



A Few Thoughts on Safety From Your Security Committee

Security Tip #22: Protective Intelligence and Threat Assessment Investigations

As your Security Committee reminded you in Security Tip #7 (Threatening Communications), the signs of danger can be subtle, particularly to the untrained eye. Every judge is well aware that unequivocal threats should be taken seriously and reported to the United States Marshals Service (USMS). Unfortunately, it is sometimes difficult to distinguish spirited criticism from a veiled threat.

Keep in mind that often the most determined assailants exhibit no manifest evidence of their intentions. Therefore, identifying and assessing a possible assailant's behavior may be the only tool available to evaluate the potential for violence.

Analyzing critical behavioral characteristics to assess the potential for violence is the mission of USMS protective intelligence investigators and the Judicial Security Division (JSD). Among the resources employed by these trained investigators are a behavioral approach to threat assessment that is informed by existing literature in this discipline and best practices from across similar protective agencies. In addition, these investigators can consult with JSD's Behavioral Analysis Unit, which is staffed by an operational psychologist with expertise in human behavior, mental illness, criminal thinking, and preventing targeted violence.

One of the most common characteristics encountered in potential assailants is a major life-changing experience which triggers a resulting desire for revenge. Such triggering events can take many forms—from marital discord to an adverse court decision. Categorically, these events can be described as losses, failures and rejections.

Behavioral scientists have also concluded, unfortunately, that there is no specific or reliable profile of a potential assailant, and that mental illness is not a common factor. Threat assessments are therefore a composite of identifiable behavioral factors.

Protective investigations are the highest priority of the USMS and entail a systematic collection and assessment of all available information pertaining to the potential assailant. The more background information an investigator has available, the more reliable the threat assessment. Consequently, judges receiving disturbing or ominous communications should retain all available materials pertaining to the individual, including notes on personal contacts and phone calls to court personnel. Patterns of communications are a critical clue in predicting future behavior. These sources, viewed collectively, are often reflective of a disgruntled litigant's motives, intent, and ability to carry out an act of violence.

The mission of protective intelligence investigators is supported by a cadre of analysts at the Threat Management Center, located at the USMS headquarters. This resource has access to databases in other agencies with protective responsibilities, including the Secret Service and Capitol Police, as well as other law enforcement agencies. If a potential assailant has been the subject of a prior federal or state threat investigation, these databases typically yield valuable information

Such databases are particularly resourceful in cases of subtle threats, communications requiring greater context or interpretation. This can often be supplied through interviews of relatives, friends, or coworkers. These interviews by USMS investigators may reveal comments, surveillance, intended contacts, or recent purchases of weapons.

Once a background summary of the potential assailant is established, the protective investigation methodology encourages investigators to conduct noncustodial interviews of the subject in their own environment, such as at home. During the course of the interview, the investigator is also looking for medications, weapons, books with violent themes or assassination related topics, and even photographs of the potentially-targeted judge. Obviously, any notes, diagrams, or maps of areas where the judge might be encountered by the interviewee are of value. The investigation will also include an evaluation of any prior criminal history the potential assailant may have. Surprisingly, while these individuals often have a history of stalking or harassing other officials, a prior history of arrest for violent activities is uncommon.

Once the preliminary investigation is completed, the protective intelligence investigator will meet with the judge, their family, and their staff to discuss a protective strategy. This may include providing the judge with a photograph of the potential assailant, if his or her identity is unknown to the judge, as well as any other pertinent information about the individual.

A final word—when in doubt, let the USMS decide if protective measures are necessary.

Security Committee
Federal Judges Association

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