic monitoring and feedback systems to better assure long-term effectiveness and efficiency of the ongoing effort. (Ferguson & Theil, 2003, p. 1)

Current forensic risk management approaches generally suggest identification of specific risk variables and subsequent integration of these into a strategy to

promote risk reduction (Webster, Douglas, Belfrage, & Link, 2000). Kraemer et al. (1997) suggest that a risk assessment process is separate from the generation of risk reduction strategies. Others (Douglas, Webster, Hart, Eaves, & Ogloff, 2001) have linked risk management and treatment strategies to specific risk assessment instruments, such as the HCR-20. Monahan et al. (2001) disagree with an integrated risk assessment approach and instead opine that it should be a bifurcated process. Calling risk reduction a "crucial issue," they suggested it is "best addressed on its own merits, separate from the issue of risk assessment" (p. 139). Monahan and Appelbaum (2000) do acknowledge that there may be "clues" from the risk assessment process (e.g., substance abuse, anger, and violent fantasies) that may inform risk management efforts, but they argue that in general violence assessment, there are too many risk variables to isolate those "causal" factors unique to the individual. Most risk management strategies in violence prevention have focused on "treatable" factors that reside within the subject of evaluation (i.e., psychological issues), with the assumption that these risk variables can be manipulated and such manipulation will lower the risk of violence.

However, this author believes that effective risk management involves the ability to transform risk data into actionable information in a dynamic environment. Therefore, multiple systems external to the subject of the evaluation (e.g., work environment, support system, target compliance) should also be examined for their sensitivity to manipulation and their subsequent impact on the deceleration of the pathway to aggression. Additionally, it is imperative to factor into the risk management strategy the likely probability of implementation for each mitigation strategy. Without such consideration, a sophisticated plan on paper could translate into a real-world disaster. For example, it is determined after a risk assessment that an employee who is significantly depressed and is threatening to hurt a coworker should be referred to a psychiatrist for psychopharmacology evaluation. The employee does not meet the criteria for involuntary hospital commitment. The company is in a remote location and the next available appointment with a psychiatrist is in 6 weeks. The employee indicated that he will keep the appointment but will not take the medication. Because the probability of medication compliance is low, other protective measures (e.g., additional security at the plant) might be in order. This real-world probability assessment should form the core of the risk management process and take place prior to the final risk mitigation presentation to the company.

A complete risk assessment process includes (a) identifying the perpetrator(s); (b) identifying the target(s); (c) quantifying the financial and psychological loss value of the target, should it occur; (d) analyzing the threat content, including the capability and intent of the perpetrator; (e) analyzing environmental vulnerabilities that can be exploited by the perpetrator to gain an advantage over risk mitigation strategies, and then identifying specific countermeasures (e.g., if the target of the threat always takes the same route home, a countermeasure would be to have her take a different route each day); and (f) assessing the cost/benefit of proposed countermeasures. The focus is on protecting the target and controlling the subject. Trade-offs between cost and benefit are evaluated. For example, putting a subject

Table 20.5 Item Risk Scoring

Risk Score	1-3	4-6	7-9
Risk level	Low to moderately low	Moderately low to moderately high	Moderately high to very high

under surveillance is very costly but may have high protection benefits if the subject is stalking the target.

Workplace Risk Exposure Formula

Given the paucity of workplace risk management strategies in the forensic literature, this author postulates a formula to calculate risk exposure level. This formula does not predict, as a final outcome, the actual risk level presented by the subject. That is only one part of the calculus. The purpose of the Workplace Risk Exposure Formula (WREF) is to assist the company in recognizing the liability/risk exposure level of the specific case and what steps need to be taken to manage such exposure.

$$R = VLT + 2(IRL) + NPI + NPC$$

where R = Overall risk level. VLT = The value of the loss/impact of loss of the target. IRL = Identified risk level of the subject’s currently carrying out the threat to the target based on a risk assessment evaluation (this assessment can be based on actuarial, forensic/actuarial; or forensic risk data). NPI = Negative probability of implementation of risk management strategies. This also includes target compliance. The higher the negative probability (decreased likelihood of implementation), the higher the risk. For example, a risk mitigation strategy is to enroll the subject in a drug treatment program, but he refuses. The probability of compliance is therefore low (i.e., negative probability of noncompliance is high, and continued drug use increases the chances of behavioral dysregulation). NPC = Negative probability of countermeasures/protective options being implemented. The fewer the suggested resources for protective functions that are available or utilized, the higher the risk to the target.

By using a 1 to 9 scale, each item can be assigned a risk weight (see Table 20.5).

After calculating the formula of $R = VLT + 2(IRL) + NPI + NPC$, a total risk exposure level is suggested (see Table 20.6). The formula emphasizes that the

Table 20.6 Risk Exposure Level

Risk Score	5-15	16-30	31-45
Risk level	Low to moderately low	Moderately low to moderately high	Moderately high to very high

identified risk level of the subject (IRL) is of paramount concern and is given a weighting of twice the other categories.

Following are three different examples using the WREF.

Illustrative Cases

Case 1

Employee A (subject) said she recently purchased a gun and wants to kill her supervisor (target) because of the way she has been treated at work. Using a targeted workplace threat assessment process, it has been determined that the subject is currently using amphetamines, recently dropped out of therapy, is going through a divorce, blames her supervisor for her not receiving a promotion, and has followed her supervisor home to see where he lives. Risk mitigation strategies include getting her into a drug treatment program, transferring her to another work location, putting her under surveillance, and getting a forensic fitness-for-duty evaluation. Countermeasures/protective options include providing protection at the supervisor's home, notifying law enforcement of the threat, and encouraging the supervisor to take out a restraining order. The supervisor will not take out a restraining order and does not want personal protection because he does not consider her to be "serious" about her threat.

Using the WREF, VLT = The threat content is homicide and the value (loss of life) is 9 (very high); IRL = Identified risk level of the perpetrator is 8 (high); NPI = Negative probability of implementation of risk strategies is 7 (moderately high); and NPC = Negative probability of enacting countermeasures/protective options is 9 (very high), where low to moderately low probability = 1 to 3, moderately low to moderately high probability = 4 to 6, and moderately high to very high probability = 7 to 9. Therefore, in this case:

$$R = VLT(9) + 2(IRL)(2 \times 8) + NPI(7) + NPC(9) = 41$$

This would be considered a high-risk exposure case (see Table 20.6). This score would call for reevaluation of what other protective measures must be implemented to protect the target until the subject can be physically or psychologically stabilized.

Case 2

Employee A (subject) reported that she recently purchased a gun and wants to kill her supervisor (target) because of the way she has been treated at work. Employee A stated, and it has been confirmed, that her husband has taken control of the gun and removed it from the house to a place where the employee cannot gain access to it. She acknowledges using amphetamines and recently dropped out of therapy but is now willing to immediately commit herself to a substance abuse treatment program. She is under surveillance by the company, and it has been determined she has checked herself into a treatment program. At the company's request, she has signed a release of information form so her progress in treatment can be monitored. The manager has agreed to take out a restraining order, if that is recommended.

Using the WREF, this would be considered a moderate risk case: the VLT = Loss of life as a value is rated 9 (very high); IRL = Identified risk level of the subject currently carrying out the threat is 3 (moderately low); NPI = It would not be difficult to implement risk mitigation strategies, and thus is rated a 3 (moderately low); and, NPC = Countermeasures/protective options can and will be easily put in place and is rated a 2 (low). In this example:

$$R = VLT(9) + 2(IRL)(2 \times 3) + NPI(3) + NPC(2) = 20$$

In this case, even though the value of loss of the target (homicide) is high, other factors mitigate against the lethal act currently taking place. This does not mean the risk management function is complete. For example, when the employee is released from the substance abuse treatment facility, a new risk management exposure calculation should be conducted.

Case 3

Employee A is late with an assignment and, as a result, a project may have to be put on hold. He blames the breakdown of the copy machine for his predicament. He threatens to destroy the copy machine if it does not work immediately. So far, he has banged on it several times with his fist, damaging a control knob. This has caused his coworkers to become concerned about his psychological stability.

Notice that there can theoretically be a moderate exposure risk evaluation outcome with a low-value target. In this example, the copy machine (VLT) that the subject has threatened to destroy has a value as a target (to the company) of 2 (low); IRL = The subject is at high risk (8) to destroy the machine; NPI = He states that he will not obey a direct order to stay away from the copy machine and scores an 8 (high); and, because some security measures could be implemented if the company chooses, the NPC is scored 3 (moderately low). Using the WREF:

$$R = VLT(2) + 2(IRL)(2 \times 8) + NPI(8) + NPC(3) = 29$$

The company does not want to move or protect the copy machine. Because the value of the target is low and the cost of implementing protective measures is moderately low, the company decided that if the employee damages the machine after being warned, he will be terminated. A company may decide based on a moderate risk exposure outcome, not to put all available resources toward a low-value target (e.g., a copying machine).

The WREF is an initial attempt to quantify the risk management process by identifying the level of risk to a specific target under specific parameters of the perpetrator's behavior, given the likely implementation of mitigation strategies in combination with available security resources allocation. This formula is dynamic and can account for the fluid changes often seen when trying to implement a risk management process. Cutoff scores are somewhat arbitrary and are based on this author's experience. The WREF is appropriately used to help guide the risk mitigation strategy decision making, but it should not replace clinical acumen or common sense. It has no psychometric properties of a test. See Figure 20.4 for a description of the complete Workplace Targeted Risk Abatement model.



Figure 20.4 Workplace Targeted Risk Abatement model.

CONCLUSION

Forensic psychologists should embrace the opportunity to conduct workplace threat assessments. However, it is imperative that those agreeing to accept such referrals understand that these types of evaluations are significantly different from other, more traditional risk assessments. The forensic psychologist must be familiar with specific workplace-related risk factors, legal and ethical issues, and specialized evaluation techniques. Risk mitigation strategies should have real-world applications and be dynamic in relationship to the perpetrator’s behavior, target compliance, and workplace ability to respond.

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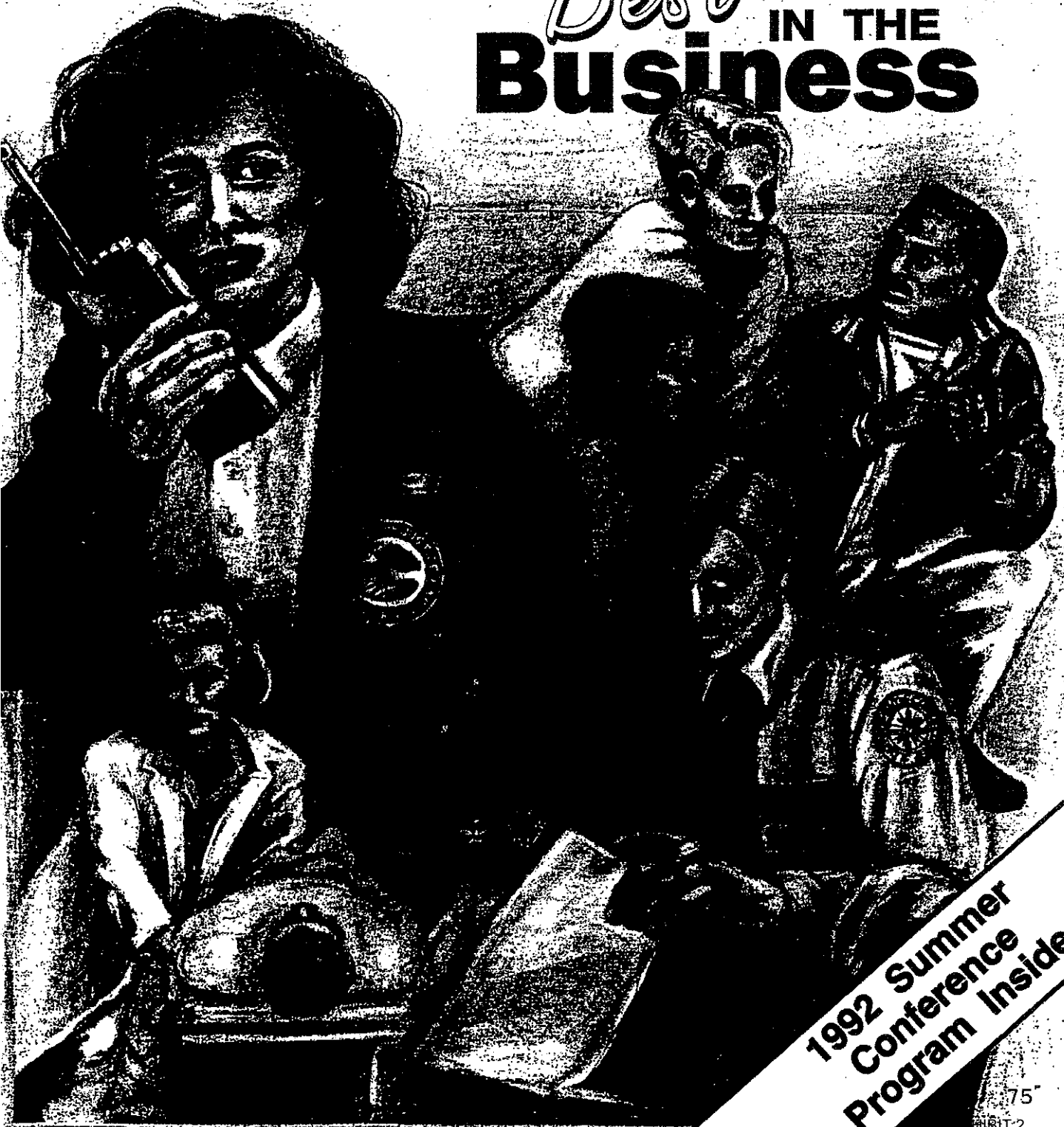
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Excessive Force Prevention Programs

An Essential Tool to Properly Train Staff and Protect Against Litigation

by Randy Borum and Harley Stock

In February the U.S. Supreme Court ruled in *Hudson v. McMillian* that unnecessary force by a corrections officer against an inmate violates the inmate's Eighth Amendment right against cruel and unusual punishment even if the inmate does not suffer serious injury.

While it's unfortunate the reputation of all corrections personnel should suffer from the inappropriate action of the few officers involved in this incident, the case points up a serious problem. The decision should serve as a reminder that jail and prison administrators are responsible for taking action to prevent incidents of excessive force in their facilities.

Civil litigation verdicts on excessive force claims suggest that government employers may generally be held liable when they hire an officer whose past history should have signalled a propensity for violence or instability. This means employers have an obligation to exercise reasonable care in hiring and retention practices. Clearly, this is an area of high liability for correctional facilities and administrators.

Administrators must therefore develop formal systems designed to prevent incidents of excessive and unnecessary force. Three subjects in particular—administrative concerns, training and remediation—can serve as a starting point for facilities wish-

ing to set up new prevention and remediation programs or to enhance existing programs.

Administrative Concerns

Establish clear policy. Every facility should develop a written policy directive on the use of deadly and non-deadly force. Such a policy should contain clear definitions of levels of force, what standard is used to judge the appropriateness of an officer's action, and the conditions under which force or restraint may be used.

The directives should be consistent with current case law in the jurisdiction and the standard from *Graham v. Connor, et. al.* (1989) known as "objective reasonableness"—whether the actions were reasonable, regardless of the officer's motivation and intent. This is imperative because such a standard outlines the facility's expectations about officer conduct in use of force situations and provides a consistent standard by which to judge an officer's action in any given situation.

Maintain a rigorous screening process. Personnel interviews, written tests and careful background investigations may reveal a history of impulsive behavior or poor emotional control. Most correctional institutions also use psychological screening as part of their selection program. Select-

ing a psychologist familiar with corrections should be a priority.

Administrators should be aware that the Americans with Disabilities Act, which takes effect July 26, may change when the psychological evaluation is administered in the selection process. The Act may force agencies to rely more heavily on other screening factors to identify potentially problematic or unstable applicants. Nevertheless, this component of the screening should be retained.

Develop a monitoring system. A strong monitoring system demonstrates the institution's awareness and concern regarding unnecessary force. Facilities should maintain an administrative record of excessive or unnecessary force complaints filed against officers and should review the file to examine trends in the facility and highlight individual officers.

One component of this system might include formal reviews of officers whose history of complaints or disciplinary action could indicate a problem. You may want to establish a set number or pattern of complaints that would signal a need for the review. In this process, it's necessary to consider the rates and types of complaints typically found in the facility.

The review process would involve a close examination of the officer's

Continued on page 28

complaint and disciplinary record; the review could be conducted by administrators or by a designated peer review panel. It might also include interviews with the officer involved.

The review's goal is to identify problem areas and to make recommendations for correction where appropriate. For individual officers, such recommendations could include re-training, specialized training, psychological counseling or referral to a psychologist for a fitness for duty evaluation.

Set up employee assistance programs. We all know corrections can be a highly stressful occupation with the potential for family difficulties, alcoholism and other stress-related problems. Correctional institutions today are well-advised to provide access to psychological services for their employees.

Some facilities have a consulting psychologist who handles referrals for counseling or evaluation, and many others have moved toward more formal programs for employee counseling such as an Employee Assistance Program (EAP). EAPs usually involve a group of mental health providers who contract with a facility to provide counseling or referral services. In some institutions, the EAP is managed in-house by psychologists employed at the facility.

Typically, these programs offer individual, marital and family counseling, and may also include substance abuse treatment and prevention seminars on topics such as stress management or communication skills. These programs serve as a first-line preventive defense against the development of behavioral or job-related difficulties.

Training

Once a facility has established a clear use of force policy, all corrections personnel should receive policy guidelines and training. The training should include a review of crucial definitions, the written policy, and relevant statutory and case law. There also should be

a group discussion—ideally in the presence of a legal expert in use of force—to answer questions and review likely scenarios involving force in light of the current policy.

In many corrections academies, training in the use of force doesn't go beyond skill-based instruction in firearms or defensive tactics. While these are important, there are many additional factors to consider in this area of training, such as legal, moral and ethical judgments, stress performance influences, and contextual variables that factor into officers' decisions to use force. All these areas must be included in training.

Officer use of force is an area of high liability for correctional facilities. Administrators must therefore develop formal systems designed to prevent incidents of excessive and unnecessary force.

A force continuum that provides a matrix by levels of subject resistance and officer force should be integrated into all use of force training. An officer should always be aware of these levels in any confrontation so he or she can know the appropriate range of responses available. In-service training to supplement academy instruction is also necessary.

Performance under stress has traditionally been neglected in use of force training. It is critical for officers to know the psychological and physiological effects of stress and how to reduce its impact on performance. This relatively new area of study is drawn primarily from the fields of psychology—specifically sports psychology—and motor behavior.

In addition to a review of stress' effects, officers should be trained to condition themselves mentally and physically for high-stress confrontations.

This includes incidents where multiple officers are involved and the situation has escalated beyond necessary levels of force.

Some agencies are now using a "mob mentality" training block in which a recruit enters a training scenario where fellow officers are engaged in excessive force. The recruit must take appropriate action to intervene and deal with the situation. These types of scenarios and general training in performance under stress serve to improve judgment and performance during stressful incidents involving force.

Training in firearms, defensive tactics and restraint techniques should include training exercises that parallel actual situations officers may confront. These exercises force officers to think quickly under stressful conditions where the outcome is not easily predictable, increasing the likelihood they will respond according to training in actual on-the-job confrontations. This phase of training should be implemented after basic skills are mastered.

The first step in providing comprehensive psychological services is to offer training programs that teach officers how to identify and manage stress-related symptoms. With stress management seminars now common in corrections, it is easy to find good training in this area. A key part of a successful stress-reduction program is training supervisors to identify officers who may need assistance.

Anger management is another area of training with tremendous potential for reducing excessive force incidents. These programs help build basic stress-management skills for all officers and help them realize when they may need further assistance.

Like performance skills to deal with stress, verbal skills are typically given very little attention in corrections training. Instruction in crisis intervention and de-escalation procedures should be given strong emphasis, since these skills are actually used more frequently than physical force. Developing these skills will

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help officers resolve confrontations without using force.

Remediation

When an officer's use of force is found inappropriate, the facility must respond promptly. Several options are available depending on the severity of the incident and institution policy.


The primary goals of any action should be to provide a remedy or consequence if necessary and to prevent the occurrence of a similar incident in the future. Formal disciplinary action, such as letters of reprimand, suspension or termination, may be used according to policy and administrative discretion. However, there are three other remedial options—retraining, psychological counseling and fitness for duty evaluation—that may supplement these formal measures.

Retraining. If an officer's response was the result of deficient train-

ing in any of the areas we have discussed, referral for re-training may be a logical course of action. For example, officers may need verbal skills training to help them de-escalate confrontations or physical skills training because they were not competent to apply force properly. In addition, re-training could be mandated for psychological skills such as stress or anger management.

Psychological counseling. An officer's personal or family problems can interfere with performance and judgment. If the officer's response is related to such situational factors, counseling may be beneficial. This option should be voluntary, since mandated counseling is often ineffective.

Fitness for duty evaluation. When an officer's behavior calls into question his or her ability to adequately perform job requirements, the facility may request a fitness for duty evaluation to provide additional information and a psychological opinion on the officer's current ability to perform correctional duties. These referrals may be made through the psychological services unit or the consulting psychologist.

Although incidents of excessive force are relatively infrequent, facility administrators must be aware of potential problems and take steps to prevent misconduct. The corrections community must be vigilant in eliminating unnecessary force not only to reduce liability, but also to preserve the rights of the incarcerated and the reputation of the correctional system and the dedicated officers who serve it well. 

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SUBSTANCE ABUSE

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Wrestling Demons in Our Own Ranks

by Harley V. Stock and Stephan Skultety

Substance abuse among corrections personnel is a serious problem, yet it often is ignored until a significant incident occurs.

The reasons for staff substance abuse vary, but often it is related to stress. Some of the stressors corrections officers face include:

- rotating shifts;
- lack of public support;
- potential for job injury;
- the perception of non-supportive management;
- personal problems at home;
- the difference between the "theory of corrections" taught at the academy and the reality of the cell block;
- offenders who escape the legal consequences of their actions; and
- exposure to value systems and lifestyles contrary to their own.

Alcohol abuse, in particular, is evident in the law enforcement community.

In a 1981 article in the *Journal of Police Science and Administration*, it was reported that, while about 10 percent of the general population who drink alcohol develop significant drinking problems, estimates for the law enforcement community suggest that as many as 25 percent of those who drink come problem drinkers.

Overall, physical and psychological stress can lead corrections officers to perform their duties in a perpetual state of exhaustion. This can cause errors in judgment, lapses in coordination and a loss of response in basic muscle reflexes. To cope with such stressors, some officers turn to alcohol and other substances. Many correctional institutions have a "hang out" bar nearby.

The federal government has devoted significant resources to combat the drug epidemic, in turn expanding our prison populations. Yet some of these new inmates come from our own ranks. An article published in 1990 in *Southern Exposure* magazine revealed

that more than 50 Southern U.S. sheriffs and deputies were federally indicted on drug charges during the 1980s.

The problem of substance abuse can no longer be swept under the rug. With the passage of the Americans with Disabilities Act, officers who abuse alcohol have the right to treatment before termination.

Court cases over termination of substance abusing employees have had mixed outcomes, particularly for those employees whose jobs affect public safety. However, alcoholism is clearly identified as an impairment under ADA and therefore appears to require some accommodation by employers. ADA does not protect current users of illegal drugs, but former users are protected in some cases.

Identification

Corrections officers who abuse alcohol generally are unwilling to admit it. They fear job jeopardy, peer rejection and domestic upheaval. Yet there are ways to identify officers with problems. One of the most direct techniques is CAGE, a set of questions developed in 1970 by J.A. Ewing and B. Rouse.

C—Have you ever felt you should cut down on your drinking?

A—Have people annoyed you by criticizing your drinking?

G—Have you ever felt guilty about your drinking?

E—Have you ever had a drink first thing in the morning (Eye opener)?

Scores of 2 to 3 indicate an 81 percent likelihood of a problem.

Unfortunately, questionnaires are subject to faking. Therefore, agencies may prefer to use laboratory tests. Besides urine and blood screens that detect alcohol consumed in the relatively recent past, more sophisticated tests confirm the impact of alcohol on the liver. The most popular laboratory test is a measure of the liver enzyme

gamma-glutamyl transferase, which indicates whether the person may have a chronic drinking problem.

Substance abuse problems also can be detected through observation of officers' behavior. According to L. Territo and J.J. Vetter, the warning signs of a possible problem include:

- secretive behavior;
- unprovoked aggression;
- restricted range of interests and activities;
- decreased concentration;
- consistently calling in sick on the first or last day of the work schedule;
- sudden changes in behavior;
- an inability to maintain a train of thought;
- excessive worrying; and
- avoidance of social activities.

Many corrections officers initially diagnosed as alcoholics also suffer from post-traumatic stress disorder. This claim often is seen as a way for officers to beat the system and get undeserved worker's compensation benefits. Yet it can't be denied that working in a correctional institution exposes them to the possibility of trauma. Suppression of feelings through the use of alcohol often masks other underlying psychological disorders and delays appropriate treatment. Early and comprehensive identification of possible multiple causative factors is essential to successful treatment.

Treatment

Treatment of substance abuse among corrections employees is complex. Because corrections officers' alcohol and drug problems often stem from the specific factors listed above, it is best that they obtain treatment that addresses their needs.

Corrections officers are special people by virtue of the work they do, and

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...y deserve special treatment. Placing employees in a treatment environment with the general public is a prescription for failure, particularly when this means they will have continual contact with people they may have had custody and control over.

Such an environment fosters an atmosphere of distrust and could lead to possible recrimination if the officers' problems are exposed. Treatment could take place in a facility dedicated to the specialized treatment of law enforcement personnel.

Such a specialized treatment facility will offer the following:

- specialized credentials for treatment staff, including law enforcement experience;
- ensured confidentiality;
- treatment techniques matched to the specific stressors of law enforcement;

- after-care provisions that continue to provide confidentiality; and
- a secure, safe environment.

Officers completing treatment and maintaining a program of ongoing recovery often become loyal, reliable and highly motivated employees. Many have been promoted to supervisory positions within two years after finishing treatment. It is sound policy and good judgment to provide treatment as an alternative to dismissing a potentially productive employee.

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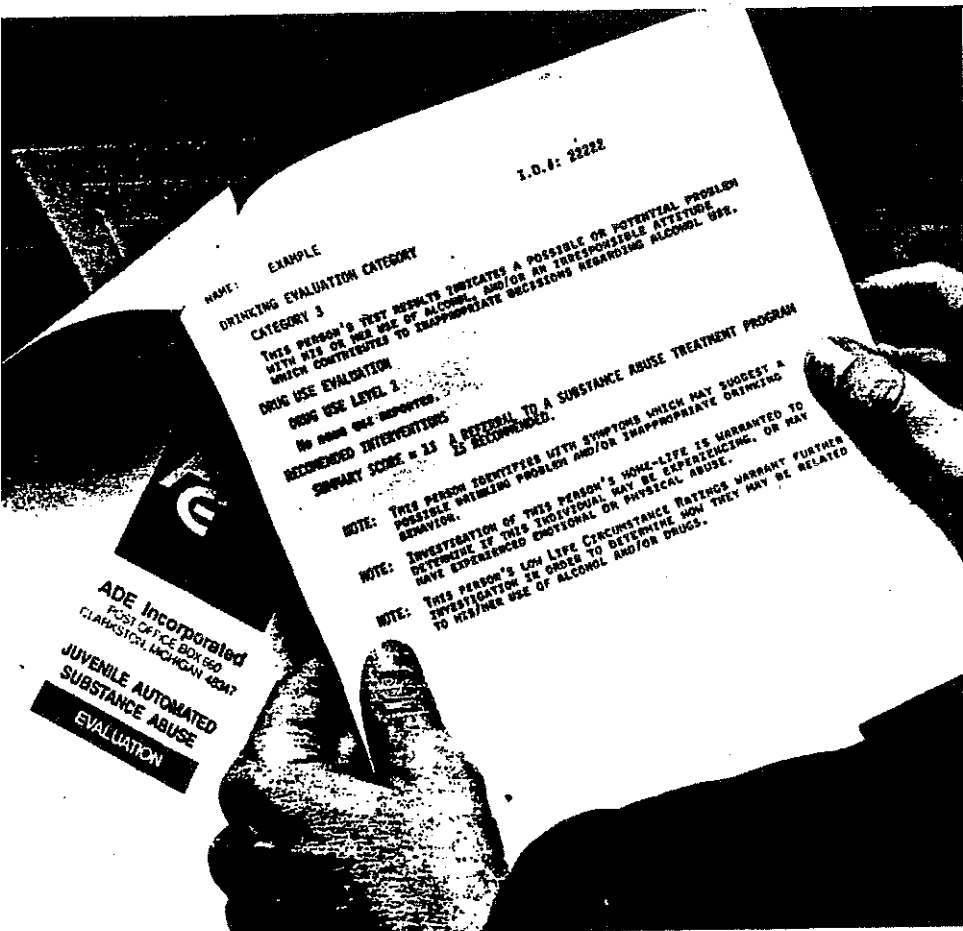
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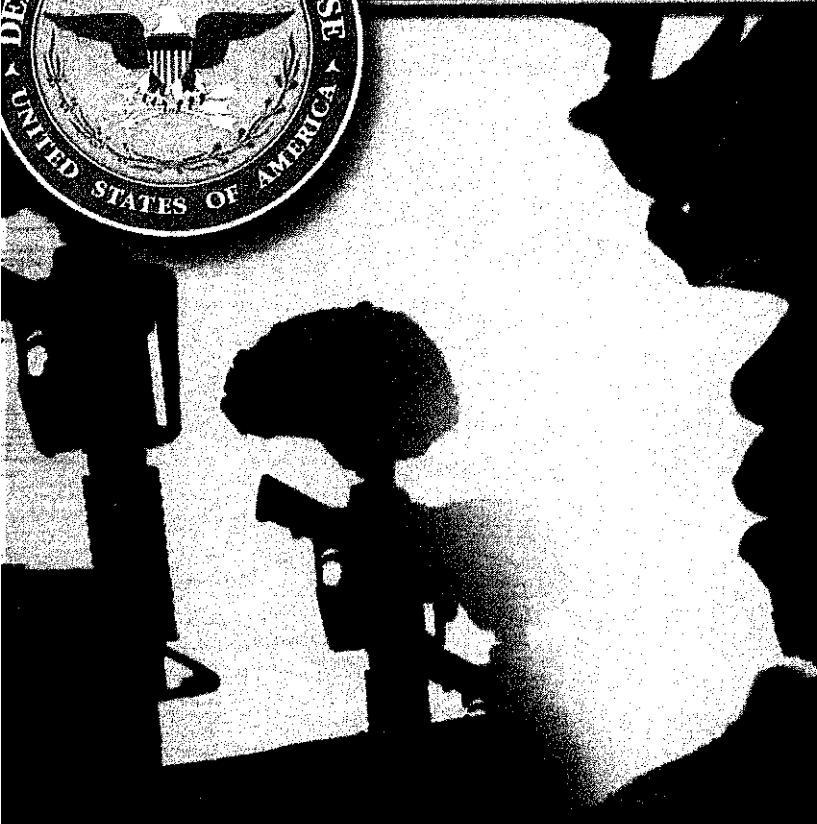
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TASK FORCE REPORT:

Predicting Violent Behavior

August 2012



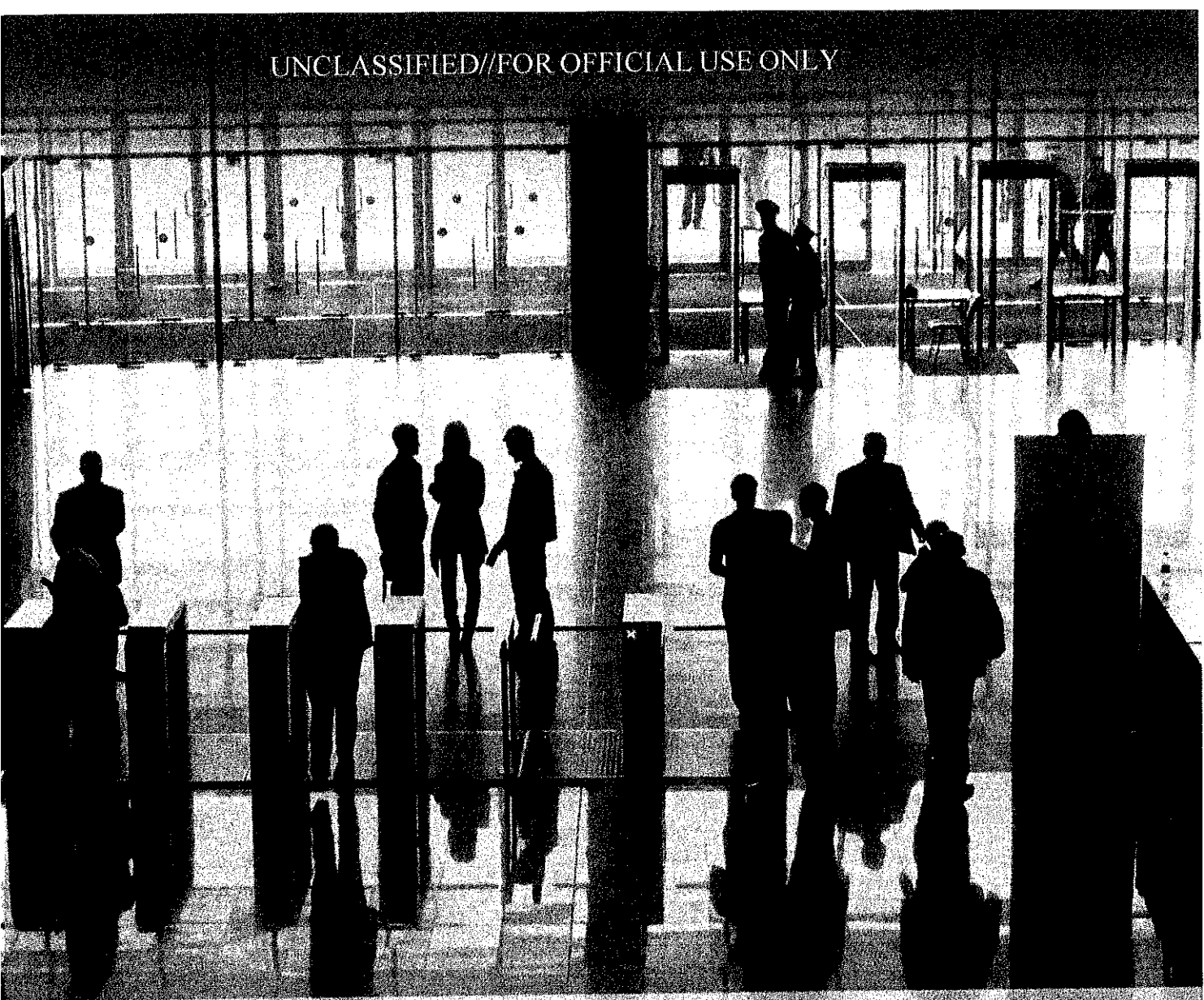
Appendix 3. Briefings Received

April 19-20, 2011

Standards of Conduct Briefing and Swearing-In of DSB Members	Mr. Jeff Green	DoD Office of the General Counsel
Behavioral Science Insider Threat Research Program	Ms. Deborah Loftis	DIAC WG
Identifying Indications and Warnings of Insider Threat	Mr. Adam Cummings	CERT
Commercial Fraud Detection	Mr. John Ellingson	Skeptical Systems
DARPA ADAMS Program	Dr. Rand Waltzman	DARPA/ I2O
NAS Study on Polygraphs and Other Related Technologies?	Dr. Stephen Fienberg	Carnegie Mellon University
Workplace Violence/Insider Threat	Dr. Harley Stock	Incident Management Group, Inc
State of the Art in Non-invasive Neurological Observations	Dr. Steven Laken	Cephos Corp.
Threat Assessment and Management	Maj E.R. (Gene) Deisinger, PhD	Virginia Tech

May 23-24, 2011

Insider Threat Challenge ARDA/IARPA	Dr. Mark Maybury	United States Air Force
NCIS Threat Management Unit	Ms. Dorian Van Horn	NCIS
LAPD Threat Management Unit	Det. Jeff Dunn	LAPD
Workplace Assessment of Violence Risk (WAVR-21)	Dr. Reid Meloy & Dr. Steve White	Work Trauma Services Inc.
Anticipating Aberrant Behavior: A (Former) P&R Perspective	Dr. David Chu	IDA
Skeptical Systems' Response to Task Force Questions	Mr. John Ellingson	Skeptical Systems
Individual Radicalization Process	Dr. Gary Ackerman	National Consortium for the Study of Terrorism and Responses to Terrorism
Preventing Targeted Violence by	Dr. Robert Fein	The Metis Group, Inc.



National Risk Estimate: Risks to U.S. Critical Infrastructure from Insider Threat

National Protection and Programs Directorate
Office of Infrastructure Protection
Integrated Analysis Task Force
Homeland Infrastructure Threat and Risk Analysis Center



**Homeland
Security**

December 2013

Appendix I: Subject Matter Expert Contributors to Tabletop Exercises and Alternative Futures Workshop

Terrorism Tabletop Exercise, April 20, 2012

	Subject Matter Experts	Organization	Team
1	Asendorf, Patrick	Nuclear Energy Institute	Red
2	August, Jim	CORE, Inc.	Red
3	Ferezan, Dan	Department of Transportation	Blue
4	Garfinkel, Simson	Naval Postgraduate School	Red
5	Gupta, Ajay	Gssecurity, Inc.	Red
6	Heffelfinger, Chris	Researcher and Author	Red
7	Lindner, Martin	Carnegie Mellon U., CERT Insider Threat Center	Blue
8	McIlvain, John	Department of Energy	Blue
9	Meyer, John	DHS Office of Infrastructure Protection	Red
10	Ostrich, John	Department of Energy	Blue
12	Richeson, Jon	DHS Office of Infrastructure Protection	Red
14	Spitzer, Lance	SANS Institute	Blue
15	Stock, Harley	Incident Management Group	Blue
16	Theis, Michael	Carnegie Mellon U., CERT Insider Threat Center	Red
17	Tobey, William	Harvard University, Belfer Center	Blue
19	Weese, Matt	DHS Federal Protective Service	Red
20	Zank, Arleen	Coronado Group	Blue

Espionage Tabletop Exercise, April 25, 2012

	Subject Matter Experts	Organization	Team
1	Andrews, John	DHS Office of Intelligence and Analysis	Blue
2	Axelrod, Warren	Consultant	Blue
3	Boroshko, Dave	Federal Bureau of Investigation	Red
4	Cappelli, Dawn	Carnegie Mellon U., CERT Insider Threat Center	Red
5	Caputo, Deanna	Mitre Corporation	Blue
6	Coleman, Kevin	Technolytics	Blue
7	Corbett, Steve	DHS Office of Intelligence and Analysis	Blue
8	Drissel, Anne	US-VISIT	Blue
9	Ertel, Thomas	U.S. Fleet Cyber Command	Blue
10	Fiedelholz, Glenn	DHS Office of Cybersecurity and Communications	Red
11	Healey, Jason	Atlantic Council	Blue
12	Hemsley, Kevin	DHS Industrial Control Systems (ICS)/ Computer Emergency Response Team (CERT)	Blue
13	Jones, Jade	National Security Agency	Blue
14	Kellermann, Tom	Trend Micro, Vice President for Cybersecurity	Red
15	Kuehl, Daniel	National Defense University	Red
16	Link, Dave	DHS Office of Cybersecurity and Communications	Blue
17	Mander, Mark	U.S. Army, Computer Crime Investigative Unit	Red
18	Miller, Lorenzo	DHS Office of Cybersecurity and Communications	Red
19	Murphy, David	DHS Office of Intelligence and Analysis	Red
20	Rosenburgh, Dwayne	National Security Agency	Red
21	Shaw, Tim	MAR, Inc., Chief Security Architect/ICS	Red
22	Stock, Harley	Incident Management Group	Blue
23	Theis, Michael	Carnegie Mellon U. CERT Insider Threat Center	Red
24	Toecker, Michael	Digital Bond, Inc.	Blue
25	Vatis, Michael	Steptoe & Johnson LLP	Red
26	Woods, Randy	Dow Chemical	Red

Corruption Tabletop Exercise, May 1, 2012

	Subject Matter Experts	Organization	Team
1	Abela, Chris	DHS Immigration and Customs Enforcement	Red
2	Andreas, Peter	Brown University	Blue
3	Bach, Robert	Consultant, Naval Postgraduate School	Red
4	Bagley, Bruce	University of Miami	Blue
5	Bjelopera, Jerry	Congressional Research Service	Blue
6	Cabrera, Eduardo	U.S. Secret Service	Red
7	Cilluffo, Frank	George Washington University	Red
8	Felbab-Brown, Vanda	Brookings Institution	Red
9	Grayson, George	College of William and Mary	Blue
10	Hughes, Elena	U.S. Coast Guard	Blue
11	Leeman, Chris	Transportation Security Administration	Blue
12	Longmire, Sylvia	Longmire Consulting	Red
13	McMahon, Steve	U.S. Secret Service Detailed to DHS/IP	Blue
14	Peretti, Brian	Department of Treasury	Blue
15	Purdy, Andy	Computer Sciences Corporation, Chief Cybersecurity Strategist	Blue
16	Rouzer, Bret	U.S. Coast Guard	Blue
17	Stock, Harley	Incident Management Group	Red
18	Thompson, Eleanor	U.S. Coast Guard	Red
19	Whitley, Terry	Shell Oil Company	Red

Alternative Futures Workshop, April 3, 2012

	Subject Matter Experts	Organization
1	Cappelli, Dawn	Carnegie Mellon U. CERT Insider Threat Center
2	Caputo, Deanna	Mitre Corporation
3	Kellermann, Tom	Trend Micro, Vice President for Cybersecurity
4	Sanderson, Tom	Center for Strategic and International Studies

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**Detecting
the
Insider
Threat**

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Confronting the Insider Threat

By LAURA SPADANUTA

Edward Snowden, who has leaked classified information about intelligence collection activities of the National Security Agency (NSA), reportedly told the *South China Morning Post* that he sought a job as a contractor at government consulting firm Booz Allen Hamilton with a goal: to collect proof about the NSA's domestic surveillance programs and alert the public to the programs. However, Snowden is not the typical insider threat. Most insiders who later betray their employer's trust don't start out with that intent. The change from benign employee to malicious insider can be spurred by anything from home-life stress to frustration at being passed over for a promotion to the thought that the company does not appreciate one's contributions.

Though the risk is great, it is not possible to deny insiders the access to data that they will need to do their jobs. So what can a company do?

The company must have clear policies regarding how corporate data is to be handled and safeguarded, and confidential data should be clearly labeled, with access as restricted as feasible. Additionally, the company should secure the data itself and use software to track access and seek signs of suspicious activity, especially with regard to what information leaves the system or is copied. This article focuses, however, on the human factor—what companies can do in the hiring process and throughout employment to detect signs that a person is likely to become, or has become, an insider threat.

Insider Threat

The term “insider threat” refers to employees, or former employees, who intentionally hurt the company in some way. It is important for each company to identify what an insider threat is to them and to set a policy in place on how to deal with insider threats. The policies must outline certain types of behavior that will warrant scrutiny, disciplinary action, or even termination so that companies have a basis from which to work when they do identify potential threats.

The Deloitte report *Building a Secure Workforce* identifies four types of asset loss typically attributed to an insider threat. First is espionage, the use of spying to obtain information about either a government or company. Second is embezzlement, the fraudulent conversion of another’s property by someone who is in a position of trust. Third is sabotage, to hinder operations or to enact deliberate destruction or disruption. And finally, disclosure of personally identifiable information can occur in companies that collect personal data.

Personality Traits

Individuals who end up becoming an insider threat exhibit some common traits. That doesn’t mean all insider threats have these traits or that all people with these traits will become a threat. But it can be useful to know what these traits are.

One possible worrisome trait is narcissism, according to Satyamoorthy Kabilan, director of National Security and Strategic Foresight at the Conference Board of Canada: “It’s about people who perceive that they’re far more valuable than they actually are; they have an exaggerated value or view of the value that they bring to the organization, an exaggerated view of their abilities and achievements, and [they] are usually very intolerant of criticism. They minimize the significance of the contributions of others.”

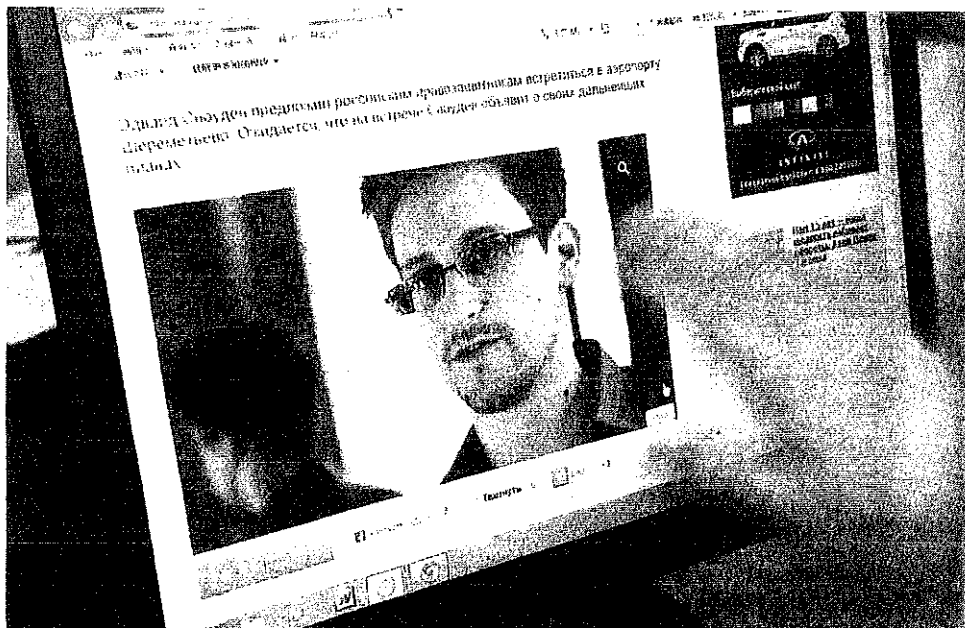
Narcissism is also singled out as a possible red flag by Dan McGarvey, security program director for Global Skills X-Change (GSX) and member of the insider threat working group under the ASIS International Defense and Intelligence Council.

Histrionic personality disorder is another. That disorder is associated with a need for attention, and approval, and excessive emotion. A third red flag is antiso-

cial personality disorder, which is often known as sociopathy.

Of course, it’s important to recognize that with some of these characteristics, such as narcissism, they may also be present in high performers in certain organizations, so they can’t be something that you simply use to screen out potential threats. The real problem is distinguishing between the types of people who are not a danger to the company and those who have a higher potential to become one, says Kabilan.

McGarvey has been doing research that tries to identify certain models that incorporate the various types of personalities that are often seen in insider threats. He believes they have encapsulated most threats in three models. The first is the counterproductive workplace behavior model, which McGarvey says has to do with issues of control, and a feeling of a need to take back individual control. He says this model includes someone like Bradley Manning, a soldier who passed classified material to the Web site WikiLeaks. McGarvey says this model also describes perpetrators of workplace violence, such as Army Major Nidal Hasan, who went on a shooting spree at Fort Hood.



became famous after revealing details about the National Security Agency’s spying program. Experts note that companies may be able to root out employees before they become a threat to a company by identifying personality traits and watching for behavioral changes.

The second model is the organizational citizen, which is where Snowden might fit. These are "individuals who have a very strong sense of justice and in what they believe is right," says McGarvey.

The third model is called Ten Stages in the Life of a Spy, and it looks at the steps an individual must go through to become a spy and sustain spying.

"So those three models put together actually then account for just about everyone we've seen in terms of inappropriate behavior in the work force," McGarvey says.

Harley Stock, a forensic psychologist who has worked with insider theft, advises that when companies are looking to weed out people like Snowden, it's important to include personality assessments in the screening. "Some of the things that you look for [indicating] a guy like [Snowden] is somebody who's overly moralistic, who has very strongly held beliefs about how the world should operate, so they have the kind of rigidity in their personality that things are right or wrong, black or white. There's no gray area. There's no area for negotiation, compromise, or alternative views of the world. And that, somehow, his view is the correct view."

Stock says Snowden uses a psychological justification mechanism to say, "They're wrong, I'm right, therefore, I

have a moral, ethical obligation to do something about it."

Stock advises that when doing these personality checks, the company should ask applicants not only for positive references, but also for references from people the applicant admits to having had difficulty with at some point in the past. "Now somebody says to you, 'well, I've never

It's about people who perceive that they're far more valuable than they actually are.

had any difficulty,' well, that already would raise my index of suspicion."

Some of the questions that a company would want to ask a reference about the job applicant are "How does the person handle decisions? Are they flexible? Do they seem to dig their heels in and not listen to opposing points of view? Have they done anything that's disturbing to you?" says Stock.

A common characteristic shared by those who pose an insider threat is dishonesty, says McGarvey, so prospective employers should be on the lookout for any type of deception in the hiring process. "So if a person comes in and they

give you a bogus, not necessarily an incomplete résumé but a bogus résumé, not only are they being dishonest but they're trying to manipulate the situation into making you think they're someone they're not," McGarvey says. He adds that it's not necessarily that the applicant makes errors, but why there are errors and if they are intentional.

John McGonagle, managing partner of The Helicon Group, recommends asking job candidates about their job history and any issues with prior employers. Too many job changes could be a red flag. "Some high achievers are constantly changing jobs," he says, but it might be worth looking into.

"Maybe they're trying to get ahead or maybe they're going from company to company stealing products and moving to the next company.... Until you associate that as part of the group of inappropriate behaviors, you don't necessarily see it as an insider threat issue, you just see it as somebody who's trying to get ahead," McGarvey says.

McGonagle also recommends asking whether applicants have been involved in lawsuits with prior employers. They "may have been perfectly legitimate...but it's a legitimate question to ask," McGonagle says.

One way to avoid individuals who could go either way is to hire someone with characteristics that tend to mitigate insider threat risk. For example, working well with others, showing compassion to and for others, responding well to criticism, and communicating frustrations effectively—these are all qualities to look for in job candidates, says the Deloitte report *Building a Secure Workforce*. Prospective employers can seek to determine whether a person has these characteristics by talking with a person's references and asking the right questions during written and oral interviews.

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Background Checks

A thorough background check is an obvious first step in screening out insider threats, with the above-mentioned red flags as one guidepost. Even the best check will miss insiders who haven't yet done anything wrong, but it may catch others who have already transgressed or have exhibited some troublesome behaviors.

Companies that use background checks must decide whether to do the check themselves or contract it out to a third party. Going to a third party will cost more but the screening company will be more experienced at the work and will usually have more resources to pursue for the check.

Whether the check is carried out in-house or contracted out, management must decide what the check will entail, but they must consult counsel to ensure that they are staying within all applicable laws. "And make it very transparent and visible," says Eugene Ferraro, chief ethics officer of Convercent.

If conducted by an outside company, or what is often referred to as a consumer reporting agency or CRA, the background check is bound under the limits of the Fair Credit Reporting Act (FCRA), which is meant to protect consumers. For employment background checks, the FCRA requires that the company provide written disclosure to the applicants before obtaining a consumer report, as well as receive authorization to obtain the report. The FCRA requires strict compliance. The authorization has to be provided to an applicant on a single page, separate and apart from the application or other documents," explains Ryan DiClemente, of Saul Ewing LLP. So, for example, if a company "includes that authorization at the very end of its application, that's going to be insufficient under the FCRA. And there's been litigation that has recently arisen as a result of that."

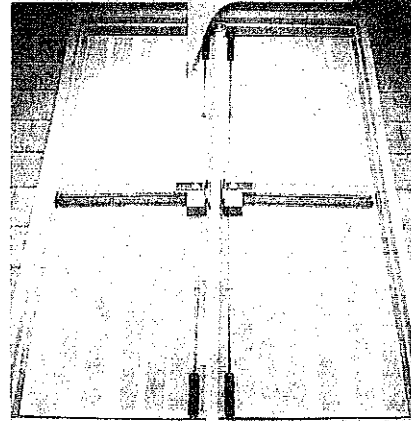
The company must also provide a copy of the report and certain disclosures prior to taking any action against the applicant if the report leads to an "adverse action," which could include not being hired, as well as certain additional disclosures after the adverse action is taken. Investigative reports that include interviews on the per-

son's background and character have additional FCRA requirements. However, when a current employee is suspected of wrongdoing and that spurs the background check or investigation, it may be exempt under FCRA. "Just by way of example, if your company suspects somebody of theft, and at that point, you decide to run a background check that is related to the conduct, the disclosure requirements of the FCRA are unlikely to apply," notes DiClemente. He adds that it makes sense that "you would not want to be putting an employee on notice that you suspect them of something because it could jeopardize the internal investigation." The company must work with legal advisors to ensure that it complies with all state and local laws that apply as well.

Criminal histories. Companies may want to check criminal histories of job applicants for red flags that could indicate a person might not be trustworthy, but they have to be careful to abide by legal restrictions increasingly being placed on the use of this type of information. (For more information on this topic, see "Managing" on page 74).

Due diligence. Whatever the background check entails, the information in it must be verified. An unreliable background check will be useless. For example, it has been reported that Snowden's education claims were not entirely accurate, but according to public reports, this did not lead Snowden's background checker U.S. Investigations Services, known as USIS, to revoke his security clearance. That contractor and others that have done similar work for the intelligence community are now being scrutinized. (It may turn out that they have explanations for what occurred.)

How can a company ascertain whether the vendor hired to do background checks is doing a good job? "Some sort of quality assurance is appropriate," Ferraro says. For example, the contractor might be asked to do background checks on some individuals about whom the results are already known so that the results can be compared and the thoroughness of the work assessed. One of the reasons USIS is under scrutiny is because the company allegedly did not do all of the secondary reviews it



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claimed to have done to ensure that reported results were accurate.

Ferraro advocates conducting proper due diligence on the vendor. "It's like anything else. You just don't take your cars to any mechanic, you take them to the right mechanic if you want the problem fixed. So due diligence is an important component. And associations, trade organizations like ASIS International and [the Society of Human Resource Management] often hold training and seminars on this topic, as do all of the major law firms. In fact, law firms are a very good source of finding a quality vendor," says Ferraro.

In-house. When a company conducts the background check on potential employees on its own, says Ferraro, "much of the Fair Credit Reporting Act does not apply." However, before companies jump on that option, they must consider the drawbacks to in-house searches. First is greater liability. "Number one is a risk-management issue. If I use you as my vendor and something happens, I can always sue you. If I do it myself, who am I going to sue?" Ferraro says.

Then there is the fact that the company might not have the in-house expertise or resources. Ferraro points out the difficulty in searching for criminal records. There is no comprehensive one-stop shop for all of

the nation's criminal records, so it often requires going straight to sources where the applicant has lived. Ferraro says that it might be easier for a third party, which already has relationships and an infrastructure that allows it to do those sort of checks.

No one in the company is going to have the complete picture of any individual.

On the Job

Preemployment screening is only a small part of the equation, however. Most insiders will pass any screens with flying colors because they aren't a risk at the time of the screening. As stated earlier, insiders tend to develop their decision to do harm over time.

McGarvey says that what pushes someone over the line that makes them become a threat could be personal, like financial debt, or related to what the business is doing, which might be something like furloughs or salary cuts or actions that the employee dislikes or deems wrong, as appears to have been the case with Snowden.

And when there is movement from the idea of doing something to actually taking the action, such as stealing information, Stock says that it often begins about a month before the employee leaves the company. Companies need to be vigilant about looking for signs of trouble to de-

fect the move to action when it occurs. But what should they be looking for?

Behavioral changes may be one sign that an employee has become an insider threat. For example, a change in hours; an employee who used to work 9 to 5 will start working earlier or later and spending more time in the office alone. They'll begin accessing data that they don't need or that they never accessed in the past.

Stock adds that companies should look at what types of systems employees are accessing, who they are talking to, and what types of questions they are asking about information they normally would not be involved with.

Psycholinguistic changes. Psycholinguistic changes can be a tipoff that someone is becoming an insider threat. These can be discovered in some cases through personal interaction as well as e-mail monitoring with special programs. "They'll start not only complaining more but you'll see sentences that have the word 'I' in it more. 'I did this, and I'm not appreciated. I did this, and you did this to me when I did that.' So it's becoming more focused on them as opposed to business," says Stock.

Stock says another psycholinguistic trait to look for is what is known as aversive frustration: "I have a goal. My goal is to get a promotion. You, my supervisor, are standing in my way. So, now as I'm trying to move towards my goal, you're keeping me from that. The more I feel that I'm being kept away from my goal, averted from that, the more frustrated I become. The more frustrated I become, the more I think of what I need to do to get to where

SYNOPSIS

The change from benign insider to malicious insider can be spurred by anything from home-life stress to frustration at being passed over for a promotion to the thought that the company does not appreciate one's work product and contributions.

Companies can take steps during the hiring process, such as background screening and checking references, to make sure a person isn't entering the job as a problem. But many insiders aren't a threat when hired, so the next step is to have a way to detect problems.

There are certain personality traits that insider threats often share, such as those associated with narcissistic personality disorder. Although the individuals can be high achievers in certain situations, they may also go the other way and harm the company. It's important to spot problematic behaviors, such as changes in language, work hours, or data being accessed.

Some experts recommend training that raises awareness of the signs of insider threats and encourages reporting of problematic behavior. This type of training may deter a threat, as well as help at-risk employees find the help they need.

I need to be.' So that sense of frustration comes out so the person will say things like, 'you know, I've been here for 15 years, and this is how you treat me. I'm not appreciated. You say that you want me to succeed but you're standing in my way.' So you see that shift."

Cognitive distortion is another possible indicator that someone may be going down the path of becoming a threat; it's when the person misinterprets others' actions. And McGarvey says that individuals will sometimes "demonize" the company or their coworkers. That's "where you start talking about an individual or other individuals and really saying things about them to dehumanize them in your mind. You see that in countries, you see it with groups.... You start talking about how bad the company is, how they're doing this, how they're doing that," McGarvey says.

Risk assessment. No one person in the company is going to have the complete picture of any one individual, so companies may want to have a team composed of representatives from various departments that meets periodically to discuss whether anyone sees signs of any insiders exhibiting behavior that seems troubling. The team should include representatives from human resources, security, legal, and others as appropriate, so that all of them can bring together their perspectives on the risk.

"If you suddenly find that each and every department from a completely different angle has seen certain risk characteristics, then the chances that this person may be an insider threat certainly are much higher," says Kabilan. He says the frequency with which these teams should meet would depend on the organization. "It could be anything from monthly to quarterly; it really depends on the size of the organization and the sort of security risks that they have. But it should be a regular thing. It should not be something that gets convened because an issue has arisen."

Awareness. Apart from this team, the company will benefit from raising the general level of awareness throughout the company. The Deloitte report advises companies to establish insider-threat awareness programs for the employees as

one part of a culture that mitigates insider risks. This will also help put all employees on notice about what the company policies are with regard to the confidentiality of the company's proprietary information, what behaviors are not allowed, what might trigger monitoring of employees, and what disciplinary actions might result from violations of the policies.

In addition, according to the Deloitte report, "Ongoing educational campaigns directed at the work force about the threats posed by insiders can heighten sensitivity to insider threat challenges, and provide concrete, practical steps employees can take to minimize asset loss."

The Deloitte report also advocates creating networks of security-minded people and training the work force to observe, collect, and report information on suspicious behavior. That includes making sure there is a way for employees to report such behavior. The report also suggests developing a way to test this training to ensure that it is effective.

"The challenge of asking the work force to become involved is both one that's a practical issue and a perception issue," says McGarvey, who implemented insider-threat programs when he was director of information protection for the U.S. Air Force.

Security doesn't want to be seen as being like the Stasi was in East Germany, asking everyone to report on everyone about everything. "First off, it doesn't work, and secondly, it gives you a horrible reputation," says McGarvey.

But there are ways to implement a reasonable reporting system. McGarvey says that training employees to detect patterns of behavior that indicate distress will allow the company to help the individual at risk. McGarvey says that this will involve human resources and other departments outside of security.

In the Air Force, McGarvey relied on engagement with the surgeon general's office and the chaplain's office, to help identify issues and to provide resources for troubled individuals.

"We wouldn't have to go to an individual and say, 'Hey, you're screwed up, we're going to pull your clearance, we're going to fire you, we're going to put you in jail.'



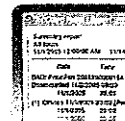
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Instead, we'd say, 'We see there's an issue; you can go talk to a counselor; you can go talk to your chaplain, but you do need to talk to someone,'" says McGarvey.

This approach takes specialized training, however. "The training actually has to be in three different areas. You have to have training for the security officers so they understand what it is they're dealing with and how to approach it. You have to have training for the general population, so they understand that this is not a witch hunt. And then you have to have training for the management, senior management, so they understand where you're coming from on this and so that we can ensure cooperation with the other elements like human resources. So it has to be a very comprehensive program," says McGarvey.

Paying to set up and maintain this type of program, including the training and reporting mechanisms, is a cost effective option when compared to intellectual property loss. However, to keep costs down, companies must figure out how they can best implement these types of programs, possibly overlaying them with security structures that are already in place; for example, augmenting the hiring process to not just look for technical skills but also social fit with the company.

If an individual does become the subject of suspicion and the company's threat assessment team and management decide to more formally monitor that person, the company must make sure that it works with legal counsel to avoid any charges of legal misconduct and privacy violations.

Employee assistance. Where possible, the goal of all this vigilance is to catch someone at the early stages of stress and deter them from going down the wrong path. With that in mind, there are some possible mitigation strategies that may be employed to prevent someone who may be frustrated with the company, dealing with a personal crisis, or who may start considering wrongdoing from veering over into the dangerous insider threat zone. Stock notes that many companies today have Employee Assistance Programs (EAPs), and those services might be able to assist employees.

According to the Deloitte report, the EAP "can make a critical difference in in-

terrupting forward motion of a potential insider who is in crisis and whose solution is the intent to compromise information." The report also recommends ensuring that management is engaged. But Stock notes that companies sometimes see the red flags, and, instead of offering help, "they have a knee-jerk reaction, and they terminate them."

Termination

When an employee is terminated, regardless of the cause, the business must have protocols that minimize the potential for the departing employee to harm the company or steal corporate data. That process actually begins when a person is hired, at which time they should have been asked to sign appropriate documents, such as confidentiality, nondisclosure, or non-compete agreements.

At the time of departure, especially when it is a termination, one of the best safeguards is to take out the paperwork that they signed and show it to them again. This reminds them that they signed a legal document and "that it is serious business," says McGonagle. "Don't overstate it. But again, you want to remind them that they still have obligations to you." (Of course, this may not deter a determined leaker or a person intent on otherwise misappropriating corporate data but it will set a legal framework for later prosecution.)

Next, the company must have a process for immediately removing the terminated employee's access privileges to any company systems and networks. This reduces the potential for the employee to take company data after the termination.

An insider looking to do harm is a uniquely dangerous villain, because of his or her proximity to the company and its information. By having comprehensive policies in place and cultivating a vigilant work force with a culture that acknowledges and mitigates insider threats, companies may be able to avoid situations where assets are compromised by trusted insiders looking to do harm. ■

Laura Spadanuta is senior associate editor at *Security Management*.



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SECURITY MANAGEMENT

EXHIBIT 2
14-0297

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EXHIBIT D

Forensic Evaluations and Forensic Applications of the MMPI and MMPI-2

Two Locations...

DECEMBER 3-4, 1994

Red Lion Hotel
Costa Mesa, California

FEBRUARY 4-5, 1995

Hamada Hotel Resort
Orlando, Florida

Presented by

Stuart A. Greenberg, Ph.D.,

Diplomate in Forensic
Psychology, ABPP

and
Kevin L. Moreland, Ph.D.

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in cooperation with
The Academy of Clinical Psychology, ABPP

with presentations of specific applications:

Costa Mesa

Child Sex Offender Characteristics — MMPI-2

Michael P. Maloney, Ph.D., Diplomate in Forensic Psychology, ABPP

Rorschach and MMPI-2 Integration in a Criminal Forensic Case

J. Reid Meloy, Ph.D., Diplomate in Forensic Psychology, ABPP

Detection of Malingering with the MMPI/MMPI-2

Paul R. Lees-Haley, Ph.D., Diplomate in Forensic Psychology, ABPP

Orlando

Utility of the MMPI-2 and MMPI-A in Child Custody Evaluations

Randy K. Otto, Ph.D., Diplomate in Forensic Psychology, ABPP

Selection of Police/High Security Personnel

Harley V. Stock, Ph.D., Diplomate in Forensic Psychology, ABPP

UNIVERSITY OF MINNESOTA

EXHIBIT E

Name: _____

Age: _____

Please answer the following items by circling either Y (yes) or N (no) and where required filling in the necessary information. Should there be an item where you are uncertain how to respond, answer the best you can and an opportunity will be given in the interview for clarification. A copy of this questionnaire will be provided to the applicable law enforcement agency, therefore we ask you to be truthful when answering all items. PLEASE REMEMBER TO SIGN FORM ON PAGE 4.

1. In school, have you ever been left back or put back because of learning difficulties? Y or N
2. In high school, did you ever attend summer school because of low grades? Y or N
3. Have you ever been suspended (indoor or outdoor from school due to your behavior?
(skipping, Fighting, etc.) Y or N
4. Have you ever attended more than 2 colleges or universities without receiving a degree? Y or N
5. Have you ever been suspended or expelled from college because of low grades poor
academic performance? Y or N
6. Have you ever been fired from a job? Y or N
7. Have you ever been forced to resign from a job? Y or N
8. Have you ever been in trouble for being late or missing many days of work? Y or N
9. Have you ever received an unsatisfactory performance evaluation on a job? Y or N
10. Have you changed jobs more than twice in the last 12 months? Y or N
11. Have you changed jobs more than 5 times in the past 3 years? Y or N
12. In the past 12 months, have you missed work more than 10 days because of illness? Y or N
13. Have you ever declared bankruptcy or had serious credit problems? Y or N
14. In ever in the military, did you receive any Article 15's or formal reprimands? Y or N
(If never in the military, do not answer this item)
15. If ever in the military, did you ever receive a reduction in rank? Y or N
16. Did you leave the service before you completed you full term of enlistment? Y or N
17. If in the service did you receive less than s full honorable discharge? Y or N
18. Have you ever used marijuana? Y or N

If yes, exact or approximate number of times: _____

Year of first usage: _____ Year of last usage: _____

19. Have you ever used cocaine? Y or N
 If yes, exact or approximate number of times? _____
 Year of first usage: _____ Year of last usage: _____
20. List any other illicit substances used other than cocaine or marijuana. Y or N
 Substance(s): _____
 Yeah of first usage: _____ Yeah of last usage: _____
21. Have you ever used marijuana or any other illicit substances with o one else permission Y or N
22. Have you ever supplied or provided illicit drugs to other persons such as friends? Y or N
 (Even if you received no money)
23. Has your drinking of alcohol ever been considered a problem by either yourself or Y or N
 someone who knows you well?
24. To your knowledge, has anyone in you immediate family had an alcohol or drug problem? Y or N
25. In your opinion, have you been intoxicated (drunk) 2 or more times in the last 6 months? Y or N
26. In the past 12 months, has there been more than 3 occasions where you drank 4 or more Y or N
 alcoholic beverages per each occasion?
27. Have you ever driven a vehicle after having consumed 5 or more alcoholic beverages? Y or N
28. Do you typically drink alcoholic beverages more than 3 days a week? Y or N
29. Do you typically drink more than 6 alcoholic beverages per week? Y or N
30. Have you ever sought in-patient or out-patient treatment for alcoholic or drug problems? Y or N
31. Do you frequently gamble on sporting events, horse races, cards, in casinos, etc.? Y or N
32. Has anyone ever considered your gambling to be a problem? Y or N
33. Have you ever owned a firearm? If yes, how many? _____ Y or N
34. Do you currently or have you owned what would be considered an assault weapon? Y or N
 (i.e. AK 47, etc.)
35. Have you ever had an unauthorized or non-registered firearm in your possession? Y or N
36. Has you driver's license ever been suspended for any reason? Y or N
37. Have you received more than 3 moving violations in the last 3 years? Y or N
38. Since age 16, have you ever committed a petty theft? Y or N
 (i.e. taken something from a store without paying for it)
39. Have you ever been arrested or detained by the police? (Includes situations where Y or N
 charges were dropped or case sealed)
40. Has any immediate family member been in trouble with the law? Y or N

- 41. In the last 12 months, have you been in a fistfight or arguments which involved physical contact Y or N
 - 42. In your lifetime, have you been in more than 2 fistfights or arguments which involved physical contact? Y or N
 - 43. Have you ever been involved in a violent (physical) confrontation with your spouse or girlfriend/boyfriend? Y or N
 - 44. Have you ever been in trouble for your sex behavior? (i.e. accused of molestation, assault or any other sex offense) Y or N
 - 45. Have you ever been physically abused or sexually molested? Y or N
 - 46. While growing up was your family life often unstable with many family conflicts? Y or N
 - 47. Do you view yourself as having any current personal crises in your life? (i.e. family, job or marital, etc.) Y or N
 - 48. Have you been divorced more than twice? Y or N
 - 49. Have you ever received assistance from a mental health professional for an emotional or personal concern? (Includes marital counseling) Y or N
 - 50. Has any immediate family you know sought assistance from a mental health professional? Y or N
 - 51. Have you ever attempted suicide or made a serious suicidal gesture? Y or N
 - 52. Have you ever used tranquilizers (i.e. Valium) without a prescription? Y or N
 - 53. Has any doctor ever prescribed medications for you for anxiety or any other emotional reasons? Y or N
 - 54. Have you ever been treated on an in-patient basis in a mental health facility? Y or N
 - 55. Have you ever previously applied for a police officer position and not been selected? Y or N
 - 56. Have you ever taken a psychological evaluation with this firm before? Y or N
- If yes, for what department: _____
- Date of Testing: _____

ALL APPLICANTS WITH LAW ENFORCEMENT EXPERIENCE (CORRECTIONAL OFFICER INCLUDED), PLEASE COMPLETE THE FOLLOWING ITEMS:

- 57. Have you ever received an unsatisfactory evaluation while a law enforcement officer? Y or N
- 58. Have you ever received any written reprimands? Y or N
If yes, how many? _____
- 59. Have you ever received any excessive use of force complaints? Y or N
If yes, how many? _____
- 60. Were any of these complaints sustained? Y or N
If yes, how many? _____
- 61. As a law enforcement officer, (to your knowledge) how many total citizen complaints have been filed against you? _____
- 62. How many of these complaints were sustained or found to be true? _____
- 63. Have you ever been involved in any duty related shooting? Y or N
If yes, how many? _____
- 64. To your knowledge, have you ever been the subject of an internal affairs investigation? Y or N
If yes, how many? _____
- 65. Have you ever been suspended from duty? Y or N
- 66. Have you ever been terminated or forced to resign from a law enforcement position? Y or N
- 67. List the law enforcement agencies you have worked for:

I HAVE ANSWERED ALL ITEMS TRUTHFULLY AND HONESTLY.

Signature

Date

EXHIBIT F

VALIDATION STUDIES OF TEST INSTRUMENTS

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EXHIBIT G

DATE: _____

**PRE-EMPLOYMENT PSYCHOLOGICAL EVALUATION
FEEDBACK FORM**

NAME	JOB	TEST VALIDITY	RETEST	PSYCH RECORDS	SCORE

Education History: High School Problems _____ College Problems _____

Drug and Alcohol Use: Possible Alcohol Abuse _____ Drug Use _____ Marijuana _____ Cocaine _____ Narcotics _____ Other _____
Past: _____
Present: _____

Military History: Article 15/ Disciplinary _____ Reduction In Rank _____ Less Than Honorable Discharge _____

Criminal History:

Domestic Violence: Reported _____ Occurred But Not Reported _____

Other Criminal History: Prior Arrests Yes _____
Prior Convictions Yes _____ No _____
Detained/Not Arrested _____

Work History Problems:

Problem Work History: _____

Significant Employment Gaps: _____

Terminations: 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 8+ _____

Interpersonal Problems: Anger _____ Communication _____ Maturity _____

Impulsivity _____ Following Rules _____ Antisocial _____

Psychological History: _____ Records Requested _____

Other: _____