



Calhoun: The NPS Institutional Archive
DSpace Repository

Theses and Dissertations

1. Thesis and Dissertation Collection, all items

2021-03

MONITORING THE UNPREDICTABLE: WHAT CAN LAW ENFORCEMENT DO TO TRACK POTENTIAL ACTIVE SHOOTERS?

Reyna, Robert A.

Monterey, CA; Naval Postgraduate School

<https://hdl.handle.net/10945/67176>

Copyright is reserved by the copyright owner.

Downloaded from NPS Archive: Calhoun



Calhoun is the Naval Postgraduate School's public access digital repository for research materials and institutional publications created by the NPS community. Calhoun is named for Professor of Mathematics Guy K. Calhoun, NPS's first appointed -- and published -- scholarly author.

Dudley Knox Library / Naval Postgraduate School
411 Dyer Road / 1 University Circle
Monterey, California USA 93943

<http://www.nps.edu/library>



**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**MONITORING THE UNPREDICTABLE:
WHAT CAN LAW ENFORCEMENT DO TO TRACK
POTENTIAL ACTIVE SHOOTERS?**

by

Robert A. Reyna

March 2021

Co-Advisors:

Patrick E. Miller (contractor)
Erik J. Dahl

Approved for public release. Distribution is unlimited.

THIS PAGE INTENTIONALLY LEFT BLANK

REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.			
1. AGENCY USE ONLY (Leave blank)	2. REPORT DATE March 2021	3. REPORT TYPE AND DATES COVERED Master's thesis	
4. TITLE AND SUBTITLE MONITORING THE UNPREDICTABLE: WHAT CAN LAW ENFORCEMENT DO TO TRACK POTENTIAL ACTIVE SHOOTERS?		5. FUNDING NUMBERS	
6. AUTHOR(S) Robert A. Reyna			
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000		8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A		10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.			
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release. Distribution is unlimited.		12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) Since the late 1990s, few incidents have captured the national spotlight more than active shooter events. These events are a significant concern to the public, and as questions arise surrounding these incidents, the focus often turns to law enforcement and its ability to protect the public. Often, law enforcement's response to inquiries surrounding prevention strategies concludes with officials explaining that they did everything possible to prevent the attack. This thesis analyzes the history of active shooter response and examines why law enforcement focuses more on response management than on prevention strategies. The project identifies issues when law enforcement, regardless of size or allocated resources, fails to establish a plan to track and monitor potential active shooter threats. Comparing four case studies—the Marjory Stoneman Douglas school shooting, Virginia Tech incident, Odessa-Midland attack, and the 1 October Las Vegas mass shooting—the research aims to identify investigative gaps that may have helped prevent the attacks. It categorizes the probability of preventing attacks based on available resources to law enforcement. The conclusion points to gaps with information sharing, planning, and resource allocation that could help agencies prepare for any future attacks.			
14. SUBJECT TERMS monitor, active shooter, tracking, potential active shooter		15. NUMBER OF PAGES 133	
		16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU

THIS PAGE INTENTIONALLY LEFT BLANK

Approved for public release. Distribution is unlimited.

**MONITORING THE UNPREDICTABLE: WHAT CAN LAW ENFORCEMENT
DO TO TRACK POTENTIAL ACTIVE SHOOTERS?**

Robert A. Reyna
Police Lieutenant, Modesto Police Department
BA, California State University-Stanislaus, 2009

Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(HOMELAND SECURITY AND DEFENSE)**

from the

**NAVAL POSTGRADUATE SCHOOL
March 2021**

Approved by: Patrick E. Miller
Co-Advisor

Erik J. Dahl
Co-Advisor

Erik J. Dahl
Associate Professor, Department of National Security Affairs

THIS PAGE INTENTIONALLY LEFT BLANK

ABSTRACT

Since the late 1990s, few incidents have captured the national spotlight more than active shooter events. These events are a significant concern to the public, and as questions arise surrounding these incidents, the focus often turns to law enforcement and its ability to protect the public. Often, law enforcement's response to inquiries surrounding prevention strategies concludes with officials explaining that they did everything possible to prevent the attack. This thesis analyzes the history of active shooter response and examines why law enforcement focuses more on response management than on prevention strategies. The project identifies issues when law enforcement, regardless of size or allocated resources, fails to establish a plan to track and monitor potential active shooter threats. Comparing four case studies—the Marjory Stoneman Douglas school shooting, Virginia Tech incident, Odessa-Midland attack, and the 1 October Las Vegas mass shooting—the research aims to identify investigative gaps that may have helped prevent the attacks. It categorizes the probability of preventing attacks based on available resources to law enforcement. The conclusion points to gaps with information sharing, planning, and resource allocation that could help agencies prepare for any future attacks.

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	RESEARCH QUESTION	4
B.	LITERATURE REVIEW	4
1.	Threat Assessments.....	4
2.	Field-Based Investigations	7
3.	Five Stages of an Active Shooter.....	9
4.	Watchlist	11
5.	Information Sharing	14
C.	RESEARCH DESIGN	15
II.	LESSONS LEARNED: AN EVOLUTION OF ACTIVE SHOOTER PREVENTION METHODS	19
A.	BACKGROUND	20
B.	PREVENTION TECHNIQUES	24
1.	First Responder Training and Mindset	24
2.	Phases of an Active Shooter Attack.....	28
3.	Threat Assessments.....	33
C.	SUMMARY	41
III.	GAPS IN PREVENTION PROCEDURES	43
A.	SUSPICIOUS BEHAVIOR IS NOT A CRIME.....	44
B.	ARRESTING AWAY THE PROBLEM	46
C.	CASE STUDIES.....	48
1.	Marjory Stoneman Douglas: Intervention Probable, Prevention Likely	49
2.	Virginia Tech Shooting: Intervention Techniques Probable, but Prevention Unlikely	53
3.	Odessa-Midland Shooting: Intervention Techniques Possible, but Prevention Unlikely	60
4.	1 October Las Vegas Mass Casualty Shooting: Intervention Techniques Not Probable, Prevention Doubtful	65
D.	SUMMARY	68
IV.	ANALYSIS: LIMITS ON MONITORING POTENTIAL SUSPECTS	71
A.	RESOURCE ALLOCATION AND ORGANIZATIONAL RESPONSIBILITY.....	71
B.	INFORMATION SHARING	75

C.	LACK OF A NATIONAL TRACKING STANDARD.....	80
V.	FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.....	85
A.	FINDINGS AND CONCLUSIONS.....	85
1.	Response Centric.....	86
2.	Gaps in Threat Assessment Process.....	86
3.	No National Standard.....	86
4.	Lack of Allocated Resources.....	87
5.	Information Sharing Obstacles.....	88
B.	RECOMMENDATIONS.....	88
1.	Monitor and Track Progress.....	88
2.	Build an Information Sharing Network.....	91
C.	LIMITATIONS AND SUGGESTIONS FOR FURTHER RESEARCH.....	93
D.	FINAL THOUGHTS.....	94
	LIST OF REFERENCES.....	97
	INITIAL DISTRIBUTION LIST.....	109

LIST OF FIGURES

Figure 1.	Dan Marcou's Five Phases of the Active Shooter.	33
-----------	--	----

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF TABLES

Table 1.	Concerning Behaviors Exhibited by Most Targeted Threats: Suspects and Active Shooter Suspects.....	35
Table 2.	2018 FBI Study of 63 Active Shooter Cases from 2000–2013: Stressors Exhibited by Active Shooter Suspects.	37
Table 3.	2018 FBI Study of 63 Active Shooter Cases from 2000–2013: Concerning Behaviors Displayed by Active Shooter Suspects.	39
Table 4.	2018 FBI Study of 63 Active Shooter Cases from 2000–2013: Primary Grievance by Active Shooter Suspects.	40

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF ACRONYMS AND ABBREVIATIONS

ALERRT	Advanced Law Enforcement Rapid Response Training
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
DHS	Department of Homeland Security
DOJ	Department of Justice
ECSP	Exception Case Study Project
EMS	emergency medical service
FBI	Federal Bureau of Investigation
FERPA	Family Educational Rights and Privacy Act
FISA	Foreign Intelligence Surveillance Act
HIPAA	Health Insurance Portability and Accountability Act of 1996
ICS	Incident Command System
JTTF	Joint Terrorism Task Force
LAPD	Los Angeles Police Department
LVMPD	Las Vegas Metropolitan Police Department
MSD	Marjory Stoneman Douglas
NPS	Naval Postgraduate School
PERF	Police Executive Research Forum
SCPD	Santa Cruz Police Department
SWAT	Special Weapons and Tactics
USSS	United States Secret Service

THIS PAGE INTENTIONALLY LEFT BLANK

EXECUTIVE SUMMARY

Over the last 20 years, few incidents have caused law enforcement more challenges than an active shooter incident. Mass casualty incidents instantly capture the media's attention, and depending on the severity of the attack, may thrust an agency into the national spotlight. As the investigation progresses, the shooter's identity is quickly uncovered, along with any potential warning signs missed by those closest to the suspect. In time, attention turns to law enforcement and any prevention efforts attempted by police or lack thereof. Ultimately, the public begins to ask agencies what course of action they took to prevent the attack? The only way an agency can truly prepare itself to answer that question is to plan accordingly before an untimely attack.

Since the Texas Tower incident in the mid-1960s, agencies have dealt with active shooter attacks that have steadily increased in frequency and severity.¹ After each watershed event, investigating agencies were forthcoming with lessons learned and later shared those experiences with allied agencies through after-action reviews or government-sponsored publications. Naturally, law enforcement trainers focused efforts on response and incident command issues. Most agencies gravitated towards issues quantified by metrics, such as improving response times, safer tactics, or casualty prevention. Rarely did organizations focus on active shooter intervention efforts or investigative red flags, primarily because these concepts were not readily available or fully developed.

In the mid-1990s, the United States Secret Service tasked forensic psychiatrist Robert Fein and United State Special Agent Bryan Vossekuil with a study that examined pre-attack behaviors shared by targeted threat suspects, potential assassins, on public figures.² That research helped set the foundation for a publication they authored for local law enforcement on conducting threat assessments for possible targeted threats suspects.

¹ Audrey McGlinchy, "Changes in Police Response," Texas Tower Documentary, accessed January 15, 2021, <https://towerhistory.org/changes-police-response-ut-tower-shooting/>.

² Robert A. Fein and Bryan Vossekuil, "Assassination in the United States: An Operations Study of Recent Assassins, Attackers, and Near-Lethal Approaches," *Journal of Forensic Sciences* 22, no. 2 (March 1999): 321, https://legacy.secretservice.gov/ntac/ntac_jfs.pdf.

After the Columbine incident, experts built upon Fein and Vossekuil’s research and tailored prevention measures on the active shooter threat. Most threat assessment guides offered recommendations that agencies could modify according to need. The main goal was to provide a pathway so law enforcement had a definitive plan and avoided scrambling to develop protocols based on limited resources. Some departments took advantage and implemented a threat assessment program, but most did not make the appropriate changes.

Factors that this study focused on were the gaps created by a lack of a tracking or monitoring process after the investigation of a targeted threat. In nearly all threat assessment models, experts agree that investigators must assess the dangers an individual poses to the public and determine if that person requires monitoring. The goal of a tracking process is to establish a plan if the suspected active shooter begins to exhibit concerning behaviors and mobilize resources before he turns to violence.³ These resources can come in the form of mental professionals, councilors, or school staff who can help a person in crisis and prevent an active shooter attack.

The thesis answers the question: What can law enforcement do to track potential active shooters? Initially, the purpose of the research was to identify best practices to help agencies establish protocols to help prevent active shooter attacks. The study uncovered a series of guidelines established long ago by numerous experts that give recommendations to law enforcement on case management, threat assessments, and even a monitoring process. The research caused the study to pivot and focused on why most law enforcement agencies were not implementing these practices and what gaps materialized that led to an attack. The thesis presents case research from the Marjory Stoneman Douglas (MSD) shooting, the Virginia Tech shooting, the Odessa-Midland shooting, and the Las Vegas Mass shooting to examine apparent gaps in the prevention process. In most incidents, the shooter exhibited red flags where intervention efforts could have helped a person in crisis, but in other cases, forecasting an attack was impossible to predict.

³ James Silver, Andre B. Simons, and Sarah Craun, *A Study of the Pre-Attack Behaviors of Active Shooters in the United States between 2000–2013* (Washington, DC: Federal Bureau of Investigation, 2018), 17, https://www.researchgate.net/publication/325999724_A_Study_of_the_Pre-Attack_Behaviors_of_Active_Shooters_in_the_United_States_Between_2000_-_2013.

Besides showing the importance of law enforcement establishing a plan to monitor potential active shooters, the case studies helped identify gaps in the threat assessment process. The study categorizes each case study to gauge the effectiveness of intervention based on what information investigators had during the initial investigation. Many active shooter studies point to evidence where most active shooter suspects display concerning behaviors, commonly referred to as red flags, before committing a mass shooting. Additionally, because of the magnitude of an active shooter event, most people believe intervention measures can always help prevent an attack. The study uncovered that in some cases, they were simply unavoidable. For example, in the Las Vegas Shooting, the suspect was wealthy, had no criminal history, and kept to himself. He left no manifesto, diary, or reason why he decided to turn to violence.⁴ In this case, mobilizing resources to prevent an attack would never occur because no one knew this individual was in crisis. The reality that not all mass shootings may be prevented solely on a threat assessment process is disturbing. However, the study explains why intervention methods are successful in some cases and not others. Additionally, it helps reinforce the need for law enforcement to continue other measures related to response to mitigate casualties, such as police active shooter training, public awareness training, and site assessments to improve security measures.

The research findings identified noticeable gaps that existed in the tracking or monitoring process in most prevention efforts. The main reason why agencies did not have a tracking or monitoring plan in place varies, but at the core of every decision is whether a department believes a monitoring process is a priority. With so many different problems that law enforcement consistently faces, allocating resources for a threat assessment program or monitoring process may not seem significant to some departments. Many agencies face staffing shortages, and placing resources to monitor suspects who may be involved in low-frequency events may be difficult for a department to justify. A second obstacle that the study uncovered is related to information sharing, which had as much to

⁴ Vanessa Romo, "FBI Finds No Motive in Las Vegas Shooting, Closes Investigation," National Public Radio, January 19, 2019, <https://www.npr.org/2019/01/29/689821599/fbi-finds-no-motive-in-las-vegas-shooting-closes-investigation>.

do with organizational culture as procedural or technological hindrance. Many of the same silos or information-sharing issues that plagued federal law enforcement before the 9/11 attacks are the same obstacles local law enforcement is experiencing.⁵ Finding ways to use intelligence resources like fusion centers to distribute information is a problem that some agencies still need to resolve. The final issue that surfaced was a lack of a standardized tracking program. Although plenty of federal agencies have published guidelines for establishing a threat assessment program that encompasses a monitoring process, most experts have not adopted a universal standard. While few departments operate the same, some police procedures are universally adopted as best practices. For example, a rapid response to an active shooter event was accepted by many agencies after the Columbine incident, and although not mandated, most agencies followed suit.⁶ Finding a common practice accepted by leading experts might help agencies hesitant of establishing a monitoring process for fear of civil or legal implications.

The findings concluded that the gaps identified in the monitoring and tracking process were causing significant issues in active shooter prevention efforts. In some instances, establishing a threat assessment program was not the only answer, as the follow-through and notification process was lacking. For example, in the case of the MSD shooting, the school had a threat assessment process established but no oversight occurred at the district level to ensure the program was working effectively.⁷ Furthermore, even though the police had access to student records via its School Resource Officer, little was done to share information about the threat assessment process.⁸ The notification process

⁵ The Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report: Final Report of the National Commission of Terrorist Attacks Upon the United States* (Washington, DC: 9–11 Commission, 2004), 408.

⁶ John P. Blair et al., *Active Shooter Events and Response* (Boca Raton: CRC Press Taylor and Francis Group, 2013), 12.

⁷ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Tallahassee, FL: Marjory Stoneman Douglas High School Public Safety Commission, 2019), 282, <https://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>.

⁸ Marjory Stoneman Douglas Public Safety Commission, 272.

after any investigation to warn stakeholders or allied agencies is an important piece that often is forgotten.

The analysis of the findings has revealed a series of recommendations for closing the active shooter prevention gaps. First, agencies need to establish a threat assessment process that encompasses a tracking and monitoring program to mitigate a mass casualty incident. The plan should include stakeholders with the resources to aid a person in crisis and help assess an individual's progress. Moreover, investigators need to ensure they establish a process to cease monitoring if the subject is no longer deemed a threat. Second, law enforcement needs to make information sharing and notification a priority. Establishing a network that extends beyond the initial threat assessment stakeholders enables investigators to receive and distribute information quickly. Many states provide law enforcement with an avenue to obtain private information from public agencies during emergencies or when related to a criminal manner. Investigators must learn to use those resources to gather as much information as possible while also collaborating with stakeholders.

With each watershed moment, active shooter prevention techniques evolved, and some were adopted as best practices. The monitoring and tracking process did not gain the recognition as did other prevention efforts, but they hold a significant place in mitigating future attacks. While agencies may find it challenging to allocate resources to a threat assessment process that includes a monitoring component, the alternative is to answer questions on why preventing an attack has not been a priority. The key to protecting an agency and community is not necessarily the resources spent on an active shooter prevention plan but that an agency had implemented a plan.

THIS PAGE INTENTIONALLY LEFT BLANK

ACKNOWLEDGMENTS

This thesis would not have been possible without the support of my colleagues at the Modesto Police Department. Many at the department offered words of encouragement and inspired me to pursue this life-long goal. I am grateful to my peers and sergeants from the Operations Division, as I know they took on extra duties in my absence. I would like to thank former Police Chief Galen Carroll, and current Chief Brandon Gillespie, for allowing me the opportunity to attend this program and offering their support throughout my time at the Naval Postgraduate School (NPS).

When I first arrived at NPS, Dr. Bellavita told us that at times the rigors of the program would have us wondering if we really belonged here. He was right, but the staff at the Center for Homeland Defense and Security was excellent and provided us every opportunity to succeed. To my advisors, Dr. Dahl, and Chief Miller, thank you for your patience and inspiration; I am profoundly grateful for all your support. I would like to thank Ms. Noel Yucuis for her time and patience; my thesis would not have come together without your help.

I was truly fortunate to meet my classmates for two sessions before the pandemic forced us into remote learning. I felt an instant connection to the cohort and believe that what I learned from each of them made me a better person. I would like to extend my thanks to our thesis group. Through your jokes, texts, and stories, you all helped motivate me to keep “grinding,” as I did not want to be the one to fall behind and let the team down. I genuinely believe we all benefited from that support system.

Finally, I would like to thank my family. To my parents, Felipa and Roel, words cannot describe how thankful I am for all the lessons you have taught me. Please know that I love you both and that growing up, your hard work and sacrifice did not go unnoticed. To my children, Jenna, Julia, and Jake, I hope I was able to offer a little bit of inspiration. Through hard work and dedication, anything is possible. I love you very much, and I am so proud of each of you. Teresa, I am truly blessed to have you by my side. I love you, and I absolutely could not have completed this program without your love and support.

THIS PAGE INTENTIONALLY LEFT BLANK

I. INTRODUCTION

Over the last 20 years, few incidents have captured the national spotlight more than active shooter events. They are a significant concern to the public, and as questions arise about these incidents, the focus often turns to what law enforcement is doing to protect communities. From Newtown, Connecticut, in 2012, to Dayton, Ohio, in 2019, law enforcement is credited for acting swiftly and courageously to stop the active shooter threat. However, as the suspect's identity is revealed, questions surrounding the event shift to who or what group of people was aware of the shooter's capability and intent. The community then questions the actions taken by law enforcement, if any, to intervene with the shooter's plans to kill innocent people.¹

Currently, law enforcement has no national standard in place to monitor an individual viewed as a potential active shooter threat. The lack of a guideline, however, does not deter agencies from trying to track potential threats.² Many intelligence resources, such as intelligence centers, databases, and platforms, have standardized monitoring processes, but a universal method to track a potential threat is lacking. Additionally, a standardized notification procedure is missing to warn agencies when a potential threat enters their jurisdiction. Furthermore, if a law enforcement agency arrests a person threatening to commit an active shooter attack, it usually has no future contact with the individual unless this person goes on to commit a crime. Also, if mental health professionals identify a person who may be dangerous but cannot legally be committed to a mental health facility, rarely are resources allocated to monitor the individual. Proper tracking or monitoring will ensure professionals intervene if they believe a threat is imminent.

¹ Richard Fairburn, "How Police Can Prevent the Next Parkland: Nearly Every School Attack Has Been Preceded by Many Warning Signs," *Police1*, February 20, 2018, <https://www.policeone.com/active-shooter/articles/how-police-can-prevent-the-next-parkland-5VEalK9Ma5HH9Y8o/>.

² Phil Fairbanks, "Buffalo FBI Agents Tracking People Believed to Pose Shooting Threats," *Buffalo News*, July 3, 2019, <https://buffalonews.com/2019/07/03/feds-are-watching-potential-active-shooters/>.

Law enforcement agencies have expanded prevention efforts by incorporating threat assessments developed by the United States Secret Service (USSS). While these techniques have proven valuable, most agencies redirect their resources after they mitigate the threat, believing they are through with the investigation.³ In some cases, providing mental health resources is just the beginning of a long process to help individuals control their desire to hurt people. Experts argue they should still be considered dangerous and capable of committing targeted violence, and intervention techniques should remain.⁴ Adding the components of tracking or monitoring potential suspects will not stop every active shooter threat. However, in some cases, it could put other systems in place to assist law enforcement in preventing and forecasting future attacks.

In addition to threat monitoring, notification guidelines are another untapped means for law enforcement to warn allied agencies of impending threats. For example, if an individual is investigated for making threats but not arrested, allied agencies do not take the time to notify nearby departments of a possible danger to their communities due to a lack of a notification process. Finally, if a potential active shooter suspect moves to another jurisdiction or changes schools, investigating agencies are not required to notify the new department that a latent threat has moved into its jurisdiction. The absence of a notification framework and the cost of not knowing where these potential threats may end up can be devastating to a community.

The principal concern about monitoring individuals revolves around privacy rights. Government agencies have developed a variety of surveillance and monitoring models to track individuals. Some of these include sex offender registration, the Federal Bureau of Investigation's (FBI's) terrorist watchlist, or probation and parole conditions. What makes these models different is that the people on most of these lists allegedly committed crimes; the exception is the terrorist watchlist, which is controversial precisely because it is designed in part to track individuals considered a threat, but who have not yet necessarily

³ Randy Borum et al., "Threat Assessment: Defining an Approach for Evaluating Risk of Targeted Violence," *Behavioral Sciences and the Law* 17, no. 3 (1999): 326, EBSCO.

⁴ Borum et al., 326.

committed a criminal offense. It would be difficult for agencies to develop a program to monitor individuals without affording them due process. The public would also have to support persons placed on the list based on recommendations from law enforcement officials and not by a court of law. For instance, in 2016, a gang database referred to as CalGangs came under scrutiny from a California State auditor because it listed inaccurate gang membership documentation.⁵ A subsequent article in *USA Today* raised concerns over “privacy rights and free speech.”⁶ Officials also alleged that some police officers falsified criteria to make individuals eligible for gang documentation.⁷ That much power and authority are concerning to civil rights activists, not to mention the possibility of basic human errors. Critics however would argue that providing too much detail about why an agency is monitoring an individual might compromise an ongoing investigation.

Monitoring an individual’s activities when no crime has been committed is a precedent that few people may be comfortable establishing. Privacy rights advocates are hesitant to allow the government to infringe on their rights, even if it means enhancing public safety.⁸ Critics always point to examples in history of how sincere ideas established by the government slowly became intrusions on civil liberties, and some people are not willing to take that risk. This study analyzes why law enforcement is not tracking potential active shooters. It also examines whether monitoring a potential suspect is necessary and whether tracking an individual who has not committed a crime is possible. Additionally, this thesis analyzes the constitutional implications of tracking individuals who may pose a threat but have not given law enforcement a legal reason to arrest or detain them.

⁵ Gabrielle Canon, “California Department of Justice to Investigate LAPD for Falsifying Gang Database Records,” *USA Today*, February 10, 2020, <https://www.usatoday.com/story/news/politics/2020/02/10/californias-gang-database-under-investigation/4715847002/>.

⁶ Canon.

⁷ Canon.

⁸ Timothy Bella, “The FBI’s Terrorism Watch List Violates the Constitution, Federal Judge Says,” *Washington Post*, September 5, 2019, <https://www.washingtonpost.com/nation/2019/09/05/fbi-terror-watch-list-unconstitutional/>.

A. RESEARCH QUESTION

Why is law enforcement not tracking potential active shooters? This question identifies why law enforcement has not made it a priority to monitor or track possible suspects. It examines the need for tracking or monitoring potential active shooter threats due to public safety concerns with the requirement of upholding the individual's right to be free from governmental intrusion.

B. LITERATURE REVIEW

The literature regarding active shooter prevention revolves around teaching law enforcement how to mitigate threats in their jurisdictions. These techniques vary from threat assessments to intelligence-sharing methods. This analysis first examines the origins of threat assessments and their impact on routine field response in potential active shooter investigations. Next, the review discusses the implications of the watchlists implemented after 9/11 to prevent terrorism and the court decisions that followed. Finally, this review examines the requirements under which law enforcement can gather and share information.

Most studies in this literature review focus their recommendations on an individual agency and do not address interagency cooperation. Moreover, the absence of a multi-facet approach inadvertently fosters a culture of isolationism that many law enforcement agencies continue to embrace.⁹ In considering targeted violence prevention, intelligence gathering is a delicate issue that civil rights activists continue to monitor. This topic consistently materializes in the literature and is an issue that law enforcement must consider when making policy or establishing standardized guidelines.

1. Threat Assessments

Some experts believe the onus of preventing mass casualty incidents rests on law enforcement in identifying a potential threat. In the case of a threat assessment, it means recognizing a person who has the potential to commit a mass casualty attack based on

⁹ Phillip L. Sanchez, "Increasing Information Sharing among Independent Police Departments" (master's thesis, Naval Postgraduate School, 2009), 78, http://www.justiceacademy.org/iShare/Library-NPS/09Mar_Sanchez_TE.pdf.

recurring behaviors.¹⁰ Once law enforcement identifies the individual, it can allocate resources to mitigate any triggering effects. By taking a step toward early intervention, officials may prevent the individual from acting on impulses.¹¹ Robert Fein was one of the first researchers to conduct a study on school shootings and identify triggering events. He determined that some behaviors shared by students who committed acts of violence included difficulty dealing with loss, depression, and suicide attempts.¹² Fein’s work employed techniques developed by the USSS to identify potential assassination threats to the president.¹³ He called for a shift in philosophy to one that examines the “patterns of thinking and behavior” that may result in an attack.¹⁴ These techniques, such as implementing a school threat assessment program, or developing a strategy in response to targeted violence, have expanded since the Columbine High School shooting in 1999.¹⁵ The work of Fein and other leading scholars continually reflect on root causes and possible triggers of future active shooter attacks. In agreement with most behavioral experts, a 2018 FBI study into the commonalities of active shooter suspects concluded that most shooters gave obvious warning signs to close contacts that the individuals were dangerous.¹⁶ Experts theorize that these behaviors should help law enforcement and mental health officials intervene and prevent an attack.

¹⁰ Andrew Harris and Arthur Lurigio, “Threat Assessment and Law Enforcement Practice,” *Journal of Police Crisis Negotiations* 12, no. 1 (2012): 56, <https://doi.org/10.1080/15332586.2012.645375>.

¹¹ Robert Fein and Bryan Vossekuil, *Protective Intelligence & Threat Assessment Investigations: A Guide for State and Local Law Enforcement Officials* (Washington, DC: National Institute of Justice-Department of Justice Programs, 1998), 29, <https://web.archive.org/web/20170125084902/https://www.ncjrs.gov/pdffiles1/nij/179981.pdf>.

¹² Robert Fein et al., *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates* (Washington, DC: Secret Service and Department of Education, 2002), 22, <https://hdl.handle.net/2027/pur1.32754073714648>.

¹³ Fein et al., 5.

¹⁴ Borum et al., “Threat Assessment,” 335.

¹⁵ Fein et al., *Threat Assessment in Schools*, 77.

¹⁶ James Silver, Andre B. Simons, and Sarah Craun, *A Study of the Pre-Attack Behaviors of Active Shooters in the United States between 2000–2013* (Washington, DC: Federal Bureau of Investigation, 2018), 18, https://www.researchgate.net/publication/325999724_A_Study_of_the_Pre-Attack_Behaviors_of_Active_Shooters_in_the_United_States_Between_2000_-_2013.

A common law enforcement technique used to apprehend violent individuals is suspect profiling, but researchers have questioned the validity of this method when forecasting potential threats. In a 2008 article published by the American Psychological Association, William S. Pollack, William Modzeleski, and Georgeann Rooney state that while examining triggering events can help lead investigators to determine whether a person has the potential for targeted violence, profiling these suspects is difficult.¹⁷ A suspect profile takes identifying factors, such as past behavioral issues, criminal histories, or psychological characteristics into account to help narrow a suspect pool.¹⁸ In forecasting a person's propensity for becoming an active shooter, researchers have found profiling problematic. In a 2008 USSS study, Pollack, Modzeleski, and Rooney emphasize the need to pay attention to specific triggering events that a potential active shooter experiences.¹⁹ These recent events, along with other troublesome behaviors, may indicate the individual is planning a violent attack.²⁰ Nevertheless, experts think that creating accurate profiles for active shooters is impossible. Some researchers believe the lack of a behavioral profile makes it difficult to know when a person may require help. For example, the suspect in the October 1, 2017 shooting in Las Vegas, referred to as the 1 October shooting, was found to have "no single or clear motivating factor."²¹ The FBI's Behavioral Analysis Unit assisted in the investigation and concluded the suspect was not motivated by a "religious, social or political agenda" and kept his thoughts private.²² If potential suspects do not exhibit patterns of behavior that raise alarms for people closest to them, it will be challenging to forecast whether they are dangerous.

¹⁷ William S. Pollack, William Modzeleski, and Georgeann Rooney, *Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack* (Washington, DC: Secret Service and Department of Education, 2008), 3, https://rems.ed.gov/docs/DOE_BystanderStudy.pdf.

¹⁸ Harris and Lurigio, "Threat Assessment and Law Enforcement Practice," 55.

¹⁹ Pollack, Modzeleski, and Rooney, *Prior Knowledge of Potential School-Based Violence*, 3.

²⁰ Pollack, Modzeleski, and Rooney, 3.

²¹ Vanessa Romo, "FBI Finds No Motive in Las Vegas Shooting, Closes Investigation," National Public Radio, January 19, 2019, <https://www.npr.org/2019/01/29/689821599/fbi-finds-no-motive-in-las-vegas-shooting-closes-investigation>.

²² Romo.

Threat assessment researchers have continued to expand their recommendations and attempted to address threat assessment gaps after completing the initial evaluation. After the Virginia Tech shooting, the State of Virginia funded a project that focused on identifying how schools differentiated between low-threat levels to the most severe threats.²³ Marissa Randazzo and Ellen Plummer led the study and recommended the state establish a threat assessment standard based on the data collected.²⁴ Dewey Cornell et al. concluded, “Threat assessments [are] not an effort to predict violence but to prevent violence.”²⁵ In another study, published by the Department of Justice (DOJ), Fein and Vossekuil outline the need to continue to monitor individuals considered a danger to the public.²⁶ Both documents emphasize the importance of continually monitoring individuals regarded as high-level threats and not just stopping at the intervention piece. The Virginia-based model was a key piece of research that helped close the gap on how threat assessments could be used in the future. It also attempted to prioritize threats and provide a guideline for school and law enforcement officials.

2. Field-Based Investigations

Researchers have conducted several studies on threat assessments, but few offer recommendations for field-based investigations. These investigations include the lack of information on the initial police response to a potential threat assessment investigation. For example, in a study funded after the Virginia Tech incident, researchers recommended establishing a team to conduct threat assessments. Based on the panel’s recommendation, the university assigned the chief of police to chair the threat assessment team and appointed several faculty, staff, and mental health professionals to aid with threat assessment

²³ Marisa Randazzo and Ellen Plummer, *Implementing Behavioral Threat Assessment on Campus: A Virginia Tech Demonstration Project* (Blacksburg: Virginia Polytechnic Institute, 2009), 23, https://rems.ed.gov/docs/VT_ThreatAssessment09.pdf.

²⁴ Randazzo and Plummer, 23.

²⁵ Dewey Cornell et al., “Student Threat Assessment as a Standard School Safety Practice: Results from a Statewide Implementation Study,” *School Psychology Quarterly* 33, no. 2 (June 2018): 220, <https://doi.org/10.1037/spq0000220>.

²⁶ Fein and Vossekuil, *Protective Intelligence & Threat Assessment Investigations*, 29.

evaluations.²⁷ However, these same studies lack data concerning procedural investigations for law enforcement field personnel on potential active shooter suspects. The initial call for service is often the most important as the responding law enforcement officer can dictate the outcome of the investigation.²⁸ Most experts fail to outline the importance of the responding officer in threat assessment investigations and focus on prevention measures after the initial investigation. For example, according to the Marjory Stoneman Douglas (MSD) High School Public Safety Commission, law enforcement had contacted the suspect 21 different times before he carried out the attack.²⁹ In one instance, school officials conducted a threat assessment on the suspect and searched his residence for firearms.³⁰ The level of training and experience of the officials who conducted the assessment is unclear.

The main problem with excluding information related to patrol investigations is that the data is vital in determining what impact first responders had in thwarting an attack. Mario Scalora and William Zimmerman describe the creation of a threat assessment unit by the Capitol Police in the late 1980s.³¹ They state that in those early days, Capitol police officers lacked training in conducting threat assessments, were most concerned with investigating crimes that had just occurred, and did not comprehend threat assessments. They admitted to making several mistakes because of a lack of training in this area.³² It appears that some agencies may neglect to train their patrol officers in threat assessment investigations. The lack of training may present a significant gap in prevention measures.

²⁷ Randazzo and Plummer, *Implementing Behavioral Threat Assessment on Campus*, 23.

²⁸ Andrew W. Donofrio, "First Responder Duties: Responsibilities of the First Officer at a Crime Scene," *Law & Order* 48, no. 4 (April 2000): 117, <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=182928>.

²⁹ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Tallahassee, FL: Marjory Stoneman Douglas High School Public Safety Commission, 2019), 234, <https://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>.

³⁰ Marjory Stoneman Douglas Public Safety Commission, 237.

³¹ Mario J. Scalora and William Zimmerman, "Then and Now: Tracking a Federal Agency's Threat Assessment Activity through Two Decades with an Eye toward the Future," *Journal of Threat Assessment and Management* 2, no. 3–4 (2015): 268, <https://doi.org/10.1037/tam0000057>.

³² Scalora and Zimmerman, 268.

Information on the initial police response is crucial, as it will help law enforcement identify gaps in its investigative procedures or field personnel training. It may be that officers, at the field level, are conducting thorough investigations, but without quantifiable data, it is difficult to determine whether that is the case nationwide. In some studies, researchers have documented cases where law enforcement arrested a potential active shooter suspect but who was later released for unknown reasons.³³ It is critical to understand whether the suspect was released based on procedural policy or due to a lack of training. Seldom does law enforcement convey the details of a case, such as whether investigators completed a threat assessment on the suspect before an attack. While this type of information may be valuable to research teams, experts do not make it readily accessible.

3. Five Stages of an Active Shooter

Most researchers and threat assessments seem to have gravitated toward studies conducted by the USSS following active shooter incidents. One of the agency's primary responsibilities is to investigate threats against the president and other designated members of his administration.³⁴ Over time, the organization developed a framework to assess individuals to determine whether they were indeed threats or they were simply venting frustrations. Officials could also identify behavioral patterns as indicators of future assassins.³⁵ These patterns were later used by psychologists and law enforcement experts to craft a framework for threat assessments of potential active shooters.³⁶

Researchers have theorized that a potential active shooter threat enters several stages before committing an attack. To assist law enforcement in recognizing these threats, experts have categorized the different stages. Retired police Lieutenant Dan Marcou theorized active shooter suspects go through five phases before committing an act of

³³ Adam Lankford et al., "Are the Deadliest Mass Shootings Preventable? An Assessment of Leakage, Information Reported to Law Enforcement, and Firearms Acquisition Prior to Attacks in the United States," *Journal of Contemporary Criminal Justice* 35, no. 3 (April 2, 2019): 319, <https://doi.org/10.1177/1043986219840231>.

³⁴ Fein et al., *Threat Assessment in Schools*, iii.

³⁵ Borum et al., "Threat Assessment," 327.

³⁶ Pollack, Modzeleski, and Rooney, *Prior Knowledge of Potential School-Based Violence*, 3.

violence: fantasy, planning, preparation, approach, and implementation.³⁷ According to a study published by Fein and Vossekuil, attackers begin a process of mentally preparing themselves to launch an attack while trying to maintain a normal “outward appearance.”³⁸ The potential suspects occasionally drop subtle hints to people close to them, referred to as leakage.³⁹ Marcou believes the possibility of preventing an attack improves if law enforcement can recognize when suspects are in various stages of planning an attack.

Most law enforcement professionals have widely accepted the five stages of the active shooter attack theory. The theory is documented in many law enforcement publications and used in training seminars that teach active shooter concepts.⁴⁰ Some experts have expanded the list to include the phase of a suspect becoming distraught or demobilizing once officers neutralize the shooter. In his handbook, Joshua Sinai includes seven phases of an active shooter attack.⁴¹ He adds triggering events as phase one, changes the fantasy stage to “mindset/behaviors,” and incorporates “responding to the active shooter” as phase seven.⁴² Sinai does not deviate from the planning, preparation, approach, or implementation phase, as proposed by Marcou’s theory.⁴³ However, some experts do not address the five-stage method in their research projects, which leads to an absence of data associated with Marcou’s ideas. It may not be that researchers are discounting his concept, but they may not see the importance of breaking down the time before an attack into stages. Although documentation exists from research professionals advocating the use of threat assessments to identify a potential active shooter’s mental preparation, most concepts are included as one generalized area, and not separated into stages.

³⁷ Jim Gaffney, “Preventing Active Shooter Incidents,” Law Enforcement Today, September 4, 2012, <https://www.lawenforcementtoday.com/preventing-active-shooter-incidents/>.

³⁸ Fein and Vossekuil, *Protective Intelligence & Threat Assessment Investigations*, 16.

³⁹ Lankford et al., “Are the Deadliest Mass Shootings Preventable?,” 315.

⁴⁰ Gaffney, “Preventing Active Shooter Incidents.”

⁴¹ Joshua Sinai, *Active Shooter: A Handbook on Prevention* (Alexandria, VA: ASIS International, 2016), 62.

⁴² Sinai, 61.

⁴³ Sinai, 61.

Historically, threat mitigation has focused on the early stages of the fantasy and planning phase when it is possible to intervene through the judicial process or to allocate mental health services. The problem with applying a blanket concept, as opposed to categorizing in stages, is that it leads to a lack of a standardized process. In most cases, federal recommendations or guidelines encourage law enforcement to implement change, and a blanket concept may lead to problems with the threat assessment and mitigation process.⁴⁴ Categorizing each phase simplifies the process for field officers and investigators alike to help them understand how active shooter incidents unfold.⁴⁵

4. Watchlist

Some of the most controversial programs implemented after the 9/11 terrorist attacks were the Terrorism Watchlist and the associated Terrorist Screening Database.⁴⁶ To identify persons who may be a threat to national security, the government enacted a variety of measures to monitor individuals deemed a threat and suspend their individual liberties, such as flying on commercial aircraft.⁴⁷ The topic of placing people on a watchlist is essential to this research project, as it inevitably parallels arguments made for an active shooter watchlist or notification process. Privacy rights, eligibility requirements, and adherence to due process are issues that counterterrorism officials must consider when creating or adjusting policy.⁴⁸

Opponents and supporters agree that transparency issues are difficult to navigate. Critics argue that it is unfair to place people on a watchlist and not notify them of being

⁴⁴ Jared P. Cole, *Federal Power over Local Law Enforcement Reform: Legal Issues*, CRS Report No. R44104 (Washington, DC: Congressional Research Service, 2016), i, <https://fas.org/sgp/crs/misc/R44104.pdf>.

⁴⁵ Sinai, *Active Shooter*, 61.

⁴⁶ Phillip J. Stevenson and Bart Elias, *Terrorist Screening Database and Preventing Terrorist Travel*, CRS Report No. R44678 (Washington, DC: Congressional Research Service, 2016), 1, <https://crsreports.congress.gov/product/pdf/R/R44678/5>.

⁴⁷ Shirin Sinnar, "Towards a Fairer Terrorist Watchlist," *Administrative and Regulatory Law News* 40, no. 2 (Winter 2014): 4, [https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/915586/doc/slspublic/Sinnar%20ABA%20Admin%20News%20Winter%202015%20\(2\).pdf](https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/915586/doc/slspublic/Sinnar%20ABA%20Admin%20News%20Winter%202015%20(2).pdf).

⁴⁸ Stevenson and Elias, *Terrorist Screening Database*, 9.

suspected of supporting terrorist activities.⁴⁹ In *Elhady v. Kable*, a 2019 federal court case questioning the validity of 23 Muslim-Americans placed on a watchlist, a U.S. District Court judge ruled that inclusion of certain people on the terrorist watchlist was unconstitutional.⁵⁰ Supporters of the terrorist watchlist, on the other hand, believe it essential to keep suspected terrorists confidential in the interest of national security.⁵¹ Months after the initial ruling in *Elhady*, the court allowed government officials to rewrite the watchlist's criteria and then submit the changes to the court for review.⁵² One of the primary arguments for keeping the lists confidential is that doing otherwise may compromise ongoing investigations. It appears both critics and supporters can agree on this position, but finding this balance has become somewhat troublesome.

Although both sides agree that certain types of information should remain confidential, they disagree on how someone is placed initially on the list. According to a leaked document referred to as the *Watchlisting Guidelines*, persons are placed on the list if they meet different criteria and pose a threat to national security.⁵³ Critics, such as the American Civil Liberties Union, have accused government officials of depriving individuals of certain liberties based on hunches.⁵⁴ Several court decisions have directed government officials to alter their procedures and allow people to dispute their placement

⁴⁹ Bella, "The FBI's Terrorism Watch List Violates the Constitution."

⁵⁰ Bella.

⁵¹ Jared P. Cole, *Terrorist Databases and the No Fly List: Procedural Due Process and Hurdles to Litigation*, CRS Report No. R43730 (Washington, DC: Congressional Research Service, 2015), 16, <https://fas.org/sgp/crs/homesecc/R43730.pdf>.

⁵² Matthew Barakat, "Judge Orders Government to Make Changes to Terror Watchlist," ABC News, December 27, 2019, <https://abcnews.go.com/US/wireStory/judge-orders-government-make-terror-watchlist-67947844>.

⁵³ National Counterterrorism Center, *Watchlisting Guidelines* (Washington, DC: National Counterterrorism Center, 2013), 12, <https://theintercept.com/document/2014/07/23/march-2013-watchlisting-guidance/>.

⁵⁴ Charlie Savage, "Over Government Objections, Rules on No-Fly List Are Made Public," *New York Times*, July 23, 2014, <https://www.nytimes.com/2014/07/24/us/over-government-objections-rules-on-no-fly-list-are-made-public.html>.

on these lists.⁵⁵ For example, in *United States v. Mohamud*, the Ninth Circuit Court of Appeals ruled that the Foreign Intelligence Surveillance Act (FISA) did not violate the Fourth Amendment and upheld a lower court's ruling. However, in *Latif v. Holder*, a Federal District Court ruled that the “no-fly” description was vague and violated the Fifth Amendment by not allowing people an “appropriate procedure” to dispute their inclusion on the list.⁵⁶ As the competing interests between national security and an individual's constitutional rights continually clash, it is evident that finding a balance may be a persistent challenge.⁵⁷

An estimated one million people are on the FBI watchlist, but little information exists to determine whether the program is accomplishing its goals.⁵⁸ Civil rights advocates believe monitoring systems, such as the terrorist watchlists and Terrorist Screening Database, provide little evidence they can prevent a terrorist attack.⁵⁹ In 2007, a DOJ audit found that the Terrorist Screening Center contained “inaccurate or inconsistent information” and lacked notable individuals who “should have been included in the list.”⁶⁰ The absence of noteworthy information or inclusion of innocent individuals on a watchlist is enough to make the public suspicious of any type of government monitoring system. Additional information on the prevention of potential attacks is a critical element of this project's analysis. The ability to compare and contrast the different models and frameworks used to monitor potential terrorists could help in developing an active shooter monitoring framework.

⁵⁵ Bella, “The FBI's Terrorism Watch List Violates the Constitution.”

⁵⁶ Charlie Savage, “Clashing Rulings Weigh Security and Liberties,” *New York Times*, June 24, 2014, <https://www.nytimes.com/2014/06/25/us/federal-judges-in-oregon-uphold-warrentless-surveillance-strike-down-no-fly-list-provision.html?module=inline>.

⁵⁷ Bella, “The FBI's Terrorism Watch List Violates the Constitution.”

⁵⁸ Bella.

⁵⁹ Bella.

⁶⁰ Office of the Inspector General, *Follow-up Audit of the Terrorist Screening Center* (Washington, DC: Department of Justice, 2007), i, <https://oig.justice.gov/reports/FBI/a0741/final.pdf>.

5. Information Sharing

When attempting to establish an active shooter notification system or create a watchlist framework, law enforcement must determine what information is already shared by government agencies. Intelligence officials at all levels agree that sharing vital information with other law enforcement agencies is one of the crucial steps toward catching a known criminal. However, if a law enforcement officer does not have probable cause to arrest a person, that information is usually kept within an agency. Criminal Intelligence Systems Operating Policies, 28 C.F.R. 23, sets out criteria for intelligence sharing with other agencies and outlines proper policy.⁶¹ For an agency to share intelligence, the information needs to follow a set standard. The policy states that if an agency believes in “a reasonable possibility” that the person it is investigating is involved in criminal activity then the information can be collected and shared.⁶² If the information has no criminal nexus, it can be kept in-house but not shared with outside agencies.⁶³

Experts believe law enforcement suffers from a lack of information sharing between local agencies. These problems are not unlike those that materialized within federal intelligence agencies before the 9/11 attacks. In his master’s thesis for the Naval Postgraduate School, Phillip Sanchez concludes that some agencies are selective with the type of information they share or refuse to disseminate any kind of intelligence.⁶⁴ The reasons police executives fail to push information sharing vary from adopting an isolationist approach to not believing their agency has anything to offer the intelligence community.⁶⁵ These barriers would have to be overcome before any national standard could be established for tracking and monitoring potential active shooters.

⁶¹ “Criminal Intelligence Systems Operating Policies,” Department of Justice, *Code of Federal Regulations*, title 28 (2010 comp.): 23.2, <https://www.govinfo.gov/content/pkg/CFR-2010-title28-vol1/pdf/CFR-2010-title28-vol1-part23.pdf>.

⁶² Department of Justice, 23.3.

⁶³ Department of Justice, 23.10.

⁶⁴ Sanchez, “Increasing Information Sharing,” 78.

⁶⁵ Robert Reyna, “Intelligence Sharing: What Can Law Enforcement Do to Track Potential Active Shooters” (course paper, Naval Postgraduate School, 2019), 23.

Law enforcement also needs to implement new ways of sharing information. The law allows intelligence sharing between different government entities, and these resources may be helpful. However, data are lacking about the effects of law enforcement’s sharing intelligence with non-law enforcement agencies. School districts and law enforcement have worked together for years, and as threat assessment investigations become the norm, this partnership could continue to grow. Under the Family Educational Rights and Privacy Act (FERPA), schools can share information with law enforcement if it pertains to “safety emergencies.”⁶⁶ These resources may be overlooked at times, but they may offer valuable pieces of intelligence. In some instances, the law allows state services to share intelligence with law enforcement on criminal proceedings. In California, non-law enforcement government agencies can share information related to a criminal matter under California code § 18850.3.⁶⁷ These resources include agencies that provide social services similar to welfare services or public unemployment agencies. This type of intelligence sharing is an avenue that may assist with tracking or monitoring potential active shooters.

C. RESEARCH DESIGN

This thesis examines why law enforcement is not actively monitoring potential active shooters and why it lacks guidance for a standardized process. The gap analysis process methodology is used to research what is missing from the overall method of preventing active shooter attacks. The thesis also examines which systems are in place that may help with tracking a suspect’s activities and those that are underutilized.

As law enforcement and health professionals explore ways to prevent future active shooter attacks, officials have emphasized in-depth threat assessment investigations. While these techniques are essential, it is equally important to realize the specific issues that arise when an investigation is concluded prematurely. It is also crucial that investigators explore every avenue before a case is closed. Once law enforcement arrests a suspect, who is then

⁶⁶ “Family Educational Rights and Privacy Act (FERPA),” Department of Education, accessed January 18, 2021, <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

⁶⁷ “10850.3,” California Legislature Information, accessed January 17, 2021, [https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WIC&division=9.&title=&part=2.&chapter=5.&article=.](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WIC&division=9.&title=&part=2.&chapter=5.&article=)

committed to a mental health facility, or when a troubled individual is set free, a gap in time materializes. If not properly monitored, the suspect could fantasize, plan, and ultimately, carry out an active shooter attack.

This research analyzes three case studies whereby law enforcement had contact with a suspect who went on to assault innocent people. A fourth case study is also examined to determine if any warning signs may have prevented an attack. For each case study, this project examines what resources were committed to the initial investigation. Additionally, the study analyzes what steps law enforcement took in allocating mental health resources once it learned of a potential threat. Examining prior case studies offers a way to pinpoint where law enforcement suffered gaps in resource allocation, intelligence sharing, and resource management. Case study evaluation also helps identify the feasibility of using a tracking system, as well as whether viable solutions exist to prevent targeted violence.⁶⁸

This project also evaluates the active shooter guides published by the FBI, USSS, and various other law enforcement experts. The publications provide an outline for law enforcement and school officials on establishing a threat assessment plan. The guides give detailed information on threat assessment investigations, red flags, case management, and implementing a monitoring process. While the threat assessment programs vary, the fundamental goal of prevention and intervention are a constant. Additionally, the suggestions in the active shooter guides allow for flexibility so any agency, regardless of size, can modify them to fit its policies and procedures.

This thesis does not examine the different tactics used in response to an active shooter, nor does it focus on in-depth techniques by officials tasked with conducting threat assessment investigations. Experts have thoroughly studied both topics. However, to add context to this project, elements of these topics, such as threat assessments and information sharing, are included in the research. It is important to include these topics to analyze the case studies critically and pinpoint any commonalities in the shooter's behaviors. The

⁶⁸ Charles E. Ergenbright and Sean K. Hubbard, "Defeating the Active Shooter: Applying Facility Upgrades in Order to Mitigate the Effects of Active Shooters in High Occupancy Facilities" (master's thesis, Naval Postgraduate School, 2012), 10, <https://www.hsdl.org/?view&did=718911>.

topics also assists with analyzing any investigative methods currently considered best practices and their impact in preventing targeted violence.

Once completed, the study determines why law enforcement is not actively monitoring potential active shooters. The research provides an understanding as to what systems or policies are in place that may help with this problem. Additionally, this study attempts to answer the question of whether monitoring is needed. While a gap may exist with intelligence sharing and information dissemination, the study also determines whether adding specific measures makes a difference or simply adds extra work to an already complicated investigation.

THIS PAGE INTENTIONALLY LEFT BLANK

II. LESSONS LEARNED: AN EVOLUTION OF ACTIVE SHOOTER PREVENTION METHODS

On January 25, 2014, shots erupted in the second story of a Maryland mall. As panic sunk into the hearts of countless shoppers, people began running away from the loud bangs. One man grabbed a child nearby and had the child's mother follow him toward an exit while passing people as they fell to the ground. Others fled to nearby stores and hoped they would be safe but not knowing for sure whether the shooter would follow them.⁶⁹ While turmoil ensued at the mall, police officers immediately responded to the scene, with the first units arriving within two minutes. Responding officers found two employees fatally shot at a clothing store, a third wounded, and the 19-year-old male shooter dead from a self-inflicted gunshot wound.⁷⁰ The responding agency, the Howard County Police Department, was lauded for its quick response. However, while the chief was proud of his department, he admitted to several lessons learned in the aftermath. He used his agency's experience as a way to help others deal with future events.

Unfortunately, active shooter events have been so frequent in this country that law enforcement is becoming better at its initial response and investigation procedures. The following chapter shows a progression of how police response has evolved and explores why certain gaps in prevention still exist. The research also illustrates why law enforcement has focused on certain aspects of procedure, such as response, rather than addressing prevention measures. A review of past incidents shows that officials continually learn from previous successes and failures to protect their communities from similar tragedies. However, the one consistent gap from most incidents is the absence of a monitoring or tracking process to mitigate threats. This chapter discusses some lessons learned from

⁶⁹ Laura Petrecca, "Police in Maryland Identify Mall Shooter," *USA Today*, last modified January 26, 2014, <https://www.usatoday.com/story/news/nation/2014/01/26/maryland-mall-shooting/4912387/>.

⁷⁰ Police Executive Research Forum, *The Police Response to Active Shooter Incidents* (Washington, DC: Police Executive Research Forum, 2014), 18, https://www.policeforum.org/assets/docs/Critical_Issues_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf.

active shooter events and highlights how certain events forced a paradigm shift in active shooter response, training, and investigations to seeing the value in prevention techniques.

A. BACKGROUND

The evolution of combating active shooter threats started on August 1, 1966, when Charles Whitman took a sniper position on top of the University of Texas clock tower and began shooting indiscriminately.⁷¹ From the observation deck, Whitman had a 360-degree view and used the tower's observation deck as cover while he shot at his victims. Law enforcement and private citizens armed with rifles shot at Whitman, but his position of advantage was far superior to theirs. After an hour of Whitman's shooting spree, three officers and a private citizen stormed the tower and forced their way onto the observation deck. As they entered the observation deck, two officers went north while the third officer and citizen searched to south. Both groups of men encountered the suspect as they rounded their respective corners and shot him several times. When it was over, 17 people lay dead, including Whitman, and another 31 were injured.⁷² According to Pete Blair, director of Advanced Law Enforcement Rapid Response Training (ALERRT), law enforcement had not prepared for this type of attack and immediately began implementing policies and procedures to respond to such incidents. He explains that one such procedure borne from the Texas Tower massacre and similar incidents was the establishment of the Los Angeles Police Department's (LAPD's) Special Weapons and Tactics (SWAT) team, which was the nation's first SWAT team designed to address violent encounters beyond the capabilities of a patrol response.⁷³

Over the next 40 years, police responses emphasized safe and patient tactics that overwhelmed suspects with additional resources and technological advances. For example, law enforcement used the surround-and-callout method, which involved surrounding a

⁷¹ Perry Flippin, "UT Tower Shooting Heroes to be Honored," *Standard-Times*, January 7, 2008, <http://archive.gosanangelo.com/news/columnists/ut-tower-shooting-heroes-to-be-honored-ep-442688111-358300911.html/>.

⁷² Flippin.

⁷³ Audrey McGlinchy, "Changes in Police Response," Texas Tower Documentary, accessed January 15, 2021, <https://towerhistory.org/changes-police-response-ut-tower-shooting/>.

location and deploying a SWAT team of specially trained officers to resolve hostile situations through negotiations and compromise. Forcing a deadly encounter was considered only as a last resort when all other methods had failed. Despite the success of this technique, Blair believes this philosophy backfired during the Columbine incident. In the spring of 1999, two teenage students entered Columbine High School in Littleton, Colorado, and killed 12 of their classmates, which marked one of the deadliest school shootings in American history.⁷⁴ Officers had followed protocol in their response to the Columbine incident; they surrounded the location, tried to establish communication with the suspects, and waited for the SWAT team to arrive. The problem with these tactics was that once the Columbine shooters knew law enforcement would not enter the school, they continued shooting and killing innocent people. Following the incident, investigators combed through video and realized the suspects had shot and killed many victims while officers were waiting for additional resources.⁷⁵ The tragedy that ensued after law enforcement chose to wait for additional resources showed that active shooter tactics needed to change and become more decentralized. Additionally, experts started examining ways of preventing such tragic events, and looking into any warning signs that would help with prevention efforts.

Law enforcement learned many lessons from the Columbine incident and quickly focused its efforts on prevention and response. The USSS was instrumental in sharing its techniques for assessing threats against the president, and soon, experts modified these techniques to assess school threats.⁷⁶ These techniques were helpful in teaching law enforcement officials how to evaluate subjects. Additionally, law enforcement experts, such as the FBI, educated school staff on concerning communication, called leakage, where a suspect conveyed an intent to harm others. As a result of the additional training, new

⁷⁴ McGlinchy; “Columbine High School Shooting Fast Fact,” CNN, last modified April 3, 2020, <https://www.cnn.com/2013/09/18/us/columbine-high-school-shootings-fast-facts/index.html>.

⁷⁵ Ray Sanchez, “How Columbine Changed the Way Police Respond to Mass Shootings,” CNN, last modified February 15, 2018, <https://www.cnn.com/2018/02/15/us/florida-school-shooting-columbine-lessons/index.html>.

⁷⁶ Fein and Vossekuil, *Protective Intelligence & Threat Assessment Investigations*, iii.

guidelines stressed the importance of faculty recognizing those behaviors and taking action if they witnessed warning signs.⁷⁷

Law enforcement also received additional training as a result of the Columbine incident. Police response changed from a surround-and-callout tactic to more robust techniques, and officers trained not to rely on SWAT during active shooter incidents because of the delayed response from specialized teams.⁷⁸ Experts trained patrol officers to form four- to five-officer contact teams and actively look for the suspect. However, smaller agencies are trained to respond with two to three officer contact teams.⁷⁹ Speed was essential, as every second spent gave the shooter the time to target additional victims. Agencies trained officers to leave injured victims behind while they searched for the suspect, with the understanding that additional personnel would soon arrive to render aid.⁸⁰ The concepts became the standard for an active shooter response, which was a significant turning point in law enforcement's response to active shooter threats and would be the norm for almost a decade.⁸¹

As active shooter incidents continued throughout the early part of the 21st century, officials began to look beyond the initial police response and concentrate on intervention efforts from multiple stakeholders. The importance of communication and information sharing was apparent during the Virginia Tech shooting. On April 28, 2007, a disgruntled Virginia Tech student entered the university armed with two handguns, shot and killed 32

⁷⁷ Molly Amman et al., *Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks* (Washington, DC: Federal Bureau of Investigation, Department of Justice, 2015), 34, <https://www.fbi.gov/file-repository/making-prevention-a-reality.pdf/view>.

⁷⁸ John P. Blair et al., *Active Shooter Events and Response* (Boca Raton: CRC Press Taylor and Francis Group, 2013), 12.

⁷⁹ Blair et al., 97.

⁸⁰ Blair et al., 103.

⁸¹ M. Hunter Martindale and J. Pete Blair, "The Evolution of Active Shooter Response Training Protocols since Columbine: Lessons from the Advanced Law Enforcement Rapid Response Training Center," *Journal of Contemporary Criminal Justice* 35, no. 3 (April 9, 2019): 344, <https://journals-sagepub-com.libproxy.nps.edu/doi/pdf/10.1177/1043986219840237>.

people, and wounded another 17 before taking his own life.⁸² The suspect had been referred to mental health professionals a few months before the attack but was ultimately found not to need “involuntary hospitalization.”⁸³ Immediately after the incident, Virginia Governor Timothy Kaine issued an executive order and established a panel to investigate the events that led to the shooting, with the goal of crafting a comprehensive report and recommendations in hopes of preventing future attacks.⁸⁴ In its final report, the panel concluded that students were not provided with proper mental health services and lacked outpatient resources.⁸⁵ The final report spurred reform, and in the months that followed, the Commonwealth of Virginia codified several laws requiring that public institutions establish threat assessment teams and violence prevention committees.⁸⁶ The implementation of these programs was crucial because the lessons learned from the Virginia Tech shooting helped lay a foundation nationwide for law enforcement, mental health professionals, and school officials to begin a collaborative effort to prevent future attacks.

These horrific incidents—shootings at the University of Texas, Columbine High School, and Virginia Tech—led police to develop new techniques to prevent the next attack. Nevertheless, they also became touchstones for future active shooters, who sought notoriety from the tragedies they inflicted.⁸⁷ Law enforcement continually trained in prevention techniques, but as each incident became more deadly, the public felt that more

⁸² Gerald Massengill et al., *Mass Shootings at Virginia Tech: Report of the Review Panel* (Commonwealth of Virginia: Virginia Tech Review Panel, 2007), 1, <https://scholar.lib.vt.edu/prevail/docs/VTRewiewPanelReport.pdf>.

⁸³ Massengill et al., 47.

⁸⁴ Massengill et al., vii.

⁸⁵ Massengill et al., 2.

⁸⁶ Dewey Cornell, *Recommended Practices for Virginia College Threat Assessment* (Charlottesville, VA: Virginia Department of Criminal Justice Services’ School Safety Center, 2009), 4, https://rems.ed.gov/docs/resources/VA_Recommendations_College_Threat_Assessment.pdf.

⁸⁷ United States Secret Service National Threat Assessment Center, *Protecting America’s Schools: A U.S. Secret Service Analysis of Targeted School Violence* (Washington, DC: Department of Homeland Security, United States Secret Service, 2019), 18, <https://www.secretservice.gov/data/protection/ntac/usss-analysis-of-targeted-school-violence.pdf>.

could be done to stop these attacks. Emotions run high after mass casualty events, and law enforcement agencies often find themselves as targets of that criticism. Whether that criticism is warranted is up for debate, but clearly, the public expects officials to have procedures in place to keep their loved ones safe. It is up to law enforcement agencies to ensure those procedures succeed, and ideally secure protocol before a mass shooting occurs in their jurisdiction. The following sections highlight some prevention protocols implemented to help mitigate active shooter incidents.

B. PREVENTION TECHNIQUES

Prevention and training can only do so much to prevent an active shooter attack. After each major attack, most active shooter experts study after-action reports to gain insight into lessons learned from each tragic event in hopes of enacting change when needed. The recommendations offer a glimpse into what law enforcement might consider implementing to protect the community better. This section explores different techniques used to help mitigate liability and prevent active shooter incidents.

1. First Responder Training and Mindset

One of the key lessons from early active shooter after-action incidents was the need for additional training for local law enforcement. Most law enforcement officials did not stress prevention but rather the response during and after an attack. This approach is important to the research, as it is apparent most officials almost always focused on how an active shooter incident ended versus what led an individual to launch an attack. Coincidentally, most law enforcement experts focused on training officers in controlling and stabilizing an active incident. Whether it was the need to establish the Incident Command System (ICS), assemble contact teams to neutralize the threat, or integrate fire personnel into rescue task forces, officials believed training could address highlighted errors. In a study conducted by Tracy Frazzano on small agency response to active shooter incidents, she interviewed several officers involved in active shooter incidents. Frazzano concluded that most officer interviewees agreed that the lack of planning and coordinated response

caused confusion.⁸⁸ For the most part, most of those officers agreed that law enforcement had made drastic improvements in coordination and planning since their incidents.

Moreover, many of the critical lessons revolved around response, tactics, emergency care, or community outreach. For example, ALERRT, widely recognized as a premier active shooter training program, has dedicated training for law enforcement in rapid response tactics, but does not offer courses in prevention or intervention techniques.⁸⁹ To be fair, ALERRT has built a strong reputation on training civilian and law enforcement to address active shooter threats, but such a focus begs the question: Why does the training focus solely on response?

The after-action reviews have highlighted errors in investigative techniques and missed warning signs. These recommendations included response-training points, but early trainers tended to concentrate more on the tactical aspect of the recommendations. Officials reviewed every topic to ascertain what elements could help prevent future active shooter events. Most experts, like former FBI Deputy Director Mark Giuliano, believed that with proper instruction, law enforcement could reduce the loss of life by “shaving seconds” in their response, and thereby stop the threat before becoming inundated with life-threatening injuries.⁹⁰ In a 14-year study, from 2000–2013, the FBI concluded that the United States was averaging more than one active shooter incident a month. The trend seemed to be on the rise, which led the FBI, as well as other law enforcement agencies, to focus on active shooter training. Speed became a point of emphasis, and the conversion to this mind-set was taken from other aspects of after-action reviews. For example, a solo-officer response, discussed later in this chapter, is one way to shave time, as officers would not have to wait

⁸⁸ Tracy Frazzano, “Local Jurisdictions and Active Shooters: Building Networks, Building Capacities” (master’s thesis, Naval Postgraduate School, 2010), 37, https://calhoun.nps.edu/bitstream/handle/10945/4997/10Dec_Frazzano.pdf?sequence=1&isAllowed=y.

⁸⁹ “ALERRT Receives \$1 Million Department of Homeland Security Award for 1st Responder Training,” *U.S. Fed News Service, Including U.S. State News*, December 12, 2013, ProQuest.

⁹⁰ Kevin Johnson, “FBI Trains 30,000 to Confront Active Shooters,” *USA Today*, December 22, 2014, <https://www.usatoday.com/story/news/nation/2014/12/22/active-shooters-fbi/20433973/>.

for additional officers.⁹¹ The mere presence of a single law enforcement officer may cause the suspect to surrender, flee, or commit suicide.

Rapid response training has been adopted by most agencies for active shooter responses. While law enforcement officials believed active shooter training was essential, most states did not identify it as essential training, nor was training law enforcement a federal mandate.⁹² For most departments, receiving rapid response training was viewed as a necessity, but each agency and state dictated their own requirements. For example, California's Police Officers Standard's and Training, the organization that establishes training standards for peace officers in California, does not require active shooter training, and some departments can go years without receiving instruction.⁹³ Moreover, when officers from the San Bernardino Police Department responded to an active shooter incident in 2015, a police lieutenant later admitted to having received no active shooter training since 2000.⁹⁴ In a 2020 interview, he explained that while it had been almost 15 years since he had received active shooter training, he credited the methods taught during those sessions as instrumental to how his officers responded. The after-action report concluded that most of the police department had received active shooter training in 2000, 2007, and 2012.⁹⁵ Alternatively, since 2000, the Modesto Police Department in California has required officers receive active shooter training every other year.⁹⁶ More evidence in

⁹¹ J.D. Lightfoot, "Rethinking Active Shooter Response," *Policemag*, February 25, 2013, <https://www.policemag.com/340911/rethinking-active-shooter-response>.

⁹² "OSHA Guidelines," Alice, accessed January 15, 2021, <https://www.alicetraining.com/osha-guidelines/>.

⁹³ "Required Updated or Refresher Training Requirements," POST-Commission on Peace Officer Standards and Training, accessed January 15, 2021, <https://post.ca.gov/refresher-training>.

⁹⁴ Mike and Jim, "San Bernardino Active Shooter at the Inland Regional Center," February 29, 2020, produced by *Tactical Tangents*, podcast, MP3 audio, 2:23:48, <https://www.tacticaltangents.com/podcast/sbshooting/>.

⁹⁵ Rick Braziel et al., *Bringing Calm to Chaos: A Critical Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident in the Inland Regional Center* (Washington, DC: Office of Community Oriented Police Services, Department of Justice, 2016), 67, <https://www.justice.gov/usao-cdca/file/891996/download>.

⁹⁶ "Training Records," Modesto Police Department, accessed January 27, 2021, <https://www.modestogov.com/2503/Policy-Manual-and-Training-Materials>.

inconsistency among departments was manifested when in 2014, while participating in an active shooter seminar sponsored by the Police Executive Research Forum (PERF), the police chief of Sparks, Nevada, explained that his department trains in active shooter response every three to four years and is continually modifying its tactics.⁹⁷ Therefore, while the need for well-trained officers has been a key lesson learned after most debriefs, periodical training for officers has not been standardized. Additionally, panel experts at the forum advocated that agencies in proximity to each other train and adopt similar tactics.⁹⁸

While quality training might have been lacking in some areas, such as tactical response or police/fire integration, a cultural shift in law enforcement emphasized “mitigating risk not avoiding risk” to save innocent people during mass casualty events.⁹⁹ After the Virginia Tech shooting, experts began exploring one-person response techniques and implementing procedures for integrating fire personnel into rescue task forces.¹⁰⁰ The implementation of a solo officer response was a major shift from the small element, three-to-four person response in that it taught officers to enter an active shooter incident alone. The goal was to neutralize the threat quickly by forcing the suspect to flee or surrender, or engage the suspect using deadly force.¹⁰¹ The solo-person response was not a popular tactic with most seasoned experts, but with police response taking an average of three minutes before the first officer arrived, many officers began asking themselves how many rounds they could fire in three minutes.¹⁰² The technique gathered support as active shooter incidents continued, particularly after the Sandy Hook shooting, where the suspect shot and killed four adults and 20 first-graders and injured nine other children.

⁹⁷ Police Executive Research Forum, *The Police Response to Active Shooter Incidents*, 37.

⁹⁸ Police Executive Research Forum, 15.

⁹⁹ Todd Fletcher, “Why Solo-Officer Active Shooter Response Should Be Trained,” *Police1*, June 22, 2016, <https://www.police1.com/police-products/police-technology/emergency-response/articles/why-solo-officer-active-shooter-response-should-be-trained-CnKPDp5kDQvEOyGV/>.

¹⁰⁰ IACP Law Enforcement Policy Center, *Active Shooter: Model Policy Concepts & Issues Paper Need to Know* (Alexandria: VA IACP Law Enforcement Policy Center, 2018), 6, <https://www.theiacp.org/sites/default/files/2018-08/ActiveShooterBinder2018.pdf>.

¹⁰¹ Police Executive Research Forum, *The Police Response to Active Shooter Incidents*, 14.

¹⁰² Fletcher, “Why Solo-Officer Active Shooter Response Should Be Trained.”

The integration of police and fire personnel was also a shift in philosophy. Fire and emergency medical service (EMS) personnel traditionally waited until a scene was secure before they rendered aid to shooting victims.¹⁰³ However, many lessons learned from the Aurora, Colorado, theater shootings saw that fire was not prepared to treat victims in unsecured areas. First responders were caught off-guard with the shooting scene that encompassed 58 shooting victims and another 12 who had been murdered.¹⁰⁴ Fire and police began to coordinate better response tactics to treat mass casualty victims in areas that were not completely secure, called the “warm zone.”¹⁰⁵ As a result of this cultural change within law enforcement and the fire service, first responders developed a sense of duty to protect active shooting victims and a willingness to sacrifice themselves instead of waiting for additional resources to address the situation.

2. Phases of an Active Shooter Attack

Understanding why a person decides to commit an act of violence can be challenging, and it can be more difficult to identify precursors of a violent path. Law enforcement experts have delineated phases of an active shooter attack to help investigators understand the process a suspect goes through in preparation for a targeted attack. Police Lieutenant Marcou’s theory describes five phases that most active shooters go through upon choosing a target, including the fantasy, planning, preparation, approach, and implementation phases.¹⁰⁶ He contends that intervention is possible if officers can recognize what phase a suspect is in and then allocate the proper resources to stop an attack before the suspect passes to the next phase.¹⁰⁷ Intervention is a critical element in preventing future attacks. However, at times, some experts combine or omit phases from

¹⁰³ Blair et al., *Active Shooter Events and Response*, 154.

¹⁰⁴ Alan Berkowsky, “Active Shooter Event Response,” Firehouse, March 1, 2016, <https://www.firehouse.com/operations-training/ems/article/12161622/active-shooter-event-response>.

¹⁰⁵ IACP Law Enforcement Policy Center, *Active Shooter*, 2.

¹⁰⁶ Dan Marcou, “5 Phases of the Active Shooter: A Tactical Reload,” Police1, October 7, 2015, <https://www.police1.com/active-shooter/articles/5-phases-of-the-active-shooter-a-tactical-reload-LWMMSAiCm4a51jek/>.

¹⁰⁷ Marcou.

the process. By compartmentalizing each phase, as opposed to combining them, the concepts can assist officers in identifying a potential suspect, as each phase is specific to the outcome of an eventual attack.

The first phase in the active shooter continuum is the fantasy phase. In this phase, the potential suspect begins to daydream and fantasize about conducting a mass shooting.¹⁰⁸ Said suspect may share thoughts or feelings with other people or may write down a plan in a journal, notebook, or social media posting. Marcou believes it is a good time during this stage for witnesses to notify authorities or mental health professionals to intervene and get the would-be attackers help. He states that one of the biggest mistakes people make is dismissing the warning signs as “crazy talk” and thinking they are not serious about hurting anyone.¹⁰⁹ An FBI study conducted from 2000 to 2013 found that 100 percent of witnesses who knew an active shooter suspect recognized at least one concerning behavior prior to the shooting, but only reported the incident 41 percent of the time.¹¹⁰

In the planning phase, a suspect begins to outline the “who, what, when, where, why, and how” of the attack.¹¹¹ At times, suspects leave manifestos, as was the case in the Virginia Tech shooter, who recorded a video of himself and sent it to several news stations outlining why he was angry and whom he blamed.¹¹² They also pick a targeted location and outline a plan for dealing with several barriers they may encounter along the way that will hamper their goal of committing the attack. Shooters often plan their routes or take the time to conduct surveillance on a specific location, and in the past, have even sought accomplices during the planning phase to increase their odds of a successful attack. Investigators can learn significant details from people if they interview them in the

¹⁰⁸ Marcou.

¹⁰⁹ Marcou

¹¹⁰ Silver, Simons, and Craun, *A Study of the Pre-Attack Behaviors*, 20.

¹¹¹ Marcou, “5 Phases of the Active Shooter.”

¹¹² Massengill et al., *Mass Shootings at Virginia Tech*, 85.

planning phase. At times, the suspects may willingly divulge their true intentions and accept assistance from mental health professionals.

The preparation phase occurs when the perpetrators begin to gather all the tools and equipment needed to commit the attack.¹¹³ These items may include firearms, ammunition, clothing, and anything they believe may increase their chances of having a successful outcome. In fact, it is common for them to scout the location ahead of time to ensure they have contingency plans in place should something change. During the preparation phase, Marcou believes it is vital for business owners to alert authorities if they witness suspicious activity.¹¹⁴ According to the *LVMPD Criminal Investigative Report of the 1 October Mass Casualty Shooting*, which reported on the Las Vegas shooting, the suspect had so many pieces of luggage that he brought with him to the Mandalay Bay hotel that hotel staff assisted him with his belongings.¹¹⁵ It was believed that he used the luggage to transport his firearms and ammunition. Paddock was also very particular about not allowing anyone into his room, even denying housekeeping services during his entire stay.¹¹⁶ Such strange behavior should have been reported either to security or to the police department. Investigators must, in turn, do their due diligence by following up potential leads. Small pieces of information may seem irrelevant if examined individually, but combined with other sources of intelligence, may be important.

In the approach phase, the suspect is advancing toward the targeted area, prepared for an attack, and at this point, a school's level of preparedness becomes evident. Schools often focus on the approach phase, and use law enforcement or security personnel to help

¹¹³ Marcou, "5 Phases of the Active Shooter."

¹¹⁴ Marcou.

¹¹⁵ LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, *LVMPD Criminal Investigative Report of the 1 October Mass Casualty Shooting* (Las Vegas: Las Vegas Metropolitan Police Department, 2018), 26, https://www.lvmpd.com/en-us/Documents/1-October-FIT-Criminal-Investigative-Report-FINAL_080318.pdf.

¹¹⁶ LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, 31.

harden their facilities.¹¹⁷ These site assessments usually consist of recommendations for additional fencing, security cameras, or procedures to control access to certain facilities. Hardening a facility can act as a deterrent and force the suspect to reconsider the target location or minimize injuries due to improved security features. During the approach phase, the suspect may decide to defeat various security features or ignore them completely. According to the Virginia Tech after-action report, the suspect chained the entrance doors, which led to a delay in law enforcement stopping the threat and administering first aid to the victims.¹¹⁸ The adaptability of active shooter suspects is one reason officials have made the approach phase and hardening their locations a priority.

The last stage in Marcou's active shooter process is the implementation phase, which is when the shooter actively shoots and kills innocent people. The suspect's primary goal is to obtain a high number of victims, and the only thing the suspect is focused on is shooting as many "targets" as possible.¹¹⁹ At this point, the only ways to stop the attack is by outside intervention, such as a law enforcement officer or a Good Samaritan, or if the shooter surrenders, flees, or commits suicide. In a study conducted by Adam Lankford to determine the likelihood of negotiating with a mass murderer, he concluded that from 1966–2010, 48 percent for active shooters committed suicide or initiated a suicide by cop.¹²⁰ Some officials believe any negotiation with an active shooter is futile because the suspect has spent so much time mentally preparing for the attack that the shooter is beyond the point of intervention. In 2015, a husband–wife active shooter duo shot several people in a San Bernardino county building during a training seminar and then fled the scene.¹²¹

¹¹⁷ Lawrence J. Fennelly and Marianna A. Perry, "Soft Targets, Active Shooters, and Workplace Violence," in *Soft Targets and Crisis*, ed. Michael J. Fagel and Jennifer Hesterman (Boca Raton: CRC Press, 2015), 295, <https://www-taylorfrancis-com.libproxy.nps.edu/books/9781315451091/chapters/10.4324/9781315451091-25>.

¹¹⁸ Massengill et al., *Mass Shootings at Virginia Tech*, 89.

¹¹⁹ Sinai, *Active Shooter*, 99.

¹²⁰ Adam Lankford, "Mass Shooters in the USA, 1966–2010: Differences between Attackers Who Live and Die," *Justice* 32, no. 2 (June 20, 2013): 369, <http://web.a.ebscohost.com.libproxy.nps.edu/ehost/pdfviewer/pdfviewer?vid=1&sid=5ccdcefd-e050-4dd7-8e36-7a28972143da%40sdc-v-sessmgr02>.

¹²¹ Braziel et al., *Bringing Calm to Chaos*, xiii.

Officers discovered their vehicle and later killed the suspects after a gun battle. This example shows the suspects making the decision to flee the initial scene and not surrendering when confronted. It illustrates the active shooter's mindset, and why experts believe negotiating with an active shooter is futile.

As shown in Figure 1, Marcou's five-phase active shooter process is widely seen in law enforcement publications, but other experts have added elements to the active shooter attack phases. For instance, Sinai adds two phases in his book, one at the beginning and one at the end of the process. The first phase he labels "triggers," explaining why the suspects feel compelled to commit these attacks.¹²² The last phase he terms "responding to active shooters," which entails law enforcement's actions during and after an incident.¹²³ Sinai's phase two is referred to as "cognitive opening: the mindset and behaviors phase" instead of the fantasy phase but includes many of the same behaviors. Adding too many phases may seem to convolute the goal of law enforcement having a quick reference guide, but in this case, Sinai simply includes information that complements most research about the topics, as well as Marcou's work.

¹²² Sinai, *Active Shooter*, 67.

¹²³ Sinai, 101.

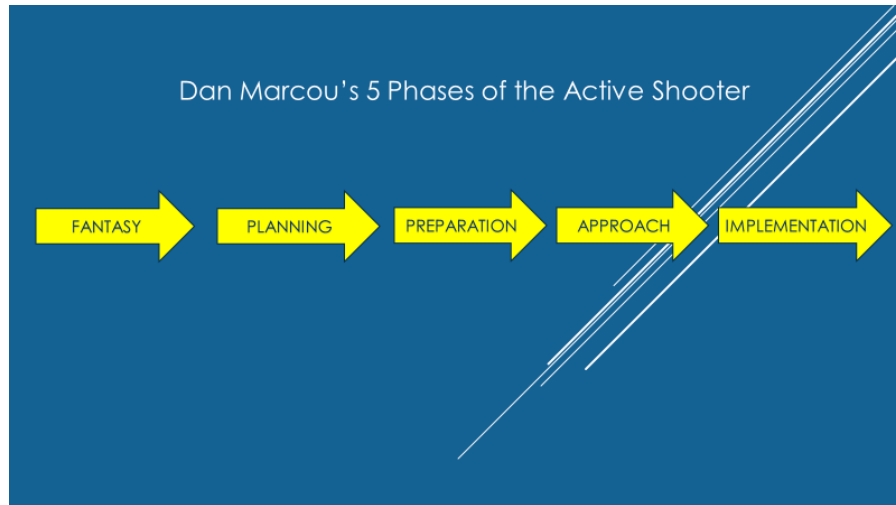


Figure 1. Dan Marcou's Five Phases of the Active Shooter.¹²⁴

The phases of an active shooter attack were established to help first responders identify a person in crisis and mobilize resources as needed. Most of the concepts related to early detection are well established, and most can be found in early research by experts working with the USSS. However, the stages help law enforcement recognize certain patterns of behaviors on which investigators can act. To understand the gaps in tracking potential active shooter threats, this research set out to identify the tools law enforcement has at its disposal and the type of training officers receive. Marcou's stages pinpoint possible behavioral patterns or triggers in a suspect's life during different stages that may forecast future threats. Once law enforcement identifies that point, investigators can gauge whether a person needs immediate intervention or future monitoring.

3. Threat Assessments

Since the Columbine High School shooting in 1999, the United States has seen a rise in active shooter incidents. According to a 2019 FBI study, the United States had 277 active shooter incidents from 2000 to 2018 that resulted in 884 people killed and 1,546

¹²⁴ Source: Marcou, "5 Phases of the Active Shooter."

wounded.¹²⁵ As the number of incidents has risen, law enforcement has started looking for ways to prevent attacks and turned to threat assessments as a means to supplement other prevention measures. The threat assessment is a tool that the public and private sectors use to assess whether the shooters are a threat to their immediate environments or a specific location. The threat assessment model is an investigative tool developed by the USSS to assess threats against the president of the United States.¹²⁶ Mental health professionals later modified it to evaluate school threats.¹²⁷ As workplace violence began to increase, the private sector also saw a need to develop its own threat assessment teams. The process uses specific behaviors commonly exhibited by past active shooters to identify whether a person is a threat.

The foundation for threat assessments was established by a study sponsored by the USSS in the mid-1990s. Conducted by forensic psychiatrist Robert Fein and United States Special Agent Bryan Vossekuil, the study examined the behaviors and thought patterns of individuals before they carried out targeted attacks.¹²⁸ The study, known as the Secret Service Exceptional Case Study Project (ECSP), looked at 83 suspects who carried out or attempted a violent attack on a public figure.¹²⁹ Researchers determined that most of the individuals made the decision to launch an attack after a life-changing crisis, and they began to see assassination as “acceptable.”¹³⁰ Fein and Vossekuil also concluded that most suspects sought fame from the attacks, and suspects even conducted research on prior assassination attempts.¹³¹ The behaviors are worth noting as some of the same

¹²⁵ Federal Bureau of Investigation, *Active Shooter Incidents: Topical One-Pagers 2000–2018* (Washington, DC: Department of Justice, 2019), 3, <https://www.fbi.gov/file-repository/active-shooter-one-page-summaries-2000-2018.pdf/view>.

¹²⁶ Fein et al., *Threat Assessments in Schools*, iii.

¹²⁷ Borum et al., “Threat Assessment,” 324.

¹²⁸ Robert A. Fein and Bryan Vossekuil, “Assassination in the United States: An Operations Study of Recent Assassins, Attackers, and Near-Lethal Approaches,” *Journal of Forensic Sciences* 22, no. 2 (March 1999): 321, https://legacy.secretservice.gov/ntac/ntac_jfs.pdf.

¹²⁹ Fein and Vossekuil, 322.

¹³⁰ Fein and Vossekuil, 333.

¹³¹ Fein and Vossekuil, 333.

characteristics materialize in active shooter threat assessments. Early behavioral characteristics are indicated in Table 1.

Table 1. Concerning Behaviors Exhibited by Most Targeted Threats: Suspects and Active Shooter Suspects.¹³²

<i>Concerning Behaviors</i>	<i>Suspects threatening Public Officials</i>	<i>Active Shooter Suspects</i>
Described as social isolates or loners	X	X
History of harassing others	X	X
Anger issues	X	X
No extensive criminal history	X	X
Interest in radical groups	X	X
History of depression	X	X
Past suicide attempts	X	X
Past contact with mental health professionals	X	X
No history of substance abuse	X	X

Fein and Vossekui’s 1998 report applies their previous work to help local law enforcement with a framework in identifying threats to public figures.¹³³ The guide was published just a year before the Columbine High School shooting and provided law enforcement with a baseline for threat assessment investigations. They describe threat assessments, or “protective intelligence,” as the process of gathering information about individuals who have an interest in harming others and gauge their potential to act on their motives.¹³⁴ The guidelines offer law enforcement a detailed foundation of what threat assessment investigations should look like and how to manage that intelligence. Additionally, it gives officials new to threat assessments general information for use during

¹³² Adapted from Fein and Vossekui, 326; Silver, Simons, and Craun, *A Study of the Pre-Attack Behaviors*, 18.

¹³³ Fein and Vossekui, *Protective Intelligence & Threat Assessment Investigations*, iii.

¹³⁴ Fein and Vossekui, 7.

an investigation. For example, the guide emphasizes the importance of interviews even if the investigator is not obtaining incriminating statements. The researchers stress the importance of examining the efforts and steps a subject has taken to prepare for an attack and not being consumed by a lack of evidence.¹³⁵ They argue that an investigation should focus on prevention rather than arresting a potential suspect. Moreover, the guideline emphasizes the need for investigators to err on the side of safety and prevention if law enforcement is confronted with convoluted facts. In such cases, investigators may choose to arrest or detain subjects to remove them from triggering events and the mobilization of additional resources.¹³⁶

Threat assessments examine life-changing events for individuals, known as stressors, as shown in Table 2. These events might make the individuals susceptible to stress, which causes them to act on violent impulses.¹³⁷ The triggering behaviors are crucial in understanding whether people are showing signs of violence or are simply venting out of frustration. If individuals are thought to be a threat, investigators should meet with them to conduct interviews. By asking questions related to life-changing events, gathering information about their behaviors, and assessing past incidents, investigators can determine whether they are in crisis.¹³⁸ When used with other preventive measures, threat assessments could help reduce active shooter incidents.

¹³⁵ Fein and Vossekul, 38.

¹³⁶ Fein and Vossekul, 39.

¹³⁷ United States Secret Service, *Exploring the Effect of Stressors in Threat Assessment Investigations: A Case Study on Bart Allen Ross* (Washington, DC: Department of Homeland Security, 2015), 1, https://www.secretservice.gov/data/protection/ntac/Bart_Ross_Investigating_Stressors.pdf.

¹³⁸ Amman et al., *Making Prevention a Reality*, 43.

Table 2. 2018 FBI Study of 63 Active Shooter Cases from 2000–2013: Stressors Exhibited by Active Shooter Suspects.¹³⁹

Stressors	Number	%
Mental health	39	62
Financial strain	31	49
Job related	22	35
Conflicts with friends/peers	18	29
Marital problems	17	27
Abuse of illicit drugs/alcohol	14	22
Other (e.g., caregiving responsibilities)	14	22
Conflict at school	14	22
Physical injury	13	21
Conflict with parents	11	18
Conflict with other family members	10	16
Sexual stress/frustration	8	13
Criminal problems	7	11
Civil problems	6	10
Death of friend/relative	4	6
None	1	1

Can Include More than One

One of the indicators that all active shooters exhibit before an attack is a stressful situation, or “stressor.”¹⁴⁰ A stressor is any life-altering incident that causes a high level of stress and may require emotional support.¹⁴¹ Examples of stressors include mental health issues, financial strain, job-related issues, social conflicts, alcohol or drug abuse, and loss of a loved one.¹⁴² According to a 2018 FBI study, all active shooters experience at least one stressor, with many “experiencing multiple stressors (an average of 3.6 separate stressors) in the year before they attacked.”¹⁴³ In a separate 2019 study, the USSS concluded that of the 35 cases it studied, 74 percent of the attackers experienced a stressor within one month of the attack, and 51 percent of suspects experienced a stressor within

¹³⁹ Source: Silver, Simons, and Craun, *A Study of the Pre-Attack Behaviors*, 16.

¹⁴⁰ Silver, Simons, and Craun, 15.

¹⁴¹ United States Secret Service National Threat Assessment Center, *Protecting America’s Schools*, 31.

¹⁴² Silver, Simons, and Craun, *A Study of the Pre-Attack Behaviors*, 16.

¹⁴³ Silver, Simons, and Craun, 16.

two days of an attack.¹⁴⁴ These vital pieces of information could give officials an indicator of what might motivate an individual to conduct a violent attack.

As seen in Table 3, a secondary consideration for assessing an individual is the behavioral patterns leading up to an attack, known as “concerning behaviors.”¹⁴⁵ A subject’s behavior is vital to a threat assessment investigation in determining whether a person is a threat. Some of the changes in behavior may include threats to others, intense anger, an interest in weapons, depression, changes in appearance, a suicide attempt or self-harm, and an interest in violence.¹⁴⁶ According to the 2019 USSS study, of the incidents researched, 75 percent of the attackers displayed a concerning behavior within two days of an attack. The most concerning behavior manifested in direct communication from the suspect was that 89 percent of the attackers told someone they were planning an attack.¹⁴⁷ The FBI concluded that in 83 percent of case studies, the suspects told someone of their plans to conduct an attack, but that person did not take any action.¹⁴⁸ Experts concluded that people display these mannerisms for any number of reasons, and people should not jump to conclusions if a person exhibits one or more concerning behaviors. However, knowing what patterns of behavior are common among most active shooters is crucial to conducting a threat assessment investigation and possibly preventing an attack.

¹⁴⁴ United States Secret Service National Threat Assessment Center, *Protecting America’s Schools*, 32.

¹⁴⁵ Silver, Simons, and Craun, *A Study of the Pre-Attack Behaviors*, 17.

¹⁴⁶ United States Secret Service National Threat Assessment Center, *Protecting America’s Schools*, 45.

¹⁴⁷ United States Secret Service National Threat Assessment Center, 46.

¹⁴⁸ Silver, Simons, and Craun, *A Study of the Pre-Attack Behaviors*, 21.

Table 3. 2018 FBI Study of 63 Active Shooter Cases from 2000–2013:
Concerning Behaviors Displayed by Active Shooter Suspects.¹⁴⁹

Concerning Behaviors	Number	%
Mental Health	39	62
Interpersonal interactions	36	57
Leakage	35	56
Quality of thinking or communications	34	54
Work performance	11	46
School performance	5	42
Threats/confrontations	22	35
Anger	21	33
Physical aggression	21	33
Risk-taking	13	21
Firearm behavior	13	21
Violent media usage	12	19
Weight/eating	8	13
Drug abuse	8	13
Impulsivity	7	11
Alcohol abuse	6	10
Physical health	6	10
Other (e.g., idolizing criminals)	5	8
Sexual behavior	4	6
Quality of sleep	3	5
Hygiene/appearance	2	3

Can Include More Than One

Another indicator that a person may turn to violence is assessing an individual's primary grievance, or a person's perception of having been wronged or unfairly treated, as demonstrated in Table 4.¹⁵⁰ Understanding a person's grievance helps investigators determine how dangerous this person can be, and the resources necessary to intervene and mitigate an attack. In a 2018 FBI study, they concluded that of the 50 active shooter suspects they identified, 22 of the suspects had an identifiable grievance, and most had a precipitating event, where a stressor aggravated the grievance.¹⁵¹ Threat assessments can help narrow the scope of the grievance that the potential suspect is focused on, and help investigators understand how they can best help the individual.

¹⁴⁹ Source: Silver, Simons, and Craun, 18.

¹⁵⁰ Silver, Simons, and Craun, 21.

¹⁵¹ Silver, Simons, and Craun, 22.

Table 4. 2018 FBI Study of 63 Active Shooter Cases from 2000–2013:
Primary Grievance by Active Shooter Suspects.¹⁵²

Primary Grievance	Number	%
Adverse interpersonal action against the shooter	39	62
Financial Strain	31	49
Job related	22	35
Conflicts with friends/peers	18	29
Martial problems	17	27
Abuse of illicit drugs/alcohol	14	22
Other (e.g., caregiving responsibilities)	14	22
Conflict at school	14	22
Physical injury	13	21
Conflict with parents	11	18
Conflict with other family members	10	16
Sexual stress/frustration	8	13
Criminal problems	7	11
Civil problems	6	10
Death of friend/relative	4	6
None	1	1

Can Include More Than One

The value of threat assessments is evident as more public and private entities begin to employ the different techniques taught to spot a potential attacker. It is not uncommon for companies to establish threat assessment teams at their level to address specific threats and then determine whether they require police intervention. In their book, *Threat Assessment Management: Howlers and Hunters*, Frank Calhoun and Stephen Weston differentiate a dangerous individual from someone who is not a threat but enjoys harassing people.¹⁵³ They stress that the difference between the two is that the “hunter” wants to hurt and kill people while the “howler” finds pleasure in embarrassing or disrupting a person’s daily life.¹⁵⁴ After the Virginia Tech shooting in 2009, the state of Virginia conducted a study on prevention efforts and concluded that threat assessment teams are vital to active

¹⁵² Source: Silver, Simons, and Craun, 22.

¹⁵³ Frederick S. Calhoun and Stephen W. Weston, *Threat Assessment and Management Strategies: Identifying the Howlers and Hunters* (Boca Raton: CRC Press Taylor and Francis Group, 2016), xiv.

¹⁵⁴ Calhoun and Weston, xiv.

shooter prevention on college campuses.¹⁵⁵ The research outlines essential responsibilities, team structure, the goals of the organization, and notification procedures.¹⁵⁶ It is evident in both examples that officials see value in threat assessments and continue to find ways to take on additional responsibilities to assist with prevention efforts.

C. SUMMARY

Law enforcement has gleaned significant information from previous active shooter attacks, but initially, it focused on the law enforcement's immediate response to the threat as opposed to addressing prevention efforts. The main reason for this focus is because training standards are usually set by each state's training standards.¹⁵⁷ Additionally, experts usually gravitate towards training concepts they know and understand, which is a simple concept adopted by most instructors because as Therese Huston points out, most people, regardless of profession, believe that to teach well, it is necessary to know the material and have mastered it.¹⁵⁸ Furthermore, teaching law enforcement tactics and techniques to improve an emergency response is something that can be measured, in contrast to assessments. Only after the USSS or other active shooter experts conducted studies did the focus become more about recognizing the early warning signs. Unfortunately, following a tragedy, such as a targeted attack, law enforcement and mental health experts are usually criticized for not doing enough to prevent the attack. Understanding how to improve an active shooter response and conduct in-depth threat assessment investigations is important to assist law enforcement in mitigating attacks, preventing a loss of life, and minimizing serious injuries. However, as incidents continue to occur, people may ponder whether resources are lacking to address gaps in prevention. If they are, experts must try to close the gaps or find ways to bypass them using other

¹⁵⁵ Cornell, *Recommended Practices for Virginia College Threat Assessment*, 4.

¹⁵⁶ Cornell, 1.

¹⁵⁷ Community Relations Services Toolkit for Policing, *Policing 101* (Washington, DC: Department of Justice, n.d.), 3, accessed February 20, 2021, <https://www.justice.gov/crs/file/836401/download>.

¹⁵⁸ Therese Huston, *Teaching What You Don't Know* (Cambridge, MA: Harvard University Press, 2009), 2.

techniques. These techniques may involve tracking potential suspects, using unorthodox intelligence resources, or improving intelligence sharing. The next chapter examines gaps in prevention efforts through the examination of four different case studies. Each case study presents law enforcement with its own challenges, and reveals mistakes made during crucial points in the investigations. The lessons learned in each case study help to determine the scope and viability of preventing future attacks given similar circumstances.

III. GAPS IN PREVENTION PROCEDURES

Read any news article after an active shooter attack, and the title or subtitle will include the phrase “what we know.”¹⁵⁹ The articles usually describe the shooting, depict stories of heroism, and detail the tragedies of loved ones lost to a senseless act of violence. The story then shifts to the suspect’s past behavior, prior law enforcement contacts, and missed red flags. Little leeway is given to public agencies, including schools, mental health professionals, and especially law enforcement, if they missed intervention opportunities. This chapter examines gaps in active shooter prevention from the research gathered in this study. These disparities appear in different stages in the assessment process but have proven relevant in prevention efforts.

This chapter comprises three parts. The first describes issues when officers investigate an individual who has threatened to commit a mass shooting. Through their investigation, officers determine they do not have enough probable cause to arrest or place the individual on a mental health hold and have limited options. The second section addresses the intervention techniques available to people arrested or committed to a mental health facility after making targeted threats. The third examines four different case studies and categorizes them as follows:

1. intervention was probable, and prevention likely
2. intervention was probable, but prevention unlikely
3. intervention was not probable, but prevention doubtful

This chapter does not dissect every lesson learned from the four incidents but highlights possible prevention options for future investigations. It also emphasizes gaps where additional training may have assisted with mobilizing intervention resources.

¹⁵⁹ Sean Collins and Anya van Wagtenonk, “Odessa and Midland, Texas, Shootings: What We Know,” Vox, last modified September 3, 2019, <https://www.vox.com/2019/8/31/20842667/odessa-midland-texas-shooting-what-we-know>.

A. SUSPICIOUS BEHAVIOR IS NOT A CRIME

Law enforcement has a difficult job when called to assess a person acting suspiciously or making vague threats. Officials are bound by law and policy when investigating threats cases but are also influenced by lessons learned from prior cases. However, at times, the investigations can become convoluted based on new trends, such as after-action reviews determining investigators are missing obvious red flags during targeted threats calls, or scrutiny by the public for not doing more to prevent an attack, that officers may feel compelled to arrest a suspect to keep the public safe.

Some departments across the country have chosen to err on the side of caution, as described in the USSS *Protective Intelligence & Threat Assessment Investigations* guideline and make an arrest in the name of public safety.¹⁶⁰ While the courts may find such an arrest lawful, arresting someone for making threats only temporarily solves the problem. A long-term mitigation process may be needed, but if an agency has no procedure established, then stakeholders may lose a chance to intercede and help a person in crisis. Additionally, while law enforcement may take the initial targeted threats calls serious, agencies must think beyond the initial response. In February 2020, a person posted a music video threatening two schools in Sonoma, California. Sonoma Valley School District officials contacted the Sonoma Police Department, which launched a full investigation.¹⁶¹ Investigators located the juvenile suspected of posting the video at his residence and determined the threat was not credible. Additional officers staged at the schools returned to their regular duties, and the schools were allowed to open. School threats have seen a steady increase since the Parkland shooting in 2018, and such scenarios raise the question of what happens to the children after law enforcement has closed the case.¹⁶²

¹⁶⁰ Fein and Vossekul, *Protective Intelligence and Threat Assessment Investigations*, 39.

¹⁶¹ “Sonoma Police Investigate ‘Potential Threat to Student Safety,’” *Sonoma Index-Tribune*, February 25, 2020, <https://www.sonomanews.com/article/news/sonoma-police-investigate-potential-threat-to-student-safety/?sba=AAS>.

¹⁶² Katie Malafrente, “Study: Threats and Violence on the Rise in K-12 Schools,” *Campus Safety*, August 18, 2018, <https://www.campussafetymagazine.com/safety/study-threats-violence-rise-k-12-schools/>.

Schools have a long history of attempting to resolve issues before they become criminal in nature. In some instances, the schools discipline the student for making threats or give the child additional help in the form of school counseling.¹⁶³ Some school districts have threat assessment teams to examine students and refer resources to help them deal with the root causes behind the threats.¹⁶⁴ Unfortunately, some school districts may have a process to deal with student threats, but improperly trained individuals, or lack a program all together. In the case of the Parkland Shooting, the school district had procedures established, but was inconsistent with threat assessment protocols. In one instance, the school conducted a full assessment but fell short of monitoring the shooter’s progress or lack thereof.¹⁶⁵ With no one to track his progress properly, significant gaps in violence mitigation occurred. While prevention measures from school resources may help, in some cases, law enforcement is missing from these intervention techniques. One explanation is because schools may not believe the perceived threat is a crime. Unfortunately, if the case goes unreported, investigators may never have contact with the individuals unless they are involved in another criminal case. Once the student decides to move to another school or jurisdiction, the student’s whereabouts may go undetected by law enforcement, which results in the existence of a significant information-sharing gap.

The ability to share information does come with restrictions. Without legal justification to pass on intelligence, such as a criminal investigation, information sharing is restricted to law enforcement on a need-to-know basis.¹⁶⁶ An agency can maintain internal intelligence files but cannot share the information with outside agencies. However, attempting to follow up with intervention resources is not an option if schools fail to notify law enforcement of any threatening behavior. Additionally, tracking or monitoring a

¹⁶³ Sara Girard, “How Are Kids Who Make School Threats Getting the Help They Need?” Wink News, last modified February 25, 2020, <https://www.winknews.com/2020/02/21/how-are-kids-who-make-school-threats-getting-the-help-they-need/>.

¹⁶⁴ Girard.

¹⁶⁵ Marjory Stoneman Douglas Public Safety Commission, *Initial Report*, 285.

¹⁶⁶ Department of Justice, “Criminal Intelligence Systems Operating Policies,” 23.3.

student's movement is impossible if law enforcement is not aware of any pending problems.

B. ARRESTING AWAY THE PROBLEM

Gaps in prevention efforts also apply to non-criminal offenses and may be among the most frustrating issues that face law enforcement officials when responding to targeted threats cases. In many ways, the pressures of trying to prevent the next active shooter may weigh more on the shoulders of police than any other organization when no crime has occurred, but the circumstances surrounding a call may be too disturbing to dismiss. One option is to develop enough probable cause to arrest a suspect or commit this person to a mental health facility. However, incarceration or mental health confinement is often a short-term solution to a long-term problem. It can give the public some relief, but critics do not believe it prevents a subject from committing future acts of violence.¹⁶⁷ Without intervention procedures in place, underlying issues—feelings of rejection, harassment at work, or animosity toward a specific group—may not find resolution without professional help.¹⁶⁸ Additionally, absent additional calls for police to investigate the individual in another criminal matter, law enforcement may never contact the suspect again. Without establishing mitigation techniques, that gap in time is sufficient for a suspect to progress through the five active shooter phases, as discussed in Chapter II.

Since the Parkland incident, law enforcement has seen an increase in arrests associated with targeted threat cases.¹⁶⁹ In 2019, the United States saw an increase in suspects arrested for making threats to commit mass shootings. Less than three weeks after the El Paso Walmart shooting in August 2019, law enforcement arrested 28 people in the

¹⁶⁷ Michelle Mark, "America Can't Just Arrest Its Way Out of a Mass Shooting Epidemic, Experts Say," Insider, August 27, 2019, <https://www.insider.com/mass-shooting-threats-arrests-after-dayton-el-paso-2019-8>.

¹⁶⁸ James Jacobs, "School Shooters: What Can Law Enforcement Do to Stop Them?" The Conversation, accessed January 16, 2021, <https://theconversation.com/school-shooters-what-can-law-enforcement-do-to-stop-them-92329>.

¹⁶⁹ Steve Almasy, "Dozens of People Have Been Arrested over Threat to Commit Mass Attacks since the El Paso and Dayton Shootings," CNN, August 22, 2019, <https://www.cnn.com/2019/08/21/us/mass-shooting-threats-tuesday/index.html>.

United States for making threats of mass violence, according to the BBC.¹⁷⁰ The FBI reported that in this same three-week period, it received a 70 percent increase in tips warning of potential mass shootings.¹⁷¹ In an article for the Insider, Michelle Mark claims experts believe police are trying to make up for the lack of prevention procedures by arresting people to solve the problem.¹⁷² However, these techniques rarely get to the root of the problem and further complicate the issue by giving the public a false sense of security. In both the Odessa/Midland shooting and the Virginia Tech incident, the suspects had prior police contacts. Law enforcement believed it did everything it could within the constraints of the law but were still unable to prevent the attacks. In numerous cases, gaps seem to materialize after law enforcement encounters the potential suspect, and the case is turned over for prosecution or referred for a mental health evaluation. These gaps often consist of issues that the individual was trying to cope with at the time of the investigation, and later developed into stressors that triggered a violent response.¹⁷³

One way to help close gaps in active shooter prevention is for law enforcement to track or monitor a suspect after the police have completed their investigation. In rare cases, investigators continue to monitor a suspect's activity to ensure this person is not a threat to the public. A common method is to establish threat assessment teams consisting of law enforcement, mental health professionals, and school officials that meet and discuss resources to help individuals in crises.¹⁷⁴ While these teams can be useful for helping people in a specific area, if they move out of the region or are to a jurisdiction that does not have similar procedures in place, they may go undetected.

Trying to arrest-away any problem seldom works in law enforcement, and most experts agree that to have a positive effect, potential subjects need additional prevention

¹⁷⁰ Holly Honderich, "Why So Many U.S. 'Mass Shooting' Arrests Suddenly?" BBC, August 23, 2019, <https://www.bbc.com/news/world-us-canada-49439539>.

¹⁷¹ Mark, "America Can't Just Arrest Its Way Out of a Mass Shooting Epidemic."

¹⁷² Mark.

¹⁷³ United States Secret Service, *Exploring the Effect of Stressors in Threat Assessment Investigations*, 1.

¹⁷⁴ Fairbanks, "Buffalo FBI Agents Tracking."

measures. In most cases, arresting a potential suspect or placing a person on a mental health hold allows law enforcement the time to mobilize supplementary resources and develop an intervention plan. However, in some cases, the plan lacks follow-through. Officials do not think beyond taking a suspect into custody, and they often see the removal of an individual from the environment as a success. Furthermore, since Columbine, law enforcement agencies have begun to consider methods beyond an arrest or mental health hold, as recommended by after-action reviews and documents focused on school safety. For example, one USSS guidebook suggested three key components to a threat management strategy that included: 1) controlling/containing the situation, 2) protecting and aiding possible targets, and 3) providing support and guidance to help the suspected student resolve any issues.¹⁷⁵ As described in the publication, detainment is but one part of a broader solution. In addition, some experts argue that individuals who exhibit concerning behaviors should be monitored until stakeholders agree a subject is no longer in crisis. Until that point, law enforcement should track the subject's progress, and not underestimate the possibility of committing future acts of violence.¹⁷⁶

C. CASE STUDIES

This section analyzes mass shootings after the Columbine incident to gauge existing gaps in law enforcement prevention efforts. The case studies were selected based on the relationships between stakeholders and the challenges confronting officials at the time of the investigation. The research sought to determine whether monitoring programs or information sharing increased or decreased active shooter prevention efforts. The incidents used to contribute to this section include the MSD shooting, or Parkland incident; the Virginia Tech shooting; the Odessa-Midland shooting; and the Las Vegas Route 91 shooting. Each distinct case study is categorized as one of three incident types: 1) intervention techniques were probable and prevention likely, 2) intervention techniques were possible, but prevention unlikely, or 3) intervention techniques were improbable and prevention doubtful. The case studies comprise an overview of each incident, the suspect's

¹⁷⁵ Fein et al., *Threat Assessments in Schools*, 63.

¹⁷⁶ Fein et al., 65.

background and concerning behaviors, law enforcement contacts, mental health history, and gaps with intervention efforts. Although the case studies focus on gaps in the initial investigation, some also analyze concerning behaviors or stressors missed during the investigation. Additionally, a few incidents highlight police efforts that exceed standard operating procedures, such as the Odessa-Midland shooting, to magnify their concerns of suspect behavior and show the gap between police instinct and operating within the confines of the law. Furthermore, this study does not intend to degrade any efforts made by the primary law enforcement agencies tasked with the investigation or responsible for helping communities heal after each tragedy. The goal is to analyze the resources each department had available to it at the time of the initial investigation and the disparities that contributed to the events.

1. Marjory Stoneman Douglas: Intervention Probable, Prevention Likely

The MSD High School shooting, also known as the Parkland incident, was one of the most controversial shootings since the Columbine incident, as it calls into question missed red flags from several officers and school administrators. The incident highlights several lessons for both law enforcement and school officials when responding to targeted threats calls or conducting in-house threat assessments. Several political stances reemerged from red flag laws to the debate over guns, but this study does not focus on those issues. Instead, this research focuses on the early warning signs and concerning behaviors observed by those closest to the suspect. This case study also examines the intervention techniques available to law enforcement and if those resources may have prevented the attack. Unfortunately, this case is categorized as an incident where intervention was probable and prevention likely.

a. The Attack

On February 14, 2018, Nicolas Cruz ordered a ride via his mobile ridesharing app and set the destination for MSD High School. He entered the vehicle armed with an assault rifle and magazine-carrying vest. At 2:19 p.m., Cruz arrived at the school and entered

building 12, commonly referred to as the Freshman building.¹⁷⁷ As he entered the building, he paused by the east stairway on the first floor, loaded a semi-automatic rifle, and put on the vest. He immediately encountered a male student and told him to leave because “something bad was going to happen.”¹⁷⁸ The student ran out of the building and did notify someone, but a delay occurred. Then, Cruz entered the first floor to building 12, began randomly shooting, and showed no preference in his intended targets. He continued to the second and third floors, shooting victims as they ran into classrooms, hid behind desks, or tried to escape the building.¹⁷⁹ Cruz shot 34 people that day, killing 17 victims before leaving the school by blending in with students who were fleeing.¹⁸⁰ Within minutes, all available officers responded to the school and located Cruz walking in a residential neighborhood approximately two miles from the high school campus.¹⁸¹

b. Background and Concerning Behaviors

Nikolas Cruz struggled with behavioral issues that started as a child. At the age of two, a Florida couple adopted Cruz and his younger brother.¹⁸² His mother stayed home, and his father worked in real estate.¹⁸³ Neighbors reported having several run-ins with Cruz when he was growing up, but every time they tried to speak with his mother about the incidents, she protected him. At 12, Cruz lost his father to a heart attack, and his mother

¹⁷⁷ *Parkland: Inside Building 12*, directed by Charles Mimm (2018; Holland, OH: Dreamscape, 2019), <https://www.amazon.com/Parkland-Inside-Building-Charlie-Minn/dp/B07MV6JJ27>.

¹⁷⁸ Marjory Stoneman Douglas Public Safety Commission, *Initial Report*, 25.

¹⁷⁹ *Parkland: Inside Building*, 12.

¹⁸⁰ Rafael Olmeda, “Trial for Parkland School Shooter Won’t Happen in 2020-Delayed by Pandemic,” *Sun-Sentinel*, August 25, 2020, <https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-ne-nikolas-cruz-trial-delays-20200825-noo24fds45f33pvaxoxaf4cmre-story.html>.

¹⁸¹ Marjory Stoneman Douglas Public Safety Commission, *Initial Report*, 37.

¹⁸² Kevin Sullivan, William Wan, and Julie Tate, “Fla. Shooting Suspect Had a History of Explosive Anger, Depression, Killing Animals,” *Washington Post*, February 15, 2018, https://www.washingtonpost.com/national/fla-shooting-suspect-had-a-history-of-explosive-anger-depression-killing-animals/2018/02/15/06f05710-1291-11e8-9570-29c9830535e5_story.html.

¹⁸³ Carol Marbin Miller and Nicholas Nehamas, “Nikolas Cruz’s Birth Mom Had a Violent, Criminal Past. Could it Help Keep Him off Death Row,” *Miami Herald*, September 5, 2018, <https://www.miamiherald.com/news/local/community/broward/article216909390.html>.

was left to raise both boys on her own.¹⁸⁴ Some neighbors recount witnessing him torture small animals and vandalize property without provocation. Others remember damaged furniture hauled away every few months and police being called to Cruz's residence to resolve disturbances. People described Cruz as an emotionally troubled individual who had a quick temper and a habit of posting disturbing social media posts. As Cruz entered his teenage years, he seemed withdrawn from people, and some students said they were afraid of him.¹⁸⁵

Witnesses claim that the only stable part of his life was his mother. She tried to provide for her sons the best that she could, and at times, seemed overprotective. Friends of his mother believed she was afraid of him, and one family member claimed Cruz assaulted her during one of his outbursts and knocked out some of her teeth.¹⁸⁶ In November 2018, Cruz's mother died of pneumonia, so he moved in with family friends. They helped him get a job and allowed him to stay with them, but Cruz sank into depression.¹⁸⁷ He was active on Instagram, with one person he conversed with over the platform saying Cruz was angry at school and consistently bullied. Cruz's contact claimed the youth had talked about shooting up his school and even fantasized about committing suicide.¹⁸⁸

c. Law Enforcement Contacts

As a juvenile, Cruz had a long history with law enforcement contacts. According to the *Marjory Stoneman Douglas High School Public Safety Commission Report*, from the time Cruz was three years old until a month before the MSD shooting, investigators had found 69 documented incidents where he threatened someone, engaged in violence, or

¹⁸⁴ Sullivan, Wan, and Tate, "Fla. Shooting Suspect Had a History of Explosive Anger, Depression, Killing Animals."

¹⁸⁵ Sullivan, Wan, and Tate.

¹⁸⁶ Olmeda, "Trial for Parkland School Shooter."

¹⁸⁷ Sullivan, Wan, and Tate, "Fla. Shooting Suspect Had a History of Explosive Anger, Depression, Killing Animals."

¹⁸⁸ Olmeda, "Trial for Parkland School Shooter."

displayed other concerning behaviors.¹⁸⁹ The report found that the Broward County Sheriff's Office had investigated Cruz 21 times for minor offenses, but most did not involve criminal activity that included an arrest. After the shooting, the sheriff's office opened an Internal Affairs investigation that uncovered two incidents in which deputies failed to "properly investigate" a call. At the conclusion of both investigations, the deputies received disciplinary action.¹⁹⁰ The commission also concluded that at least 30 people had concerns about Cruz's behavior, and at least six claimed they notified school officials, some citing fears of Cruz becoming the next school shooter.¹⁹¹ During a nine-year period, he "received hundreds of hours of therapy sessions," and at one point, school officials conducted a threat assessment.¹⁹² After the assessment, officials determined that Cruz "did not meet the criteria for an involuntary examination," which meant they could not commit him without his permission.¹⁹³

d. Gaps

The Parkland incident revealed gaps in information sharing and follow-through among the existing threat assessment process. This incident falls in the intervention probable and techniques likely category because the investigation uncovered several incidents in which both law enforcement and school officials were notified of concerning behaviors but fell short of completing the investigation. Moreover, the lack of follow-through prevented stakeholders from mobilizing resources and helping Cruz or mitigating an attack against the school. Interviews conducted by investigators uncovered 30 people who had witnessed Cruz's concerning behavior but did not report the incidents or who did report them, but nothing was done to address their concerns. Also, Cruz made suicidal comments via social media, but no one came forward to report the postings. Finally,

¹⁸⁹ Marjory Stoneman Douglas Public Safety Commission, *Initial Report*, 234.

¹⁹⁰ Marjory Stoneman Douglas Public Safety Commission, 237–238.

¹⁹¹ Marjory Stoneman Douglas Public Safety Commission, 264.

¹⁹² Marjory Stoneman Douglas Public Safety Commission, 239.

¹⁹³ Marjory Stoneman Douglas Public Safety Commission, 237.

aggressive behavior toward his mother mostly went unreported, although several friends and neighbors believed she was terrified of him.¹⁹⁴ The MSD final report, and other relevant sources to this case study, did not address how much training the Broward County Sheriff's Office received in threat assessment investigations, or whether additional training could have helped prevent the incident. Knowing if field officers received training in recognizing potential red flag or concerning behaviors would help explain any gaps exposed by the initial investigation or lack of proper notification.

A breakdown in communication and a lack of information sharing also contributed to gaps in threat mitigation. Between the Broward County Sheriff's Office and the Broward County Public School District, officials uncovered 91 documented incidents, 21 with law enforcement contacts, and 70 with the school district.¹⁹⁵ Information sharing between the school district and law enforcement could have helped mobilize intervention resources. It might not have prevented the tragedy, but it could have mobilized stakeholders to help Cruz deal with his behavioral issues.

2. Virginia Tech Shooting: Intervention Techniques Probable, but Prevention Unlikely

The Virginia Tech case study examines the transitional period of a potential active shooter between an individual's teenage years and adulthood. The research highlights how a strong support system can mitigate an individual on the cusp of exhibiting concerning behaviors and the impact that an intervention process can have on a student. Unfortunately, the Virginia Tech shooting also magnifies the importance of information sharing and the implications of removing resources prematurely from a person in crisis. The research uncovered many instances in which individuals raised concerns about the shooter, but regrettably, some important information was never passed on. Alas, the incident is classified as one where intervention was probable, but prevention was unlikely.

¹⁹⁴ Megan O'Matz, "School Shooter Tormented His Mother Yet She Escorted Hi to Buy an AK-47," *South Florida Sun Sentinel*, October 19, 2018, <https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-ne-cruz-ak-47-story.html>.

¹⁹⁵ Marjory Stoneman Douglas Public Safety Commission, *Initial Report*, 243.

a. The Attack

On the morning of April 16, 2007, Seung Cho entered the West Ambler Johnson Dormitory located at the Virginia Polytechnic Institute and State University (Virginia Tech) and killed a female student and a resident advisor. Both were shot at close range, and later pronounced dead. Investigators found no connection between the female student and Cho. Moreover, law enforcement believes that the resident advisor tried to intervene when he heard commotion coming from the student's room.¹⁹⁶ Cho then went to his dorm, deleted his e-mails, and disposed of his computer's hard drive and his cell phone. Next, he mailed a package to NBC News in New York City containing videos, photos, and letters explaining his motives.¹⁹⁷

Cho then went to Norris Hall, well prepared to carry out his attack. He had two handguns, over 400 rounds of ammunition, chains, and a hammer. He chained the double doors to all three entrance points and left a handwritten note on one of doors warning that if the chains were removed, a bomb would explode.¹⁹⁸ He proceeded down the hallways and looked into some of the classrooms.¹⁹⁹ At 9:40 a.m., Cho walked into room 206, where engineering students were learning about advanced hydrology, shot and killed the instructor, and continued shooting indiscriminately. According to the Virginia Tech after-action report, witnesses claim that Cho never said a word and did not appear to target anyone specifically. Cho launched attacks in five classrooms, killing 30 people and shooting another 17 in less than 12 minutes.²⁰⁰

Most of the attacks occurred from within the entrance leading into the classrooms, but Cho also walked up and down the aisles and shot people at close range. He occasionally returned to the same classrooms and shot people as they lay injured. On two separate

¹⁹⁶ Massengill et al., *Mass Shootings at Virginia Tech*, 77.

¹⁹⁷ Massengill et al., 85.

¹⁹⁸ Massengill et al., 89.

¹⁹⁹ Massengill et al., 90.

²⁰⁰ Massengill et al., 92.

occasions, students and faculty used their bodies to barricade the doors closed to keep Cho from entering. Injured and uninjured students from room 207 used their feet to keep the door closed and remained low as Cho shot through the door. He eventually stopped trying to enter and moved on to another classroom. Engineering professor Liviu Librescu in room 204 used his body to barricade the door closed and yelled at students to jump out the window while Cho tried to force his way in. Sixteen students escaped room 207 before Librescu was fatally shot through the door, which enabled Cho to enter the classroom where he shot four students, killing one.²⁰¹ He ultimately ended his attack on his own terms and committed suicide with a self-inflicted gunshot wound to the head. Investigators located 17 empty handgun magazines, 203 live bullets, and two handguns. Officials believe he stopped his attack once he heard law enforcement was drawing close.

At the conclusion of the ordeal, investigators combed his past for any signs of concerning behaviors that were obvious red flags. Several case studies have explored Cho's path to violence or the breakdown in communication between mental health professionals and the university. However, what is most intriguing about this case is the early intervention that Cho was provided. As officials began to investigate his childhood, they found that his parents worked hard with school officials to provide a strong support system. He was given space to be himself but was given assistance to help with his emotional issues. The support he received during his early years helped stabilize Cho, but once he left for college, he soon found himself lacking the same type of assistance.

b. Background and Concerning Behaviors

Apart from immigrating to the United States at a young age, Cho appeared to have lived a normal childhood. He was born in South Korea but immigrated to the United States when he was eight years old. As a child, he was extremely shy and had a difficult time expressing himself. For a South Korean child, having quiet and calm traits are desired

²⁰¹ Massengill et al., 47.

characteristics, but his lack of communication was concerning to his parents.²⁰² According to authors Aradhana Bela Sood and Robert Cohen, his parents recognized that he was a special needs child and worked with school officials to help Cho cope with anxiety in social situations. His parents worked long hours, but they made every effort to get Cho the assistance he needed. When he was in middle school, they began taking him to therapy sessions at a resource center that focused on mental health treatment, psychological evaluations, and testing to English-limited immigrants.²⁰³ The authors explain that for the Chos, seeking help for their son was unusual because of the cultural stigma that mental illness brings to a South Korean family. Despite the therapy sessions, Cho continued being withdrawn, and although he denied having suicidal thoughts, one of his therapists predicted that he would eventually do harm to himself or others.²⁰⁴

As Cho entered his high school years, he began to show signs of concerning behaviors. In mid-April 1999, shortly after the Columbine murders, Cho submitted a paper describing the desire to follow the examples set by the Columbine shooters. The school contacted Ms. Cho, who then took him to a child psychiatrist. He was diagnosed with “mutism and major depression” and was prescribed antidepressant medication.²⁰⁵ Cho was diligent in taking his medication, and his family noticed improvement. After a year of continual progress, he was taken off his medication and never prescribed anti-depressants again. Cho’s lack of participation in class caught the attention of his high school guidance counselors. When asked if he had ever been treated for mental health issues, he lied and denied ever seeing a therapist, but his mother later confirmed that he had.²⁰⁶ With the Chos’ permission, the school contacted his therapists, and he went through an assessment that later determined he was eligible to receive assistance for his emotional disability and

²⁰² Aradhana Bela Sood and Robert Cohen, *The Virginia Tech Massacre: Strategies and Challenges for Improving Mental Health Policy on Campus and Beyond* (Oxford: Oxford University Press, 2015), 13, ProQuest.

²⁰³ Sood and Cohen, 15.

²⁰⁴ Sood and Cohen, 16.

²⁰⁵ Sood and Cohen, 16.

²⁰⁶ Sood and Cohen, 17.

communication difficulties. He was required to attend small groups and participate in oral presentations to address his mutism, and teachers made accommodations to meet with him privately for special assistance. According to Sood and Cohen, the high school's education plan helped Cho manage his social anxiety, and the added security blanket provided by his support system at home, added a stable environment that helped him progress through his teenage years.²⁰⁷ Unfortunately, that stability would not follow him when he left for Virginia Tech.

When Cho applied to Virginia Tech, the admissions office had no idea of his educational accommodations or emotional issues. Cho's IQ was above average, but Sood and Cohen believe his grades in high school benefited from the extra attention and "modifications" that he received.²⁰⁸ Most grades are based on class participation, but since the school modified certain requirements for Cho, that aspect did not reflect in his final grades. His guidance high school guidance counselor suggested that he attend a small college close to home, but he chose to attend Virginia Tech. His grades and SAT scores were enough for him to gain admission. At the time of his application, Virginia Tech did not require letters of recommendations, nor did it conduct in-person interviews.²⁰⁹

Interviews with students and faculty paint Cho as a troubled individual who rarely spoke and to some extent tried to intimidate people. Students felt uncomfortable around him, and although people tried to befriend him, they were often scared off by untimely outbursts or awkward interactions with him.²¹⁰ He was described as a disruptive student who wore sunglasses in class, rarely participated in class discussions, or spoke so low that no one could understand what he was saying. Several professors complained to their department chairs about his behavior. Dr. Nikki Giovanni, who taught poetry, was so uncomfortable with his conduct that she threatened to resign if he was not removed from her class. She complained that students appeared to be afraid of Cho, and she was

²⁰⁷ Sood and Cohen, 18.

²⁰⁸ Sood and Cohen, 18.

²⁰⁹ Massengill et al., *Mass Shootings at Virginia Tech*, 38.

²¹⁰ Massengill et al., 42.

particularly disturbed with his writings. She found his work dark and disturbing, and even asked that a psychologist evaluate his writings.²¹¹ He was referred to the university's Care Team, which focused on students with special needs, and was composed of Judicial Affairs, the dean of students, and the Cook Counseling Center.²¹² The department chair eventually agreed to tutor Cho privately for the remainder of the semester, but the Care Team never reviewed or followed up on his case.²¹³ Cho continued attending classes. He started developing a reputation as someone who students and faculty were leery of having in class.

c. Law Enforcement Contacts

Cho had a few run-ins with law enforcement on campus but no criminal history. On November 27, 2005, campus police spoke to him about texting and e-mailing a female student using the alias "Question Mark," and then unexpectedly went to the student's dorm room and told her he was "Question Mark." The meeting startled the student, and she reported the incident to a student advisor who then called police. The officers spoke with Cho and told him not to have any further contact with the student.²¹⁴ A few weeks later, police contacted Cho again after another female student reported an incident that had occurred a few months prior where Cho was in the woman's dorm room, produced a knife, and then stabbed the carpet. She had stopped socializing with him after the incident but was also receiving unusual e-mails from him. She went home for Thanksgiving break and told her father about the incident, and he decided to report it to the police. Officers spoke to Cho once again and told him to refrain from contacting the student. Shortly thereafter, he sent a text message to his suitemate and claimed that he might kill himself. The police were called, and he was detained for a mental health evaluation.²¹⁵

²¹¹ Massengill et al., 43.

²¹² Sood and Cohen, *The Virginia Tech Massacre*, 22.

²¹³ Massengill et al., *Mass Shootings at Virginia Tech*, 45.

²¹⁴ Sood and Cohen, *The Virginia Tech Massacre*, 22.

²¹⁵ Massengill et al., *Mass Shootings at Virginia Tech*, 46.

Cho was taken to a nearby mental facility for an evaluation, but the process left much to be desired. He was found to have some form of mental illness but not classified as a danger to himself or others, a state requirement to commit someone to the facility. The providers there recommended that he participate in an outpatient treatment program, but Cho never received further treatment, nor did anyone from the facility follow up on his progress.²¹⁶ His parents were never notified that he had been evaluated for mental health issues, and the university police were never advised of this recommendation for continual outpatient treatment. The lack of a notification procedure with law enforcement did not violate a statute, and because Cho was over 18, the facility was not required to contact his parents. For next 16 months, Cho continued his disruptive behavior, but he ceased to have any further contact with police. The mental health recommendations and police investigations were not uncovered until investigators studied his path to violence, after his rampage.

c. Gaps

The Virginia Tech incident provides insight into vulnerable gaps in a person's life between the teen years and adulthood. This incident falls in the intervention techniques probable, but prevention unlikely category because although Cho was identified as a special needs child in high school, and a support system was implemented for him, that network did not follow him to college. The case examines the vulnerable transition from Cho's life where stability was established as a child but lost when he became an adult. As evidenced by this case study, early childhood intervention by Cho's parents and the school system helped provide Cho with the assistance he needed to deal with his emotional issues. Additionally, accommodations made by teachers at Cho's high school enabled him to find academic success, to the point that he could continue his education at an institution of higher learning. However, regardless of the early intervention used to stabilize Cho, moving on to Virginia Tech prevented him from continuing his progress into adulthood. While some officials argue that intervention was probable if school officials encouraged

²¹⁶ Massengill et al., 46.

information sharing with Virginia Tech, the fact remains that no law was violated for failing to do so.

The Virginia Tech after-action review cites an issue with a lack of a permanent record process to follow students when they transition to college and believes that public safety matters should be documented.²¹⁷ Sharing that type of information from the onset could have afforded Cho crisis intervention resources, but unfortunately, some privacy rights restrict such flow of medical information. Without the legal authority to do so, the schools' hands may have still been tied. It remains to be seen whether sharing medical information would help with closing that gap, but it might be worth a try. Nevertheless, students and faculty reported plenty of red flags while Cho attended Virginia Tech, yet little was done to resolve those issues.

3. Odessa-Midland Shooting: Intervention Techniques Possible, but Prevention Unlikely

The Odessa-Midland active shooting incident offers a glimpse at a case that is different from a traditional active shooter incident. The shooting took place over several locations, and the shooter was mobile the entire time. Some people noticed early warning signs, but it appeared that once the suspect experienced a significant triggering event, law enforcement had minimal time to react. This study examines the concerning behaviors leading up to the event and the gaps that led to the shooting. The early red flags made intervention possible, but the time between incidents made prevention unlikely.

a. The Attack

On August 31, 2019, Seth Ator was fired from his job after the owner of the company told him he had received numerous complaints from customers about Ator's attitude. Ator became angry and made several irrational comments involving fellow employees involved in child pornography, and even complained about the government

²¹⁷ Massengill et al., 38.

tracking his whereabouts.²¹⁸ He was not making much sense, and when his supervisor asked Ator for the keys to the worksite, he refused to give them back. After the automatic gates were closed to prevent Ator from driving off with the keys, Ator drove through the fencing. The company immediately called the police and explained his manic state.²¹⁹

While the case officer was on his way to Ator's job site, he received a request via his police radio that Ator wanted to speak with the police.²²⁰ Ator told the officer he was being held against his will, forced to watch pornography, and that the company tried to keep him on the property by closing the gate. He referenced government conspiracies and claimed that he had reported these incidents in the past, but he eventually hung up after he believed the officer was patronizing him.²²¹ Two Odessa police officers and two Texas State Troopers arrived at Ator's job site after they learned that a person matching Ator's description was seen driving erratically and displaying a rifle. A witness was able to obtain a vehicle license plate number that police traced back to Ator, and they prepared for a possible confrontation with him.²²²

Within a few minutes of the broadcast, a Texas trooper conducted a traffic stop on the vehicle, and upon exiting his patrol car, was immediately shot. Ator continued driving but stopped several times to shoot people indiscriminately, at one point, shooting and killing a postal worker before carjacking her vehicle.²²³ Throughout the ordeal, he made no effort to stop his rampage. Police tracked Ator behind a movie theater in Odessa, and

²¹⁸ "For the First Time, Police Report Released to CBS7 Details Afternoon of Mass Shooting," CBS7, last modified January 27, 2020, <https://www.cbs7.com/content/news/ONLY-ON-CBS7-Police-report-details-afternoon-of-mass-shooting-567343951.html>.

²¹⁹ CBS7.

²²⁰ CBS7.

²²¹ CBS7.

²²² CBS7.

²²³ John MacCormack, "Odessa Gunman Lived in a Dirt-Floor Shack, a Small Dog his Only Companion," *San Antonio Express-News*, last modified September 3, 2019, <https://www.expressnews.com/news/local/article/Odessa-gunman-lived-in-a-dirt-floor-shack-and-14407506.php>.

he was shot and killed after exchanging gunfire with police.²²⁴ Ator shot 25 people that day, killing seven. The youngest person injured was a 17-month-old girl, and the oldest was a 64-year-old man from Clarksville, Texas. The youngest person killed was a 15-year-old girl, and the oldest person was a 57- -year-old man.

b. Background and Concerning Behaviors

Seth Ator had a troubled past, but few people believed he could commit an active shooter attack. People felt uneasy about him, with one neighbor describing him as “El Loco,” Spanish for “the crazy one,” and admitting that Ator scared her.²²⁵ He was known as a loner, who resided in a metal shack with no electricity, with his small dog as his only companion. Despite not having many friends, he had a job working as a truck driver, but rarely did anyone from work visit him. Ator was originally from Lorena, Texas, and took some classes at McLennan Community College in Waco.²²⁶ A friend described him as quiet and reserved, who was not a bad person, but had become paranoid and angry over the years. Moreover, he described Ator as believing the whole world was against him, so he felt the attack was out of frustration as opposed to any specific motive.²²⁷

c. Law Enforcement Contacts

Ator had a criminal history in Texas and was also familiar with Texas mental health professionals. According to a CNN report, Ator had a dozen incidents with Texas law enforcement since 2001. Although most incidents were for minor offenses, he was known

²²⁴ John Tufts, “Autopsy Reveals Odessa-Midland Shooter Not under the Influence of Drugs or Alcohol,” *San Angelo Standard-Times*, last modified January 14, 2019, <https://www.gosanangelo.com/story/news/2020/01/09/midland-odessa-tx-texas-shooter/4423883002/>.

²²⁵ MacCormack, “Odessa Gunman Lived in a Dirt-Floor Shack.”

²²⁶ Audrey McNamara et al., “Seth Ator, Odessa Gunman, Didn’t Pass Gun Background Check: Texas Governor,” *The DailyBeast*, last modified September 2, 2019, <https://www.thedailybeast.com/odessa-texas-shooting-sources-identify-gunman-as-seth-ator>

²²⁷ Scott Glover et al., “Investigators Search Home that May be Linked to Sale of Gun to Texas Shooter, Sources Say,” *CNN*, last modified September 5, 2019, <https://www.cnn.com/2019/09/04/us/west-texas-odessa-shooter/index.html>.

to become violent when he drank alcohol.²²⁸ A close friend described him as someone who became aggressive when he drank and thought everyone was against him.²²⁹ Records obtained by the *New York Post* suggest that Ator was committed to a Texas mental health facility in 2001 and 2006.²³⁰ In 2011, the Amarillo Police Department responded to Ator's residence where he was living with his mother. She reported that he was refusing to take his medication and had threatened to commit suicide.²³¹ According to a CNN report, his mother reported he was "delusional about a government conspiracy against him" and warned about a police standoff. The officers discovered an underground shelter, which they interpreted as preparations for a standoff, and a machete hidden under his bed. They did not locate any firearms, but they were concerned about their encounter with Ator. Officers took photos of the residence and sketched a diagram of the floorplan, which they later shared with the SWAT team.²³² Ator was detained and taken to a mental health facility for evaluation, and while at the facility, he told a security officer, "The police can't be everywhere."²³³ It appeared that he was foreshadowing what he would do eight years later.

d. Gaps

Law enforcement and mental health officials tried several intervention techniques to help Ator, but for unknown reasons, they were unsuccessful. Ator was ineligible to purchase or own a firearm, but he could still acquire a firearm through a private seller without submitting to a background check.²³⁴ Several questions remain as the investigation

²²⁸ Curt Devine, "Police Feared Odessa Shooter Was Planning Attack—8 Years Ago," CNN, last modified September 29, 2019, <https://www.cnn.com/2019/09/29/us/seth-ator-previous-police-encounter-invs/index.html>.

²²⁹ Glover et al., "Investigators Search Home."

²³⁰ Tamir Lapin, "Texas Police Were Warned about Odessa Mass Shooter 8 Years Ago," *New York Post*, September 30, 2019, <https://nypost.com/2019/09/30/texas-police-were-warned-about-odessa-mass-shooter-8-years-ago/>.

²³¹ Tufts, "Autopsy Reveals."

²³² Devine, "Police Feared Odessa Shooter."

²³³ Devine.

²³⁴ Glover et al., "Investigators Search Home."

continues, and law enforcement has not published the final report on the incident. However, most media outlets point to the 2011 incident where police found an underground shelter at his residence as a significant red flag. Ator was committed for a mental health evaluation, and many people wonder whether that was a point in time when police should have mobilized additional resources or sought to notify allied agencies. However, Amarillo Police Chief Ed Drain defended his agency, stating that law enforcement must follow the law. He argued that his department did everything it could, noting that the Constitution prohibits police from “locking people up” for broad criteria involving threats.²³⁵

Chief Drain admitted that intelligence sharing played a key role in not monitoring Ator after the 2011 incident. He believed his department did everything it could and did not know what could have been done about Ator committing an attack four hours away from Amarillo, Texas.²³⁶ Mental health experts seem to agree with the chief’s assessment and feel like failed policies more than a lack of preventive resources contributed to this attack. For example, James Densley, a criminal justice professor at Metropolitan State University in St. Paul, said police need more resources to include red-flag laws to control access to firearms and increased partnerships with mental health experts.

Besides moving out of Amarillo, another aspect of this case is the fact that Ator did not have any significant issues with Texas law enforcement or mental health professionals since 2011. Most experts would assume that Ator was doing well with his illness if they were strictly going off his criminal history or mental health records. Based on the resources available to law enforcement, intervention techniques might have mitigated an attack, but once he left the area, and remained unnoticed by not drawing attention to himself, prevention was unlikely.

²³⁵ Devine, “Police Feared Odessa Shooter.”

²³⁶ Devine.

4. 1 October Las Vegas Mass Casualty Shooting: Intervention Techniques Not Probable, Prevention Doubtful

This case study examines an incident in which the suspect did not show signs of distress. Those closest to the suspect did not observe concerning behaviors, and no triggering events foreshadowed any acts of violence in his state of mind. With no clues to help prevent an attack from happening, this incident is classified as a case where intervention techniques were not probable and preventing the incident was unlikely. In the two previous case studies, law enforcement had numerous contacts with the suspects, and officials could point to concerning behaviors or triggering events that preceded an attack. However, in the case of Stephen Paddock, the 1 October shooter, investigators were unable to find a motive behind the attack.²³⁷ Without indicators that have been proven precursors to targeted violence, the public is left wondering how law enforcement might prevent similar tragedies in the future.

a. The Attack

On September 17, 2017, Stephen Paddock checked into the Ogden Hotel in Las Vegas and booked his stay until September 28, 2017. According to the Las Vegas Metropolitan Police Department (LVMPD)'s criminal investigation, his stay overlapped with reservations at the Mandalay Bay Hotel. Paddock checked into the hotel on September 25, 2017 and was seen moving large pieces of luggage periodically from both hotels to his car, and even received assistance from a bellman with his luggage. The report also states that a few days before the attack, Paddock deposited \$14,000 into a Wells Fargo bank account and transferred \$50,000 to a bank in the Philippines, where his girlfriend was visiting family at the time. Moreover, people who knew him said he continued his usual routine of gambling heavily and occasionally leaving the hotel. Nothing about Paddock's behavior seemed odd to the staff, as he was a regular at the casinos and considered a "high-status" player.²³⁸

²³⁷ Romo, "FBI Finds No Motive in Las Vegas Shooting, Closes Investigation."

²³⁸ Nathan Rott, "Las Vegas Shooter Stephen Paddock Was a High-Level Gambler," National Public Radio, October 5, 2017, <https://www.npr.org/2017/10/05/555949726/las-vegas-shooter-stephen-paddock-was-a-high-level-gambler>.

On October 1, 2017, Paddock continued to act like a normal patron, and his behavior did not raise concerns. He spent much of the day gambling and ordering room service. Outside the Mandalay Bay Hotel, 20,000 country music fans attended the three-day Route 91 Harvest Festival, and unbeknownst to them, Paddock's rooms on the 32nd floor overlooked the event. According to investigators, at 10:05 p.m. while country singer Jason Aldean was on stage, Paddock began shooting into the crowd of spectators and continued his assault for several minutes.²³⁹ A security officer on Paddock's floor was the first to hear shots coming from his room, and as he approached to investigate the noise, Paddock fired rounds into the hallway. A bullet fragment pierced the security officer's leg, and he immediately notified his dispatcher that shots were coming from Paddock's floor. Paddock then redirected his attention to the crowd and continued to fire indiscriminately for approximately 10 minutes.²⁴⁰ LVMPD officers made their way to the 32nd floor and made the decision to enter the room. They placed an explosive charge on the door and initiated an explosive breach. At 11:20 p.m., officers entered the room and reported that the suspect was down of an "apparent self-inflicted gunshot wound to his head."²⁴¹ After the attack, Paddock had killed 58 people and wounded another 869.²⁴²

b. Background and Concerning Behaviors

Several people were interviewed after the attack, and the consensus from those who knew him was disbelief that Paddock could commit such a violent attack. According to Paddock's brother, Eric, Stephen was one of four children and the only sibling that kept in contact with him.²⁴³ The family grew up in a lower-middle-class family and lived in

²³⁹ LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, *LVMPD Criminal Investigative Report*, 33.

²⁴⁰ LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, 34.

²⁴¹ LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, 37.

²⁴² LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, 125.

²⁴³ LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, 114.

Southern California.²⁴⁴ Stephen had held various federal jobs and spent time employed by the U.S. Postal Service, Internal Revenue Service, and the Defense Contract Audit Agency. In the early 1980s, he invested in real estate and eventually owned more than nine houses, and apartment complexes in Nevada, Florida, and California.²⁴⁵ As he amassed wealth, he began to gamble and was seen as an arrogant person. In an interview with the *New York Times*, a former casino executive described him as someone who believed everyone worked for him. People described Paddock as someone who knew how to gamble, and people, even his own family, would cater to his wishes. However, most admit that he rarely showed them the same affection in return.²⁴⁶

c. Law Enforcement Contacts

Paddock was not known to law enforcement and did not have an extensive criminal history. His youngest brother Eric depicted his other siblings as having mental disorders but described Paddock as a “narcissist” and someone who cared about people only if it benefited him.²⁴⁷ A spokesman from the Mesquite, Nevada, Police Department, of the town where Paddock resided, stated that he did not have any issues with creditors and did not cause any problems in town. His neighbors described him as curt and not overly outgoing. Still, the people who rented his apartments believed he was a good landlord who tended to their needs and kept their rent prices fair.²⁴⁸ None of the people interviewed noticed any concerning behaviors or triggering events that might have led them to believe Paddock was a danger to the public. Except for the unusual number of firearms purchased in a short time, he gave no warning signs for the authorities to act upon or try to intervene.

²⁴⁴ Sabrina Tavernise, Serge F. Kovaleski, and Julie Turkewitz, “Who Was Stephen Paddock? The Mystery of a Nondescript ‘Numbers Guy,’” *New York Times*, October 7, 2017, <https://www.nytimes.com/2017/10/07/us/stephen-paddock-vegas.html>.

²⁴⁵ Emanuell Grinberg, “Something Went ‘Incredibly Wrong’ with Las Vegas Gunman, Brother Says,” CNN, last modified October 5, 2017, <https://www.cnn.com/2017/10/02/us/las-vegas-attack-stephen-paddock-trnd/index.html>.

²⁴⁶ Tavernise, Kovaleski, and Turkewitz, “Who Was Stephen Paddock?”

²⁴⁷ LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team, *LVMPD Criminal Investigative Report*, 116.

²⁴⁸ Tavernise, Kovaleski, and Turkewitz, “Who Was Stephen Paddock?”

d. Gaps

Investigators could not come up with a motive for the attack, and without a motive, family and friends of the victims were left without closure. Paddock did not leave a manifesto, diary, or notes explaining why he felt the need to harm all those people. In examining this case study, the incident falls into the category in which intervention techniques were not probable and prevention unlikely. Without warning signs, such as triggering events or concerning behaviors, it is nearly impossible for authorities or mental health professionals to get involved.

This case is unique and disturbing, as investigators were left with few answers to many unsettling questions. With many people wanting to learn from this incident to prevent similar attacks from happening, it might be concluded that with few investigative leads, law enforcement could not have prevented this attack. Although it is true that Paddock bought several firearms in a short period, he did, however, have a legal right to do so in the state of Nevada, and his purchases did not raise any red flags. In such cases, the only prevention technique law enforcement has available is lessons learned from past incidents, which include target hardening and site assessments, advanced security measures, rapid response training, and mutual aid response. Law enforcement consistently trains both private and public employees in active shooter prevention and recognition procedures with the hope that the community can act as a force multiplier. Nonetheless, even with such training and vigilant citizenry, preventing this type of an act in the future without viable leads is almost impossible to predict.

D. SUMMARY

This chapter focused on gaps in investigative techniques currently available to law enforcement agencies involving targeted threats against persons or locations. The examples in Sections A, Section B and the case studies examined, are a sample of the scenarios law enforcement confronts daily. The decisions officers make regarding tracking and monitoring must weigh the constitutional rights of the individual with the need to protect the public. As the research uncovered in the various case studies, at times, law enforcement may do everything right and still fail to protect the public. One area that law enforcement

may need to focus on is monitoring or tracking of future active shooter suspects, and individuals whom officials believe capable of committing a mass casualty attack. Such methods might require unorthodox techniques but could prove valuable in adding to prevention measures. The following chapter introduces issues with tracking or monitoring potential active shooters.

THIS PAGE INTENTIONALLY LEFT BLANK

IV. ANALYSIS: LIMITS ON MONITORING POTENTIAL SUSPECTS

Several factors determine law enforcement's ability to deter and prevent an active shooter attack. Some factors are self-imposed expectations built on past practices, and the public places some of these expectations on law enforcement.²⁴⁹ One way that law enforcement can prevent crime is by stopping suspects before they commit the act. A police technique that has long been in practice is monitoring suspected criminal activity over time with the goal of obtaining enough evidence to arrest a person or suspending a case if no wrongdoing is discovered. This chapter examines why law enforcement chooses not to monitor potential active shooter suspects once a case has gone through court proceedings, and any investigative gaps created through the investigative process. It analyzes why some law enforcement agencies are reluctant to commit resources to a tracking process and what may guide their decisions. This chapter is not meant to make excuses or validate decisions made by agencies regarding a monitoring program, or lack thereof, but to examine critically why gaps exist in active shooter prevention and what agencies can do in the future to help close those gaps.

A. RESOURCE ALLOCATION AND ORGANIZATIONAL RESPONSIBILITY

The initial targeted threats call that an officer responds to can be challenging to decipher and adding to those challenges is the follow-through that comes after the initial investigation. Trying to determine if someone is venting, joking, or experiencing leakage is a tremendous amount of responsibility for law enforcement. As discussed in the previous chapter, law enforcement is required to base its investigative decisions on public safety and the constitutional rights of individuals, such as their freedom of speech and right to privacy. A gap exists with monitoring or tracking potential active shooters once a case is adjudicated or an individual is referred to mental health professionals. Some law enforcement agencies

²⁴⁹ Tomas C. Mijares and Ronald Mccarthy, *Significant Tactical Police Cases: Learning from Past Events to Improve upon Future Response* (Springfield, IL: Charles C. Thomas Publishing, 2015), 184.

have established programs to track and monitor individuals, but others may be hesitant since doing so can require significant resources. With law enforcement agencies consistently struggling with staffing issues, agencies are likely to direct resources to problem locations where crime reduction is measurable, such as through the Uniform Crime Reporting Statics or an agency’s in-house process.²⁵⁰ Allocating resources to a high-impact, low-probability event, such as a potential active shooter, may not be a priority in some jurisdictions.²⁵¹ While the logic behind resource allocation makes sense, the gap left in keeping track of potential threats may not materialize until a deadly incident, which will likely cast a shadow on the agency.

Some federal agencies have published recommendations for law enforcement that outline strategies for establishing threat programs and monitoring long-term cases. Threat assessment experts Fein and Vossekuil authored several guides that consistently surfaced throughout this research. In their research guidebook titled, *Protective Intelligence & Threat Assessment Investigations*, they focused the publication on targeted threats towards public officials.²⁵² The authors provide a list of helpful characteristics for determining a would-be assassin’s motives, similar to the threat assessment behaviors in Chapter II. Additionally, the authors offer recommendations to local agencies for conducting threat assessments, managing threat assessment cases, and explaining that protective responsibility varies from one agency to another. For example, the USSS, tasked with protecting the president and other national leaders daily, requires more resources for their protective responsibility than a “smaller agency with limited or episodic protective responsibility.”²⁵³ However, a lack of consistent threats toward the public does not excuse smaller agencies from putting preventive measures in place to mitigate a deadly encounter.

²⁵⁰ “Services,” UCR Publications, accessed January 11, 2021, <https://www.fbi.gov/services/cjis/ucr/publications>.

²⁵¹ Amman et al., *Making Prevention a Reality*, 11.

²⁵² Fein and Vossekuil, *Protective Intelligence and Threat Assessment Investigations*, iii.

²⁵³ Fein and Vossekuil, 25.

While resource allocation may make some administrations dealing with staffing shortages cringe at the idea of assigning personnel to a special unit, experts believe having a plan implemented is more important than the number of resources allocated. Most plans consist of a threat assessment process, a caseload, and a monitoring procedure. The importance of a threat assessment and monitoring process was discussed in previous chapters. A vital piece of the plan and a significant component to a monitoring process involves the follow-up investigation or case management. Most threat assessment experts are strong advocates for establishing caseloads for investigators, which is the first step toward a monitoring program.²⁵⁴ Fein and Vossekul believe that if “investigations suggest that a subject has the interest, motive, and ability to attempt an attack,” it is law enforcement’s “responsibility to manage the case so that violence does not occur.”²⁵⁵ Fredrick Calhoun and Stephen Weston advocate private and public organizations’ establishing a “threat assessment process” rather than a “threat assessment program.”²⁵⁶ They argue that calling threat assessment management a *program* may unintentionally suggest that threat management requires full-time personnel, so the organization will allocate necessary resources to mitigate the threat. On the other hand, a threat assessment *process* allows an organization the flexibility of assigning resources based on need and priority.²⁵⁷ Many agencies choose not to dedicate resources to threat assessment management, as they view a threat assessment case as a program versus a process. A publication distributed by the FBI acknowledged the staffing concerns of local law enforcement and that devoting resources might not be feasible for some agencies. The FBI mentions that each agency should consider threat assessment management based on practicability.²⁵⁸ Law enforcement officials realize that every agency faces different situations, and therefore, advocate for flexibility in a stated plan.

²⁵⁴ Fein and Vossekul, 55.

²⁵⁵ Fein and Vossekul, 55.

²⁵⁶ Calhoun and Weston, *Threat Assessment and Management Strategies*, 5.

²⁵⁷ Calhoun and Weston, 5.

²⁵⁸ Amman et al., *Making Prevention a Reality*, 6.

One significant responsibility for threat assessment management is monitoring potential subjects. Experts have identified different ways to monitor a subject, which does not necessarily mean tracking the person. In some instances, especially if no crime has occurred, investigators may want to confront these individuals and advise them that their behavior is so inappropriate that they are the subject of an investigation.²⁵⁹ In the USSS's *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*, the authors affirm that in some cases, confrontation is required to help the individuals reset and realize their behavior is making people uncomfortable.²⁶⁰ In extreme cases, investigators may decide to take a covert approach and request additional resources, such as removing the individuals from their environments and seeking prosecution as the only way to ensure public safety.²⁶¹ In both scenarios, investigators must be familiar with the individuals and understand the options available for intervention.

Another significant responsibility in threat assessment management is making the commitment to close or suspend cases. Determining whether a person is no longer exhibiting concerning behaviors and whether the case should be closed can be difficult for some agencies, which is why some departments collaborate with community stakeholders. For example, the Virginia Tech Commission recommended a committee of personnel, each from a different discipline, help discuss issues and assist with resource allocation.²⁶² The ability to consult other professionals with different perspectives is one avenue agencies can explore for assistance. Regardless of the adopted procedures, if an individual has met the investigator's objectives, closing the case and ceasing continual monitoring is a necessary and appropriate step.²⁶³ According to Fein and Vossekuil, cases can be closed if the investigator can “1) articulate why a subject was originally considered to pose a threat, 2)

²⁵⁹ Fein and Vossekuil, *Protective Intelligence and Threat Assessment Investigations*, 56.

²⁶⁰ Fein et al., *Threat Assessment in Schools*, 63.

²⁶¹ Calhoun and Weston, *Threat Assessment and Management Strategies*, 76.

²⁶² Randazzo and Plummer, *Implementing Behavioral Threat Assessment on Campus*, 87.

²⁶³ Fein and Vossekuil, *Protective Intelligence and Threat Assessment Investigations*, 57.

document changes in the subject’s thinking and behavior that negate the original concerns, and 3) describe why the subject is unlikely to pose a future threat to protected persons.”²⁶⁴ The authors caution that in some cases, notifying individuals that their cases are closed can have adverse effects on them as they may view law enforcement as part of their support system. Officials recommend offering and maintaining services for these individuals, so they understand that help is available if needed.

The level of commitment needed for accomplishing protective responsibility and managing threat assessments may be too much for some agencies. Smaller and mid-sized departments may not want to entertain the idea of allotting personnel to a monitoring process, and the additional resources may seem too extreme for some agencies to commit. Moreover, considering that even a part-time collateral duty could take away from other departmental responsibilities, department heads might hesitate to assign additional work to their most dependable employees. Conversely, not taking a proactive approach might place agencies in an uncomfortable position if they have failed to establish threat management practices. With several publications establishing guides for large and small agencies to address potential issues adequately, organizations are left with few excuses not to take a proactive approach to prevention.

B. INFORMATION SHARING

Law enforcement’s reluctance to monitor potential active shooters is also attributed to a lack of information sharing or intelligence distribution. According to Mark Lowenthal, “Information is anything known,” no matter how it was uncovered, whereas “intelligence is information that was processed, vetted and analyzed for a specific reason.”²⁶⁵ Most law enforcement professionals understand that sharing intelligence or information is a significant part of reducing active shooter attacks, yet a lack of information sharing is often a crucial part in failing to prevent mass casualty incidents. The reluctance to monitor potential active shooters is often due to an unwillingness to share information, restricted

²⁶⁴ Fein and Vossekul, 58.

²⁶⁵ Mark M. Lowenthal, *Intelligence from Secrets to Policy* (Los Angeles: Sage Publishing, 2020), 1.

access to intelligence, or unfamiliarity with information-sharing platforms. Ironically, some of the same issues regarding information sharing, such as interagency cooperation, that plagued federal law enforcement before the 9/11 attacks, continue to materialize within local, state, and federal agencies.²⁶⁶ The problems are not new but need to be examined and addressed.

One of the obstacles among some law enforcement agencies is their failure to foster a culture based on the importance of information sharing. In his article, Doug Wyllie concludes that information-sharing issues have more to do with cultural and behavioral impediments than with technology.²⁶⁷ He attributes a lack of information sharing to silos created within agencies and the belief that information designated as intelligence should be shared only on a need-to-know basis. Agencies may also hold onto information to restrict information flow to enhance their status, as many believe that information is power.²⁶⁸ In a study on inter-agency information sharing in Southern California, Phillip Sanchez determined that many agencies were selective about the information they shared with their local intelligence centers and mainly based on what center they preferred to use.²⁶⁹ For example, his research concluded that the Los Angeles fusion center received more information than was shared with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). He found this trend troubling considering that federal agencies try to foster a culture of collaboration and resource allocation.

Law enforcement agencies have also hampered the information-sharing process out of purely selfish reasons. Some investigators may refuse to share information in the hopes of keeping leads and adding prestige to their agencies. Moreover, some departments tend

²⁶⁶ The Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report: Final Report of the National Commission of Terrorist Attacks Upon the United States* (Washington, DC: 9–11 Commission, 2004), 408.

²⁶⁷ Doug Wyllie, “Technology Isn’t the (Biggest) Problem for Information Sharing in Law Enforcement,” *Police1*, April 30, 2009, <https://www.police1.com/police-products/communications/articles/technology-isnt-the-biggest-problem-for-information-sharing-in-law-enforcement-x5XzuiFPyCwl8gUC/>.

²⁶⁸ Wyllie.

²⁶⁹ Sanchez, “Increasing Information Sharing,” 82.

to hoard information if they believe a larger agency, with jurisdictional authority, may take the information and further an investigation, which may lead to a break in a case and generate positive press. In that instance, keeping the information is more beneficial than passing it on.²⁷⁰ Additionally, some agencies may underestimate the value they have in the intelligence-sharing process. That belief might be fabricated or be based on prior experience when intelligence officials disregarded their information. For example, Wyllie points to the *9/11 Commission Report*, which cites instances where federal agencies refused to act on information disseminated by state and local law enforcement because it was not coming from the intelligence community.²⁷¹ Feelings of animosity can quickly build, in any profession, if individuals feel their work is unimportant to the overall goal or success of the mission.

Intelligence restrictions placed on state and local agencies pose another challenge to information sharing. As stated, it is not unusual for organizations, particularly at the federal level, to limit access to information. Most law enforcement agencies understand the importance of restricting access to classified information, but at times, local agencies may need a conduit when conducting threat assessment investigations. In some regions, departments have established relationships through area task forces, such as the FBI's Joint Terrorism Task Force (JTTF), and committed resources to aid with information sharing. However, the information is not entirely open for dissemination, as those JTTF members are also bound by the FBI's policies, and intelligence deemed classified may be restricted.²⁷² Additionally, the law does not permit sharing information on potential active shooter suspects who have not committed a crime but might in the future. According to 28 CFR Part 23, which defines regulations for interagency information sharing, specifically states that law enforcement can share information with other agencies if it pertains to a

²⁷⁰ Gary Corderner and Kathryn Scarborough, "Information Sharing: Exploring the Intersection of Policing with National and Military Intelligence," *Homeland Security Affairs* VI, no. 1 (January 2010): 2, <https://www.hsaj.org/articles/92>.

²⁷¹ Wyllie, "Technology Isn't the (Biggest) Problem."

²⁷² "FBI Information Sharing and Safeguarding Report 2012," Federal Bureau of Investigation, accessed January 17, 2021, https://www.fbi.gov/stats-services/publications/national-information-sharing-strategy-1#_Toc364258125.

criminal investigation.²⁷³ If the suspect has not been implicated in a criminal investigation, then agencies are restricted from sharing certain types of information with allied agencies. However, 28 CFR Part 23 does allow agencies to keep intelligence files for their respective agencies, so long as the information is not shared with other organizations, which can be problematic when attempting to warn agencies of future threats that as yet have no nexus to a crime.²⁷⁴

The MSD case study also showed issues with sharing information between school districts and law enforcement. Some statutes specifically protect against sharing students' personal information, such as FERPA, or the Health Insurance Portability and Accountability Act of 1996 (HIPAA).²⁷⁵ FERPA, however, contains a clause for public safety that states schools are exempt from repercussions if sharing student information is for health and safety concerns.²⁷⁶ Additionally, the threat assessment team at MSD had a law enforcement officer assigned to the school, which would have given the sheriff's office access to Cruz's information to enable them to create and maintain in-house intelligence files. Unfortunately, in the MSD case, the information did not make it to the proper authorities to prevent the attack.

The last information-sharing obstacle law enforcement confronts is deciding which organization is best suited to distribute or store the information. Information sharing is vital, but at times, law enforcement may face difficult decisions in pushing information out and deciding whom it should notify. Many law enforcement officials will point to a regional fusion center's responsibility in monitoring and administering relevant information. Nevertheless, as Shane A. Salvatore explains in his study, not every fusion center is a relevant resource for intelligence sharing. He believes the reasons vary from cultural issues that materialized from a lack of interagency cooperation or a

²⁷³ Department of Justice, "Criminal Intelligence Systems Operating Policies," 23.3.

²⁷⁴ Department of Justice, 23.10.

²⁷⁵ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report*, 299, 303.

²⁷⁶ Marjory Stoneman Douglas High School Public Safety Commission, 299.

misunderstanding of how intelligence centers can help law enforcement.²⁷⁷ Salvatore's study is one example of departments needing to think outside their jurisdictional borders and take advantage of intelligence-sharing mechanisms implemented to enhance networking and interagency cooperation.

Law enforcement agencies may not understand which information centers they should notify to help disseminate information. For example, the Department of Homeland Security (DHS) sponsors fusion centers, but they are state-owned and operated.²⁷⁸ If an agency needs to distribute information, it can turn to a fusion center, but it can also turn to other federal agencies. The FBI has a process called eGuardian, whereby citizens and law enforcement can report suspicious behavior through a webpage or call center, tips are then vetted and assigned to agents or taskforce officers for further investigation.²⁷⁹ With no clear indication in determining where information should flow, some after-action reviews have uncovered instances in which law enforcement decided to keep its intelligence in-house and distribute the information as needed. For example, regarding the Odessa-Midland case, after the Amarillo Police Department responded to Ator's residence and located a bunker in his backyard, the officers were disturbed enough to share the information within their agencies. However, it is unknown whether the information flow continued or stayed in-house. By all accounts, the information probably did not go further than the Amarillo Police Department as no one else was aware of Ator's concerning behaviors until after the shooting.

Information sharing is one of the many issues that plague law enforcement's inability to monitor potential active shooters. The technological advancements have all but eliminated the constraints placed on intelligence sharing through various systems, and the

²⁷⁷ Shane E. Salvatore, "Fusion Center Challenges: Why Fusion Centers Have Failed to Meet Intelligence Sharing Expectations" (master's thesis, Naval Postgraduate School, 2018), 68, <https://apps.dtic.mil/dtic/tr/fulltext/u2/1052869.pdf>.

²⁷⁸ "Fusion Centers," Homeland Security, last accessed January 18, 2021, <https://www.dhs.gov/fusion-centers>.

²⁷⁹ Jacqueline F. Brown, "Federal Bureau of Investigation Privacy Impact Assessment for the eGuardian System," Federal Bureau of Investigation, January 4, 2013, <https://www.fbi.gov/services/information-management/foipa/privacy-impact-assessments/eguardian-threat>.

barriers that exist are often self-imposed. However, because law enforcement officials have emphasized intelligence sharing within the law enforcement community, self-imposed obstacles can be overcome with time. The solution seems simple, but it is easier to identify silos and cultural obstacles than tear them down.

C. LACK OF A NATIONAL TRACKING STANDARD

As of 2020, law enforcement has no national standard for tracking or monitoring potential active shooter threats. In the absence of a standardized system of tracking individuals, law enforcement may be reluctant to implement measures that may result in future liability claims. Law enforcement experts have written guidelines outlining what a tracking or monitoring program should look like, and although these publications have notable recommendations, they are not a nationally adopted standard. Still, other agencies have taken the initiative to create programs and implement procedures based on lessons learned from after-action reports. In an article by the *Buffalo News*, an FBI agent giving an active shooter presentation admitted that his field office tracks potential active shooters to determine whether they are threats.²⁸⁰ Most departments understand the need for additional steps after a threat assessment investigation. Nevertheless, many agencies would like a definitive roadmap, backed by data, to articulate the need to track people and commit the necessary resources.

The USSS has been at the forefront of publishing threat assessment guides for local and state law enforcement. Through their work, Fein and Vossekuil have outlined specific guidelines to track or monitor potential threats. The monitoring process, as discussed earlier in this chapter, does not necessarily mean constant surveillance, and the term may dissuade some agencies from committing to such a program. According to Fein and Vossekuil, once law enforcement conducts a threat assessment, investigators should keep intelligence files and monitor the individual's progress. Part of the monitoring process should include allocating resources for the individual and addressing any stressors that will

²⁸⁰ Fairbanks, "Buffalo FBI Agents Tracking."

cause the subject to act on impulses.²⁸¹ In *Threat Assessment and Management Strategies: Identifying the Hunters and Howlers*, Calhoun and Weston explain that in the private sector, threat assessment managers need to monitor the behavior of employees who are exhibiting concerning behaviors. They explain that at certain times, it is appropriate to disclose to the employees that they are being watched as it may encourage them to change their behavior.²⁸²

Based on the MSD case study, the commission's final recommendation addressed inconsistencies in the school's threat assessment process. While investigators pointed to threat assessment models by the USSS and State of Virginia, they also pointed to a lack of consistency in Florida schools. The commission found issues related to training and implementation of the threat assessment process.²⁸³ These issues would significantly impact how to manage future cases and gaps in concerning behavior identification. A lack of consistency also leads to a lack of a viable monitoring program and reduces prevention efforts toward future attacks.

Managing the monitoring files may also cause hesitation among law enforcement officials, as it adds a layer of accountability and risk management for the agency. Most experts agree that case management and intelligence storage should include only personnel with a need to access the information.²⁸⁴ Agencies are encouraged to train their case managers properly and ensure they understand the importance of accessing that type of intelligence. While most of the information housed in intelligence files is part of a potential criminal investigation, some information may include issues concerning the subject's mental state or other medical conditions.

Experts have also published guidelines to help law enforcement investigators with criteria to consider when a person needs monitoring. Law enforcement administrators may

²⁸¹ Fein and Vossekuil, *Protective Intelligence and Threat Assessment Investigations*, 55.

²⁸² Calhoun and Weston, *Threat Assessment and Management Strategies*, 70.

²⁸³ Marjory Stoneman Douglas Public Safety Commission, *Initial Report*, 281.

²⁸⁴ Amman et al., *Making Prevention a Reality*, 76.

be hesitant to monitor or track individuals that have yet to commit a crime, as it may lead to constitutional implications. The hesitation is understandable, and diminishing any apprehension is based on the policies and procedures established for each threat assessment program. For example, most threat assessment models have a set of criteria to determine whether the person is a threat or merely venting out of frustration. Based on how the investigator assesses a person's behavior or how the subject answers specific threat assessment questions, can determine if this individual is categorized as a potential threat.²⁸⁵ Each threat assessment model may vary and cause law enforcement to hesitate to monitor an individual, but the foundational concepts on deciding if a person is a threat remain consistent. The essential components initially developed for the USSS leave room for modification but offer guidelines to assist agencies in making these crucial decisions.

Most experts understand a need exists for law enforcement to track potential active shooters, but some agencies are hesitant to implement a monitoring system absent from a standardized process. What they need to realize is that many agencies have shared information dedicated to helping departments enhance their intelligence and monitoring programs. The guidelines are broad enough to give each agency discretion over what procedures they will employ but specific enough to address pressing issues related to safety or liability concerns.

D. SUMMARY

A tracking or monitoring procedure for potential active shooters is a noticeable gap in most active shooter prevention efforts. The reasons vary from one agency to another, but the constant is the agency's willingness to prioritize a monitoring plan. As identified in this research, agencies face several obstacles ranging from a lack of resources to inadequate information sharing, to a lack of a national tracking standard. An organization may have many reasons for failing to take the time to think critically about a strategy to monitor a potential active shooter. However, with so many targeted threat attacks taking place throughout the country, this topic should at least be discussed. Having a well-thought-out threat assessment plan, with a tracking component implemented, will pay dividends in the

²⁸⁵ Amman et al., 24.

future. At a minimum, an agency may be more prepared to answer questions surrounding prevention efforts and avoid stating it did everything possible when the research concludes that it did not.

THIS PAGE INTENTIONALLY LEFT BLANK

V. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

This chapter examines the research findings, conclusions, and additional recommendations that need further attention. Each section answers specific questions that emerged throughout the research project and aims to address significant issues. Additionally, this chapter focuses on possible recommendations for closing the gaps uncovered throughout the project and highlights information-sharing networks that law enforcement can use in the future. While these recommendations do not offer a permanent solution for future active shooter events, they do add to the prevention efforts currently in place to help reduce existing gaps. One of the last sections discusses limitations encountered in the research and possible suggestions for future studies. Finally, this author gives his final thoughts, and discusses how the case studies impacted this study.

A. FINDINGS AND CONCLUSIONS

This thesis analyzed why law enforcement has not taken an active role in tracking or monitoring potential active shooters. The question is crucial, as prevention plays a significant role in minimizing active shooter attacks. Additionally, it examined the various active shooter prevention guides and after-action reviews to determine what gaps exist in the tracking process. Moreover, this paper also uncovered what methods are available to monitor potential suspects and revealed existing models that law enforcement can implement to assist local agencies.

The thesis took an historical look at the foundation of why law enforcement was not taking an active role in tracking potential active shooters. What the research found were five significant reasons why law enforcement had not historically taken a proactive role in monitoring potential suspects. On the surface, these problems may seem easily correctable, and to some extent they are, but law enforcement agencies need to make solving these issues a priority to close existing active shooter prevention gaps.

1. Response Centric

As mentioned in Chapter II, after-action reviews and lessons learned from active shooter events are some of the reasons law enforcement was able to enhance prevention efforts. As law enforcement began working on targeted threats that later manifested as the active shooter, officers focused on methods and equipment that best neutralized the shooter. Many watershed moments led to turning points that saw law enforcement change tactics or strategies to deal with a problem better. These moments had a common theme, as most took law enforcement by surprise and left departments focused on solving the problem from the end state. That is, from the point where the incident ended, and not from the beginning, such as determining how to prevent the attack from occurring better. Each watershed incident enabled law enforcement to apply lessons learned from previous incidents, but the emphasis on police tactics meant that prevention efforts did not get much attention.

2. Gaps in Threat Assessment Process

This research project found significant gaps in the threat assessment and monitoring processes once law enforcement completes its portion of an investigation. For example, if a potential active shooter is arrested or involuntarily committed for a mental health hold, many departments do not have a system in place to monitor a subject's progress. In addition, authorities find themselves in a precarious situation if a potential active shooter is only demonstrating specific concerning behaviors but has committed no violation. This indeterminate state of an investigation can also pose additional challenges for monitoring a subject who has broken no laws.

3. No National Standard

One of the main reasons law enforcement agencies have not made tracking potential active shooters a priority is because a national tracking or monitoring standard does not exist. With over 18,000 law enforcement agencies in the United States, law enforcement is not expected to have identical procedures for every agency, but they often adopt similar policies. Most departments will follow best practices that come out of law enforcement studies, academic research, or after-action reviews but still have the freedom to determine

how these lessons learned are implemented. For example, since 2007, the rescue task force concept—whereby fire and police work together to treat active shooter victims—has gained momentum.²⁸⁶ Most agencies prioritized and began using the rescue task force method as a universally approved approach to improve response and life-saving measures. This technique is an example of an operating procedure that was not mandated, but organizations saw value in the idea. Departments must place the same priority on a monitoring process, regardless of the type of model they choose to implement.

4. Lack of Allocated Resources

A fourth reason why law enforcement is not tracking potential active shooters is that some agencies are not allocating proper resources to a threat assessment program with a monitoring component.²⁸⁷ The terms *tracking* and *monitoring* may insinuate that agencies have to invest significant resources to follow people and watch their every move. Maintaining constant surveillance is not the goal of a monitoring procedure; rather, the purpose is to stay abreast of their progress. If at any point they begin to show concerning behaviors or suddenly face a stressful event, then investigators can mobilize resources to intervene before they act violently. Each threat assessment process could vary from one agency to the next. The plan might be comprised of a part-time person working on cases a few times each week or a full-time unit composed of multiple investigators with a full caseload.²⁸⁸ The objective of the plan is for each department to allocate some type of resource to the potential suspects and demonstrate that it has thoroughly analyzed the dangers that these individuals pose.²⁸⁹ Establishing a plan without proper follow-through, such as a monitoring process, notification procedure, or resource allocation, makes it difficult to close active shooter prevention gaps.

²⁸⁶ Police Executive Research Forum, *The Police Response to Active Shooter Incidents*, 22.

²⁸⁷ Fein and Vossekui, *Protective Intelligence and Threat Assessment Investigations*, 25.

²⁸⁸ Fein and Vossekui, 55.

²⁸⁹ Fein and Vossekui, 25.

5. Information Sharing Obstacles

The final reason preventing law enforcement from tracking potential active shooters is a lack of a viable information-sharing network. While many information-sharing databases and networks exist throughout the country, some agencies do not have a system established to share or receive information. Several barriers play a significant role in sharing important information, such as an unwillingness to share information, intelligence sharing restrictions, and a lack of an identifiable intelligence sharing clearing house. These factors present problems for the flow of information from one agency to the next but can be rectified with consistent education from the intelligence community, and internal messaging within an agency. These obstacles play a significant role in preventing pertinent information on potential active shooters from reaching allied agencies within an identified region, and any solution to these problems must consider those obstacles.

B. RECOMMENDATIONS

Based on the research and evidence gathered in this study, the recommendation is that agencies should adopt a threat assessment program containing a tracking and monitoring component. The case studies and research consistently revealed gaps with agencies that did not have a tracking process before an active shooting attack. In three out of four case studies, investigators obtained information that the suspects had displayed concerning behavior, but their agencies had no viable procedure to share that kind of intelligence. Therefore, allied agencies were unaware of the nearby dangers, and unfortunately, no resources were mobilized to help the individual. The first step is to establish a tracking and monitoring process once the initial threat assessment investigation is complete. The second step is that law enforcement must build a network that enables investigators to share confidential information with other agencies, so they know the dangers lurking within the community.

1. Monitor and Track Progress

Agencies need to develop a threat assessment program with an emphasis on tracking and monitoring potential active shooters. The size and scope of the program

should not be the primary focus, as the process and procedures are the most important factor. To field a serviceable program that helps meet that goal, an agency should:

- Allocate resources for threat assessment investigations
- Establish a tracking and monitoring process
- Collaborate with stakeholders

Agencies should not take on a threat assessment program on their own without proper resources, especially small- to mid-sized agencies struggling with staffing issues, so collaborating with other agencies may help relieve some staffing concerns. The main goal is to determine whether the potential active shooter suspect is a threat, and if so, mobilize resources to mitigate a targeted attack.

a. Allocate Resources for Threat Assessment Investigations

The foundation for a tracking and monitoring program is a viable threat assessment process. Agencies need to prioritize and allocate resources for a threat assessment process that best fits the size and scope of threats cases it receives each year. In some instances, it may mean a smaller agency has a process where one officer is assigned to threat assessments as a collateral assignment, where in larger agencies, the threat cases may entail a full-time unit. As Calhoun and Weston explain, the word *process* suggests that an agency has a plan and procedure established to investigate targeted threats. Additionally, a threat assessment *program* may suggest that an agency has fully dedicated resources to mitigate that threat. The designation is important, as some agencies may not have the resources to dedicate personnel to a threat assessment program but understand the dangers of a potential active shooter suspect. Recognizing the difference between the two terms and the need to establish a threat assessment process, no matter how small, allows an agency to prepare better than not having a plan at all. Failing to allocate resources to threat assessments, even on a part-time basis, could leave the community vulnerable to an attack. A lack of a threat assessment process after an attack could also result in the public questioning an agency over its active shooter prevention methods, or lack thereof, which could lead critics to ask whether more could have been done.

b. Establish a Tracking and Monitoring Process

Active shooter prevention is difficult to achieve without making the tracking and monitoring of potential active shooters a priority. The law enforcement community has a variety of models that can help agencies establish a monitoring process. Regardless of what model departments choose to use or modify, they need to consider three factors. The first factor is that a tracking process is conducted on people deemed a threat, which ensures that the agency is using its resources on persons identified by an investigative process. The second factor involves implementing procedures designed to monitor the subjects and ensure investigators do not forget about them. The investigators tasked with handling the subjects' cases need to recognize changes in behavior to mobilize appropriate resources, such as mental health professionals, counselors, or other community resources, that could help with triggering events or stressors. The final factor is a process to stop monitoring and tracking subjects that investigators believe are no longer a threat to the public safety. The removal process is just as important as monitoring the individuals on caseloads because maintaining people on a tracking program unnecessarily can be intruding on their fundamental rights to privacy. Law enforcement officials need to be cognizant of inappropriate monitoring, absent, reasonable suspicion or probable cause.

c. Collaborate with Stakeholders

Resource allocation starts with strong collaboration among stakeholders, and many agencies have implemented a variety of models that other departments can mimic. The basis of a robust active shooter prevention program is to get potential suspects in crisis help and intervene before they act on their impulses. Most experts believe people may need help from a variety of different agencies besides law enforcement. For example, after the Virginia Tech shooting, the school established a committee composed of law enforcement, professors, counselors, and mental health professionals to assess students in crisis.²⁹⁰ The hope was to establish a team of professionals who could meet and collaborate on ways to help those in crisis the best. The philosophy behind committees like the Virginia Tech

²⁹⁰ Randazzo and Plummer, *Implementing Behavioral Threat Assessment on Campus*, 87.

Committee was that some professionals might bring different solutions to help an individual. In theory, possibly a great idea, but not taking collaboration seriously could render the process ineffective. In the case of MSD, they had a similar school committee established, but they rarely met, and it did not help prevent the deadly shooting that occurred at the school.

2. Build an Information Sharing Network

One of the main issues that came out of the case studies was the lack of communication or notifications made to other law enforcement agencies about a potential active shooter. Several after-action reports cited instances in which investigators did not make proper notifications or fully understand to whom to direct intelligence for distribution. This lack of communication presents apparent problems that can significantly affect prevention efforts. The best way to resolve these issues is to establish and build upon the following list of recommendations.

a. Build a Robust Communication Process

Law enforcement needs to look beyond allied agencies when attempting to establishing effective communication networks. Many state and federal laws allow public entities to share information with local law enforcement involving emergencies or public safety investigations. For example, FERPA allows schools to share a student's private information with law enforcement if it pertains to a public health emergency.²⁹¹ If a student decides to change schools, administrators could notify investigators to help with the monitoring process. Additionally, if the potential active shooter moves to another city, investigators could warn law enforcement within the subject's new jurisdiction of the potential dangers. The notification process is a critical component in the prevention phase and can protect an agency from public scrutiny. For example, if the notified agency refuses to act and an attack occurs, few people might find cause to criticize the originating agency since it tried to notify the proper authorities to help prevent an attack.

²⁹¹ Department of Education, "Family Educational Rights and Privacy Act (FERPA)."

Numerous states also afford law enforcement an avenue to seek information during a criminal investigation. For instance, California law enforcement can also use Section 10850.3 of the Welfare and Institutions Code to direct state agencies, such as the state's social services or similar agencies distributing government benefits, to assist with investigative information.²⁹² This area could also be explored to ensure investigators have the most updated information. The notification process could work similarly to the one described with the new student notification. In either case, law enforcement needs to establish relationships built on trust and mutual respect. Taking the time to explain a situation to a person not familiar with police investigations may pay dividends towards the information the investigator receives for the current case and in future investigations. Also, those same individuals may assist in additional investigations, so building strong relationships can benefit future cases.

b. Use of Open-Source Information

Law enforcement also needs to consider researching and documenting all open-source communications that materialize as a result of a complaint. In the age of social media, many individuals post warnings or threats through their social media accounts. In the case of the MSD shooter, at least two witnesses came forward and tried to report the suspect's postings to the authorities, but nothing was done.²⁹³ While law enforcement is restrained from sharing certain kinds of intelligence files based on the 28 CFR Part 23 guidelines, memorializing social media and other open-source intelligence information in a report is a viable option for documenting an incident. This type of documentation allows information sharing through lawful means as it is captured in a police report, and also accessible to the public. Authorities could then draw their own conclusions based on the information from the suspect's postings. This investigative tool, when accessed

²⁹² California Legislature Information, "10850.3."

²⁹³ Marjory Stoneman Douglas Public Safety Commission, *Initial Report*, 244.

appropriately, could help with officer safety information, such as crime bulletins, or help investigators build a case that could prevent a future attack.²⁹⁴

c. Strengthen Relationships with Intelligence-based Centers

The final measure that could assist with information sharing is identifying an information center to house and distribute information. Law enforcement can become inundated with so many options and confused with who should receive its intelligence. While this project does not advocate for one intelligence clearing center over another, the simple answer is to at least forward pertinent information to a regional fusion center, which then filters the information and distributes it to allied agencies. If information related to a potential active shooter does not rise to a criminal investigation, agencies can at the very least notify the center that an individual was involved in an investigation and include an agency case number associated with the individual's name. In the event an allied agency contacts the fusion center looking for information related to the individual, the fusion center can then connect the agencies without giving specifics on the case. The investigating agency is then able to request a copy of the police report in accordance with standard procedure. This scenario is an example of law enforcement's not sharing the content of the information but allowing the investigating agency an avenue for obtaining information while still complying with intelligence-sharing regulations.

C. LIMITATIONS AND SUGGESTIONS FOR FURTHER RESEARCH

During this research project, some issues resonated concerning basic threat assessment training for field officers. Many times, the initial threat calls that field officers are dispatched to investigate are often the most important, as it gives officers the opportunity to assess the situations. As discussed in Chapter II, since the MSD incident, many law enforcement agencies have taken the time to conduct thorough investigations related to target threats calls. However, the amount of training that front-line officers are receiving remains unknown. This topic merits further research to assess whether a lack of

²⁹⁴ Office of Program Manager for the Information Sharing Environment, *Real-Time and Open Source Analysis Resource Guide* (Washington, DC: Department of Justice, 2017), 2, <https://it.ojp.gov/GIST/1200/Real-Time-and-Open-Source-Analysis--ROSA--Resource-Guide>.

training is leading to gaps in threat assessment investigations and information-sharing roadblocks. Without proper notification to threat assessment investigators tasked with conducting follow-ups on cases, then obvious gaps could materialize and cause significant issues. Furthermore, thorough investigations could help alleviate labeling individuals potential active shooters absent reasonable suspicion or probable cause. For example, the Santa Cruz Police Department (SCPD) implemented a policy whereby officers have specific questions they are required to ask subjects during a targeted threat investigation and procedures that help guide that investigation.²⁹⁵ SCPD wanted to ensure its officers were equipped with the proper training and resources to make a fair assessment and mobilize resources if warranted. Exploring the best training methods for field officers and establishing a framework for agencies could help further close existing active shooter prevention efforts.

D. FINAL THOUGHTS

Active shooter prevention is a complicated process consisting of a series of systems required to work in unison to maximize intervention efforts. One of the more impactful findings from the Chapter III case studies was that each responding or investigating agency had established processes to handle various active shooter related issues. From the MSD threat assessment protocols to the valiant rapid response from officers during the Las Vegas shooting, most agencies were preparing officers for an active shooter threat, and the awareness was evident by how each agency responded to the incident. However, what the case studies found was that protocols alone would not stop a threat without every aspect thoroughly evaluated to ensure unnecessary gaps had not gone unnoticed. At times, information was not shared and important intelligence about a potential threat was never disseminated. Without proper follow-through and an internal process to verify procedures are working appropriately, these gaps will continue to materialize.

²⁹⁵ Andrew Mills and Bradley Burrue, "Mass Casualty Threat Assessment and Prevention: Moving beyond Guessing," *Lexipol* (blog), October 17, 2018, <https://www.lexipol.com/resources/blog/mass-casualty-threat-assessment-and-prevention-moving-beyond-guessing/>.

Perhaps the most compelling information from the case studies was the overall prevention aspect of each incident, which led to this author categorizing each case according to the probability of preventing an attack. In incidents, such as the MSD shooting or Virginia Tech attacks, gaps existed and could be remedied through follow-through or changes in the notification procedure. In other cases, for example, the Odessa-Midland shooting or Las Vegas Mass Casualty Incident, the likelihood of preventing an attack was highly unlikely or impossible to predict. Coming to terms with that realization may be difficult for the public to understand, but in true transparency, law enforcement must be willing to discuss its limitations.

Conversely, officials should continue to emphasize the importance of threat migration procedures already established, such as public awareness campaigns, community-based active shooter awareness presentations, site assessments, and law enforcement rapid response training. While each of these active shooter prevention procedures will not individually stop an active shooter attack, establishing a program that encompasses each element, as well as a tracking and monitoring process, will help close existing gaps. While law enforcement may not be able to predict every active shooter attack, the goal should be closing existing gaps to reduce the likelihood that an incident will occur in their jurisdictions.

THIS PAGE INTENTIONALLY LEFT BLANK

LIST OF REFERENCES

- Alice. "OSHA Guidelines." Accessed January 15, 2021. <https://www.alicetraining.com/osha-guidelines/>.
- Almasy, Steve. "Dozens of People Have Been Arrested over Threat to Commit Mass Attacks since the El Paso and Dayton Shootings." CNN, August 22, 2019. <https://www.cnn.com/2019/08/21/us/mass-shooting-threats-tuesday/index.html>.
- Amman, Molly, Matthew Bowlin, Lesley Buckles, Kevin C. Burton, Kimberly F. Brunell, Karie A. Gibson, Sarah H. Griffin, Kirk Kennedy, and Cari J. Robins. *Making Prevention a Reality: Identifying, Assessing, and Managing the Threat of Targeted Attacks*. Washington, DC: Department of Justice, Federal Bureau of Investigation, 2015. <https://www.fbi.gov/file-repository/making-prevention-a-reality.pdf/view>.
- Barakat, Matthew. "Judge Orders Government to Make Changes to Terror Watchlist." ABC News, December 27, 2019. <https://abcnews.go.com/US/wireStory/judge-orders-government-make-terror-watchlist-67947844>.
- Bella, Timothy. "The FBI's Terrorism Watch List Violates the Constitution, Federal Judge Says." *Washington Post*, September 5, 2019. <https://www.washingtonpost.com/nation/2019/09/05/fbi-terror-watch-list-unconstitutional/>.
- Berkowsky, Alan. "Active Shooter Event Response." Firehouse, March 1, 2016. <https://www.firehouse.com/operations-training/ems/article/12161622/active-shooter-event-response>.
- Blair, John P., Terry Nichols, David Burns, and John R. Curnutt. *Active Shooter Events and Response*. Boca Raton: CRC Press Taylor and Francis Group, 2013.
- Borum, Randy, Robert Fein, Bryan Vossekuil, and John Berglund. "Threat Assessment: Defining an Approach for Evaluating Risk of Targeted Violence." *Behavioral Sciences and the Law* 17, no. 3 (1999): 323–337. EBSCO.
- Braziel, Rick, Frank Straub, George Watson, and Rod Hoops. *Bringing Calm to Chaos: A Critical Review of the San Bernardino Public Safety Response to the December 2, 2015, Terrorist Shooting Incident in the Inland Regional Center*. Washington, DC: Office of Community Oriented Police Services, Department of Justice, 2016. <https://www.justice.gov/usao-cdca/file/891996/download>.

- Brown, Jacqueline F. “Federal Bureau of Investigation Privacy Impact Assessment for the eGuardian System.” Federal Bureau of Investigation. January 4, 2013. <https://www.fbi.gov/services/information-management/foipa/privacy-impact-assessments/eguardian-threat>.
- Calhoun, Frederick S., and Stephen W. Weston. *Threat Assessment and Management Strategies: Identifying the Howlers and Hunters*. Boca Raton: CRC Press Taylor and Francis Group, 2016.
- California Legislature Information. “10850.3.” Accessed January 17, 2021. https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WIC&division=9.&title=&part=2.&chapter=5.&article=.
- Canon, Gabrielle. “California Department of Justice to Investigate LAPD for Falsifying Gang Database Records.” *USA Today*, February 10, 2020. <https://www.usatoday.com/story/news/politics/2020/02/10/californias-gang-database-under-investigation/4715847002/>.
- CBS7. “For the First Time, Police Report Released to CBS7 Details Afternoon of Mass Shooting.” Last modified January 27, 2020. <https://www.cbs7.com/content/news/ONLY-ON-CBS7-Police-report-details-afternoon-of-mass-shooting-567343951.html>.
- CNN. “Columbine High School Shooting Fast Fact.” Last modified April 3, 2020. <https://www.cnn.com/2013/09/18/us/columbine-high-school-shootings-fast-facts/index.html>.
- Cole, Jared P. *Federal Power over Local Law Enforcement Reform: Legal Issues*. CRS Report No. R44104. Washington, DC: Congressional Research Service, 2016. <https://fas.org/sgp/crs/misc/R44104.pdf>.
- . *Terrorist Databases and the No Fly List: Procedural Due Process and Hurdles to Litigation*. CRS Report No. R43730. Washington, DC: Congressional Research Service, 2015. <https://fas.org/sgp/crs/homsec/R43730.pdf>.
- Collins, Sean, and Anya van Wagtenonk. “Odessa and Midland, Texas, Shootings: What We Know.” *Vox*. Last modified September 3, 2019. <https://www.vox.com/2019/8/31/20842667/odessa-midland-texas-shooting-what-we-know>.
- Commission on Terrorist Attacks upon the United States, The. *The 9/11 Commission Report: Final Report of the National Commission of Terrorist Attacks Upon the United States*. Washington, DC: 9–11 Commission, 2004.
- Community Relations Services Toolkit for Policing. *Policing 101*. Washington, DC: Department of Justice. <https://www.justice.gov/crs/file/836401/download>.

- Corderner, Gary, and Kathryn Scarborough. "Information Sharing: Exploring the Intersection of Policing with National and Military Intelligence." *Homeland Security Affairs* VI, no. 1 (January 2010): 1–19. <https://www.hsaj.org/articles/92>.
- Cornell, Dewey. *Recommended Practices for Virginia College Threat Assessment*. Charlottesville, VA: Virginia Department of Criminal Justice Services' School Safety Center, 2009. https://rems.ed.gov/docs/resources/VA_Recommendations_College_Threat_Assessment.pdf.
- Department of Education. "Family Educational Rights and Privacy Act (FERPA)." Accessed January 18, 2021. <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.
- Department of Justice. "Criminal Intelligence Systems Operating Policies." *Code of Federal Regulations*, title 28 (2010 comp.): 23. <https://www.govinfo.gov/content/pkg/CFR-2010-title28-vol1/pdf/CFR-2010-title28-vol1-part23.pdf>.
- Devine, Curt. "Police Feared Odessa Shooter Was Planning Attack—8 Years Ago." CNN. Last modified September 29, 2019. <https://www.cnn.com/2019/09/29/us/seth-ator-previous-police-encounter-invs/index.html>.
- Dewey, Cornell, Jennifer J. Maeng, Anna Grace Burnette, Yuane Jia, Francis Huang, Timonth Konold, Pooja Datta, Marisa Malone, and Patrick Meyer. "Student Threat Assessment as a Standard School Safety Practice: Results from a Statewide Implementation Study." *School Psychology Quarterly* 33, no. 2 (June 2018): 213–222. <https://doi.org/10.1037/spq0000220>.
- Donofrio, Andrew W. "First Responder Duties: Responsibilities of the First Officer at a Crime Scene." *Law & Order* 48, no. 4 (April 2000): 117–22. <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=182928>.
- Ergenbright, Charles E., and Sean K. Hubbard. "Defeating the Active Shooter: Applying Facility Upgrades in Order to Mitigate the Effects of Active Shooters in High Occupancy Facilities." Master's thesis, Naval Postgraduate School, 2012. <https://www.hsdl.org/?view&did=718911>.
- Fairbanks, Phil. "Buffalo FBI Agents Tracking People Believed to Pose Shooting Threats." *Buffalo News*, July 3, 2019. <https://buffalonews.com/2019/07/03/feds-are-watching-potential-active-shooters/>.
- Fairburn, Richard. "How Police Can Prevent the Next Parkland: Nearly Every School Attack Has Been Preceded by Many Warning Signs." *Police1*, February 20, 2018. <https://www.policeone.com/active-shooter/articles/how-police-can-prevent-the-next-parkland-5VEalK9Ma5HH9Y8o/>.

- Federal Bureau of Investigation. *Active Shooter Incidents: Topical One-Pagers 2000–2018*. Washington, DC: Department of Justice, 2019. <https://www.fbi.gov/file-repository/active-shooter-one-page-summaries-2000-2018.pdf/view>.
- . “FBI Information Sharing and Safeguarding Report 2012.” Accessed January 17, 2021. https://www.fbi.gov/stats-services/publications/national-information-sharing-strategy-1#_Toc364258125.
- Fein, Robert, and Bryan Vossekuil. *Protective Intelligence & Threat Assessment Investigations: A Guide for State and Local Law Enforcement Officials*. Washington, DC: National Institute of Justice-Department of Justice Programs, 1998. <https://web.archive.org/web/20170125084902/https://www.ncjrs.gov/pdffiles1/nij/179981.pdf>.
- Fein, Robert A., and Bryan Vossekuil. “Assassination in the United States: An Operations Study of Recent Assassins, Attackers, and Near-Lethal Approaches.” *Journal of Forensic Sciences* 22, no. 2 (March 1999): 321–333. https://legacy.secretservice.gov/ntac/ntac_jfs.pdf.
- Fein, Robert A., Bryan Vossekuil, William S. Pollack, Randy Borum, William Modzeleski, and Marisa Reddy. *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*. Washington, DC: Secret Service and Department of Education, 2002. <http://hdl.handle.net/2027/pur1.32754073714648>.
- Fennelly, Lawrence J., and Marianna A. Perry. “Soft Targets, Active Shooters, and Workplace Violence.” In *Soft Targets and Crisis*, edited by Michael J. Fagel and Jennifer Hesterman, 293–305. Boca Raton: CRC Press, 2015. <https://www-taylorfrancis-com.libproxy.nps.edu/books/9781315451091/chapters/10.4324/9781315451091-25>.
- Fletcher, Todd. “Why Solo-Officer Active Shooter Response Should Be Trained.” *Police1*, June 22, 2016. <https://www.police1.com/police-products/police-technology/emergency-response/articles/why-solo-officer-active-shooter-response-should-be-trained-CnKPDp5kDQvEOyGV/>.
- Flippin, Perry. “UT Tower Shooting Heroes to be Honored.” *Standard-Times*, January 7, 2008. <http://archive.gosanangelo.com/news/columnists/ut-tower-shooting-heroes-to-be-honored-ep-442688111-358300911.html/>.
- Frazzano, Tracy. “Local Jurisdictions and Active Shooters: Building Networks, Building Capacities.” Master’s thesis, Naval Postgraduate School, 2010. https://calhoun.nps.edu/bitstream/handle/10945/4997/10Dec_Frazzano.pdf?sequence=1&isAllowed=y.

- Gaffney, Jim. "Preventing Active Shooter Incidents." *Law Enforcement Today*, September 4, 2012. <https://www.lawenforcementtoday.com/preventing-active-shooter-incidents/>.
- Girard, Sara. "How Are Kids Who Make School Threats Getting the Help They Need?" *Wink News*. Last modified February 25, 2020. <https://www.winknews.com/2020/02/21/how-are-kids-who-make-school-threats-getting-the-help-they-need/>.
- Glover, Scott, Evan Perez, Curt Devine, and Ray Sanchez. "Investigators Search Home that May be Linked to Sale of Gun to Texas Shooter, Sources Say." *CNN*. Last modified September 5, 2019. <https://www.cnn.com/2019/09/04/us/west-texas-odessa-shooter/index.html>.
- Grinberg, Emanuell. "Something Went 'Incredibly Wrong' with Las Vegas Gunman, Brother Says." *CNN*. Last modified October 5, 2017. <https://www.cnn.com/2017/10/02/us/las-vegas-attack-stephen-paddock-trnd/index.html>.
- Harris, Andrew, and Arthur Lurigio. "Threat Assessment and Law Enforcement Practice." *Journal of Police Crisis Negotiations* 12, no. 1 (2012): 51–68. <https://doi.org/10.1080/15332586.2012.645375>.
- Homeland Security. "Fusion Centers." Last accessed January 18, 2021. <https://www.dhs.gov/fusion-centers>.
- Honderich, Holly. "Why So Many U.S. 'Mass Shooting' Arrests Suddenly?" *BBC*, August 23, 2019. <https://www.bbc.com/news/world-us-canada-49439539>.
- Hustorn, Therese. *Teaching What You Don't Know*. Cambridge, MA: Harvard University Press, 2009.
- IACP Law Enforcement Policy Center. *Active Shooter: Model Policy Concepts & Issues Paper Need to Know*. Alexandria: VA IACP Law Enforcement Policy Center, 2018. <https://www.theiacp.org/sites/default/files/2018-08/ActiveShooterBinder2018.pdf>.
- Jacobs, James. "School Shooters: What Can Law Enforcement Do to Stop Them?" *The Conversation*. Accessed January 16, 2021. <https://theconversation.com/school-shooters-what-can-law-enforcement-do-to-stop-them-92329>.
- Johnson, Kevin. "FBI Trains 30,000 to Confront Active Shooters." *USA Today*, December 22, 2014. <https://www.usatoday.com/story/news/nation/2014/12/22/active-shooters-fbi/20433973/>.

- Lankford, Adam. "Mass Shooters in the USA, 1966–2010: Differences between Attackers Who Live and Die." *Justice* 32, no. 2 (June 20, 2013): 360–369. <http://web.a.ebscohost.com.libproxy.nps.edu/ehost/pdfviewer/pdfviewer?vid=1&sid=5ccdcefd-e050-4dd7-8e36-7a28972143da%40sdc-v-sessmgr02>.
- Lankford, Adam, Krista Grace Adkins, Eric Madfis, Lynn A Addington, and Glenn W Muschert. "Are the Deadliest Mass Shootings Preventable? An Assessment of Leakage, Information Reported to Law Enforcement, and Firearms Acquisition Prior to Attacks in the United States." *Journal of Contemporary Criminal Justice* 35, no. 3 (April 2, 2019): 315–41. <https://doi.org/10.1177/1043986219840231>.
- Lapin, Tamir. "Texas Police Were Warned about Odessa Mass Shooter 8 Years Ago." *New York Post*, September 30, 2019. <https://nypost.com/2019/09/30/texas-police-were-warned-about-odessa-mass-shooter-8-years-ago/>.
- LVMPD Internal Oversight & Constitutional Police Bureau-Force Investigation Team. *LVMPD Criminal Investigative Report of the 1 October Mass Casualty Shooting*. Las Vegas: Las Vegas Metropolitan Police Department, 2018. https://www.lvmpd.com/en-us/Documents/1-October-FIT-Criminal-Investigative-Report-FINAL_080318.pdf.
- Lightfoot, J.D. "Rethinking Active Shooter Response." *Policemag*, February 25, 2013. <https://www.policemag.com/340911/rethinking-active-shooter-response>.
- Lowenthal, Mark M. *Intelligence from Secrets to Policy*. Los Angeles: Sage Publishing, 2020.
- MacCormack, John. "Odessa Gunman Lived in a Dirt-Floor Shack, a Small Dog his Only Companion." *San Antonio Express-News*. Last modified September 3, 2019. <https://www.expressnews.com/news/local/article/Odessa-gunman-lived-in-a-dirt-floor-shack-and-14407506.php>.
- Malafrente, Katie. "Study: Threats and Violence on the Rise in K-12 Schools." *Campus Safety*, August 18, 2018. <https://www.campussafetymagazine.com/safety/study-threats-violence-rise-k-12-schools/>.
- Marcou, Dan. "5 Phases of the Active Shooter: A Tactical Reload." *Police1*, October 7, 2015. <https://www.police1.com/active-shooter/articles/5-phases-of-the-active-shooter-a-tactical-reload-LWMMSAiCm4a51jek/>.
- Marjory Stoneman Douglas High School Public Safety Commission. *Initial Report*. Tallahassee, FL: Marjory Stoneman Douglas High School Public Safety Commission, 2019. <https://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>.

- Mark, Michelle. “America Can’t Just Arrest Its Way Out of a Mass Shooting Epidemic, Experts Say.” *Insider*, August 27, 2019. <https://www.insider.com/mass-shooting-threats-arrests-after-dayton-el-paso-2019-8>.
- Martindale, M. Hunter, and J. Pete Blair. “The Evolution of Active Shooter Response Training Protocols since Columbine: Lessons from the Advanced Law Enforcement Rapid Response Training Center.” *Journal of Contemporary Criminal Justice* 35, no. 3 (April 9, 2019): 342–356. <https://journals-sagepub-com.libproxy.nps.edu/doi/pdf/10.1177/1043986219840237>.
- Massengill, Gerald, Marcus L. Martin, Gordon Davies, Roger L. Depue, Carroll Ann Ellis, Tom Ridge, Aradhana A. “Bela” Sood, and Diane Strickland. *Mass Shootings at Virginia Tech: Report of the Review Panel*. Commonwealth of Virginia: Virginia Tech Review Panel, 2007. <https://scholar.lib.vt.edu/prevail/docs/VTReviewPanelReport.pdf>.
- McGlinchy, Audrey. “Changes in Police Response.” Texas Tower Documentary. Accessed January 15, 2021. <https://towerhistory.org/changes-police-response-ut-tower-shooting/>.
- McNamara, Audrey, Pervaiz Shallwani, Justin Hamel, and Julia Arciga. “Seth Ator, Odessa Gunman, Didn’t Pass Gun Background Check: Texas Governor.” *The DailyBeast*. Last modified September 2, 2019. <https://www.thedailybeast.com/odessa-texas-shooting-sources-identify-gunman-as-seth-ator>.
- Mijares, Tomas C., and Ronald Mccarthy. *Significant Tactical Police Cases: Learning from Past Events to Improve upon Future Response*. Springfield, IL: Charles C. Thomas Publishing, 2015.
- Mike and Jim. “San Bernardino Active Shooter at the Inland Regional Center.” Produced by *Tactical Tangents*, February 29, 2020. Podcast, MP3 audio, 2:23:48. <https://www.tacticaltangents.com/podcast/sbshooting/>.
- Miller, Carol Marbin, and Nicholas Nehamas. “Nikolas Cruz’s Birth Mom Had a Violent, Criminal Past. Could it Help Keep Him off Death Row.” *Miami Herald*, September 5, 2018. <https://www.miamiherald.com/news/local/community/broward/article216909390.html>.
- Mills, Andrew, and Bradley Burruel. “Mass Casualty Threat Assessment and Prevention: Moving beyond Guessing.” *Lexipol* (blog). October 17, 2018. <https://www.lexipol.com/resources/blog/mass-casualty-threat-assessment-and-prevention-moving-beyond-guessing/>.
- Mimm, Charles, dir. *Parkland: Inside Building 12*. 2018. Holland, OH: Dreamscape, 2019. <https://www.amazon.com/Parkland-Inside-Building-Charlie-Minn/dp/B07MV6JJ27>.

- Modesto Police Department. "Training Records." Accessed January 27, 2021. <https://www.modestogov.com/2503/Policy-Manual-and-Training-Materials>.
- National Counterterrorism Center. *Watchlisting Guidelines*. Washington, DC: National Counterterrorism Center, 2013. <https://theintercept.com/document/2014/07/23/march-2013-watchlisting-guidance/>.
- O'Matz, Megan. "School Shooter Tormented His Mother Yet She Escorted Him to Buy an AK-47." *South Florida Sun Sentinel*, October 19, 2018. <https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-ne-cruz-ak-47-story.html>.
- Office of Program Manager for the Information Sharing Environment. *Real-Time and Open Source Analysis Resource Guide*. Washington, DC: Department of Justice, 2017. <https://it.ojp.gov/GIST/1200/Real-Time-and-Open-Source-Analysis--ROSA--Resource-Guide>.
- Office of the Inspector General. *Follow-up Audit of the Terrorist Screening Center*. Washington, DC: Department of Justice, 2007. <https://oig.justice.gov/reports/FBI/a0741/final.pdf>.
- Olmeda, Rafael. "Trial for Parkland School Shooter Won't Happen in 2020-Delayed by Pandemic." *Sun-Sentinel*, August 25, 2020. <https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-ne-nikolas-cruz-trial-delays-20200825-noo24fds45f33pvaxoxaf4cmre-story.html>.
- Petrecca, Laura. "Police in Maryland Identify Mall Shooter." *USA Today*. Last modified January 26, 2014. <https://www.usatoday.com/story/news/nation/2014/01/26/maryland-mall-shooting/4912387/>.
- Police Executive Research Forum. *The Police Response to Active Shooter Incidents*. Washington, DC: Police Executive Research Forum, 2014. https://www.policeforum.org/assets/docs/Critical_Issues_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf.
- Pollack, William S., William Modzeleski, and Georgeann Rooney. *Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack*. Washington, DC: Secret Service and Department of Education, 2008. https://rems.ed.gov/docs/DOE_BystanderStudy.pdf.
- POST-Commission on Peace Officer Standards and Training. "Required Updated or Refresher Training Requirements." Accessed January 15, 2021. <https://post.ca.gov/refresher-training>.

- Randazzo, Marisa, and Ellen Plummer. *Implementing Behavioral Threat Assessment on Campus: A Virginia Tech Demonstration Project*. Blacksburg: Virginia Polytechnic Institute, 2009. https://rems.ed.gov/docs/VT_ThreatAssessment09.pdf.
- Reyna, Robert. "Intelligence Sharing: What Can Law Enforcement Do to Track Potential Active Shooters." Course paper, Naval Postgraduate School, 2019.
- Romo, Vanessa. "FBI Finds No Motive in Las Vegas Shooting, Closes Investigation." National Public Radio, January 19, 2019. <https://www.npr.org/2019/01/29/689821599/fbi-finds-no-motive-in-las-vegas-shooting-closes-investigation>.
- Rott, Nathan. "Las Vegas Shooter Stephen Paddock Was a High-Level Gambler." National Public Radio, October 5, 2017. <https://www.npr.org/2017/10/05/555949726/las-vegas-shooter-stephen-paddock-was-a-high-level-gambler>.
- Salvatore, Shane E. "Fusion Center Challenges: Why Fusion Centers Have Failed to Meet Intelligence Sharing Expectations." Master's thesis, Naval Postgraduate School, 2018. <https://apps.dtic.mil/dtic/tr/fulltext/u2/1052869.pdf>.
- Sanchez, Phillip L. "Increasing Information Sharing among Independent Police Departments." Master's thesis, Naval Postgraduate School, 2009. http://www.justiceacademy.org/iShare/Library-NPS/09Mar_Sanchez_TE.pdf.
- Sanchez, Ray. "How Columbine Changed the Way Police Respond to Mass Shootings." CNN, February 15, 2018. <https://www.cnn.com/2018/02/15/us/florida-school-shooting-columbine-lessons/index.html>.
- Savage, Charlie. "Clashing Rulings Weigh Security and Liberties." *New York Times*, June 24, 2014. <https://www.nytimes.com/2014/06/25/us/federal-judges-in-oregon-uphold-warrentless-surveillance-strike-down-no-fly-list-provision.html?module=inline>.
- . "Over Government Objections, Rules on No-Fly List Are Made Public." *New York Times*, July 23, 2014. <https://www.nytimes.com/2014/07/24/us/over-government-objections-rules-on-no-fly-list-are-made-public.html>.
- Scalora, Mario J., and William Zimmerman. "Then and Now: Tracking a Federal Agency's Threat Assessment Activity through Two Decades with an Eye toward the Future." *Journal of Threat Assessment and Management* 2, no. 3–4 (2015): 268–274. <https://doi.org/10.1037/tam0000057>.

- Silver, James, Andre B. Simons, and Sarah Craun. *A Study of the Pre-Attack Behaviors of Active Shooters in the United States between 2000–2013*. Washington, DC: Federal Bureau of Investigation, 2018. https://www.researchgate.net/publication/325999724_A_Study_of_the_Pre-Attack_Behaviors_of_Active_Shooters_in_the_United_States_Between_2000_-_2013.
- Sinai, Joshua. *Active Shooter: A Handbook on Prevention*. Alexandria, VA: ASIS International, 2016.
- Sinnar, Shirin. “Towards a Fairer Terrorist Watchlist.” *Administrative and Regulatory Law News* 40, no. 2 (Winter 2014): 4–5. [https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/915586/doc/slspublic/Sinnar%20ABA%20Admin%20News%20Winter%202015%20\(2\).pdf](https://law.stanford.edu/wp-content/uploads/sites/default/files/publication/915586/doc/slspublic/Sinnar%20ABA%20Admin%20News%20Winter%202015%20(2).pdf).
- Sonoma Index-Tribune*. “Sonoma Police Investigate ‘Potential Threat to Student Safety.’” February 25, 2020. <https://www.sonomanews.com/article/news/sonoma-police-investigate-potential-threat-to-student-safety/?sba=AAS>.
- Sood, Aradhana Bela, and Robert Cohen. *The Virginia Tech Massacre: Strategies and Challenges for Improving Mental Health Policy on Campus and Beyond*. Oxford: Oxford University Press, 2015. ProQuest.
- Stevenson, Phillip J., and Bart Elias. *Terrorist Screening Database and Preventing Terrorist Travel*. CRS Report No. R44678. Washington, DC: Congressional Research Service, 2016. <https://crsreports.congress.gov/product/pdf/R/R44678/5>.
- Sullivan, Kevin, William Wan, and Julie Tate. “Fla. Shooting Suspect Had a History of Explosive Anger, Depression, Killing Animals.” *Washington Post*, February 15, 2018. https://www.washingtonpost.com/national/fla-shooting-suspect-had-a-history-of-explosive-anger-depression-killing-animals/2018/02/15/06f05710-1291-11e8-9570-29c9830535e5_story.html.
- Tavernise, Sabrina, Serge F. Kovaleski, and Julie Turkewitz. “Who Was Stephen Paddock? The Mystery of a Nondescript ‘Numbers Guy.’” *New York Times*, October 7, 2017. <https://www.nytimes.com/2017/10/07/us/stephen-paddock-vegas.html>.
- Tufts, John. “Autopsy Reveals Odessa-Midland Shooter Not under the Influence of Drugs or Alcohol.” *San Angelo Standard-Times*. Last modified January 14, 2019. <https://www.gosanangelo.com/story/news/2020/01/09/midland-odessa-tx-texas-shooter/4423883002/>.
- U.S. Fed News Service, Including U.S. State News*. “ALERRT Receives \$1 Million Department of Homeland Security Award for 1st Responder Training.” December 12, 2013, ProQuest.

UCR Publications. "Services." Accessed January 11, 2021. <https://www.fbi.gov/services/cjis/ucr/publications>.

United States Secret Service. *Exploring the Effect of Stressors in Threat Assessment Investigations: A Case Study on Bart Allen Ross*. Washington, DC: Department of Homeland Security, 2015. https://www.secretservice.gov/data/protection/ntac/Bart_Ross_Investigating_Stressors.pdf.

United States Secret Service National Threat Assessment Center. *Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence*. Washington, DC: Department of Homeland Security, United States Secret Service, 2019. <https://www.secretservice.gov/data/protection/ntac/ussc-analysis-of-targeted-school-violence.pdf>.

Wyllie, Doug. "Technology Isn't the (Biggest) Problem for Information Sharing in Law Enforcement." Police1, April 30, 2009. <https://www.police1.com/police-products/communications/articles/technology-isnt-the-biggest-problem-for-information-sharing-in-law-enforcement-x5XzuiFPyCwl8gUC/>.

THIS PAGE INTENTIONALLY LEFT BLANK

INITIAL DISTRIBUTION LIST

1. Defense Technical Information Center
Ft. Belvoir, Virginia
2. Dudley Knox Library
Naval Postgraduate School
Monterey, California