

## Violence Against Public Officials

Is it preventable?  
Legal can's and can't's  
(and a few do's and don'ts)

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Panama City School Board  
December 15, 2010

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Open Meetings are required by statute

- Illinois Open Meetings Act (5 ILCS 120/1.01, et seq.)
- “Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” (120/2.06(g))

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Open Meetings are required by statute

- Use exception where you can to remove discussion of potentially “hot issue from the public
  - Litigation, including setting reserves and settlement discussions
  - Hiring, firing, and performance issues
  - Discussions of collective bargaining issues
  - Filling or removing someone in public official spot
  - Discussions of security procedures
  - (All in 5 ILCS 120/2 of the Open Meetings Act)

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Searches before entering

- Metal detectors and x-ray machines
  - We see them regularly at courthouses and airports
  - Minimally intrusive

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Simple warning:

Simple warning at all entrances:  
  
“All persons entering are subject to search by the [town] Police Department.”

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### Searches of persons and property

- They are “searches” if conducted by public officers
- Where searches are not supported by “probable cause,” they can be constitutional if “special needs beyond the normal need for law enforcement make the warrant and probable cause requirement impracticable.”

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### Three factor test to determine if “special needs” exist

- The nature of the privacy interest upon which the search intrudes
- The character of the intrusion – is it minimal or significant?
- The nature and immediacy of the governmental concerns at issue and the efficacy of the means for meeting it
- (why don't they just say effectiveness?)

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### Problems with searches before entry

- Perception that they limit public participation
- Cost
  - Walk through – ballpark \$2750
  - Wands - \$140
  - X-ray machines - \$25,000 - \$35,000
  - Homeland Security Grants

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### Limitations on speakers

- “Reasonable” time, place, and manner restrictions on speech are permissible
  - Can’t regulate content of the speech
  - Restrictions must serve a significant government interest
  - Regulations must leave open ample alternative channels to communicate information

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### Non-verbal signals from audience members

- Clothing
  - Advocates a position vs. advocates violence

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How about this one?



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What about this?



*Much to the terrorists' surprise the virgins awaiting them in paradise were not quite what they expected.*

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And this?

**9 out of 10 voices  
in my head  
told me to  
stay home  
and  
clean the guns.**

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Peace – by superior firepower



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How about somebody brandishing this tattoo?



**MOLON LABE**  
Come and take them!

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Are we there yet?



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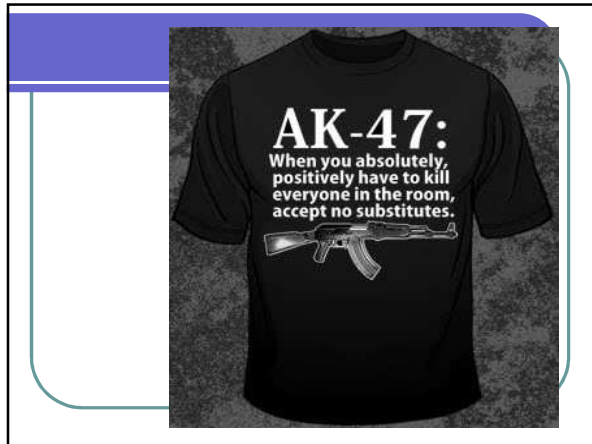
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**Audience member behavior**

- Like clothing, if the behavior does not advocate violence, then it is likely protected
- If the behavior advocates violence or incites others to violence, then it is not protected and person can be ejected from meeting

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**Other non-verbal signals**

- Filing suit
- Getting ejected from council meetings
- Previous threats against council or specific members

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### Threat Assessment

- U.S. Service identifies a critical component of efforts to prevent planned attacks if the development of a protective intelligence capacity, also referred to as threat assessment

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### Three core components of threat assessment

1. Identifying any persons who appear to have unusual or inappropriate interest in a potential target

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### Three core components of threat assessment

2. Conducting investigations of the behaviors of these persons, evaluating the information gathered, and assessing whether the person (or group) poses a risk of violence to the potential target

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### Three core components of threat assessment

3. Developing and implementing a plan to manage the risk, all with a goal of preventing an attack

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### Ellen Emery Threat Assessment



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### Three Myths Debunked

- The U.S. Secret Service has debunked 3 myths about violent offenders against public officers and officials

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Myth #1

- There is a profile of “the assassin.”

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Myth #2

- Assassination is a product of mental illness or derangement.

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Myth #3

- Explicit threateners are the persons most likely to carry out attacks.

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U.S. Secret Service



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Google:

**“Protective Intelligence & Threat Assessment Investigations”**

A Guide for State and Local Law Enforcement Officials

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Gabrielle Giffords – Tucson, Arizona  
January 8, 2011



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**Prevention - Identify**

Identify the perpetrator or potential perpetrator of violent acts

- Know who poses a threat
- - behavior in meetings
- - veiled threats
- - threatening letters and e-mail, etc.

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**Prevention - Notify**

B. Let law enforcement know what you know

**– DON'T WAIT**

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### Prevention - Notify

Notify everyone in your organization who may come in contact with these people

- Who they are
- What they have said or done
- What needs to be done if they appear or call
- Who should they call

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### Prevention – Police

- Get law enforcement involved so they can assess the risks
- They can use the tools available to them as part of the prevention process

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### Prevention – Use Available Laws

- Use available laws to put a stop to conduct that may be leading toward violence
- Illinois' Stalking Law (720 ILCS 5/12-7-3)

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### Stalking

- A person commits stalking by knowingly engaging in a course of conduct, directed at a specific person, which the stalker knows or should know would cause a reasonable person to:
  - 1. fear for his safety or that of a third person; or
  - 2. suffer other emotional distress

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### Stalking

- A person commits stalking when he or she knowingly and without justification, on at least 2 separate occasions follows a person or places him under surveillance or any combination of thereof and:

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### Stalking

- 1. transmits a threat of immediate or future bodily harm (sexual assault, confinement or restraint) directed towards the person or a family member of the person; or
- 2. places the person under reasonable apprehension of immediate or future harm, etc.; or

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### Stalking

- 3. places the person under reasonable apprehension that a family member will receive immediate or future harm, etc.

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### Stalking laws exist for your protection

- They exist for your protection and there are behaviors which you don't have to tolerate
- Too often, post-violence investigations reveal an ongoing pattern of stalking

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### HEED THIS:

**IF YOU SUSPECT THAT A PERSON THAT YOU HAVE BEEN DEALING WITH IS ENGAGED IN SUCH CONDUCT, INVOLVE LAW ENFORCEMENT**

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**Crisis Response**

- HAVE A PLAN
- Work with your police department to develop it
- Do it in closed session

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**N=O**

**NUT = OUT**

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### Look back at Panama City

We learn by examining history

Panama City School Board  
December 15, 2010

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### Practice the Plan

- Prepare by having a drill
- Involve police and have everyone do what they would do in an actual emergency

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### Why?

- **Under stress, you will instinctively do what you have been trained to do**

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What are you going to do?



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Treats!

Please join me for a dessert reception in the Exhibit Expo!

Sponsored by:

Ancel  
Glink

DIAMOND BUSH  
DiGIANNI  
& KRAFTHOFER

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