

D·PREP

Legal Review



D·PREP Sample Legal Cases

Contents

Graham Burton and Hamilton College.....	3
Justice Department Reached Agreement with Princeton’s Administration	4
Regents of University of California v. Superior Court of Los Angeles County	5
Shin v. Massachusetts Institute of Technology	7
University of Virginia Shooting Perpetrated By Darnell Jones, Jr.....	8

The D-Prep Safety Division is committed to providing quality trainings, consultation, and thought leadership on a variety of physical security and behavioral safety issues facing schools, colleges, workplaces, and law enforcement. Our instructors are chosen for their content knowledge, ability to engage audiences, and scholarship in their areas of expertise. Trainings are supplemented with unique client resource webpages and threat assessment tools built through expert systems models. We pride ourselves on repeat client experiences and strive to consistently deliver materials above and beyond your expectations.

Since 1997, D-Prep has provided training and consulting services for critical incident response, disaster preparation and emergency response to law enforcement personnel, K-12 school districts, higher education, local governments, and property management companies nationwide. We have taught over 70,000 law enforcement and civilian students who consistently evaluate ours amongst the highest rated classes currently being offered.

Graham Burton and Hamilton College

A 2018 suicide where many knew of the escalating depression, but parents were not notified. A reminder to not see FERPA as a barrier to sharing concerns.

Graham Burton, a student at Hamilton College in Upstate New York, died by suicide by hanging in fall 2016. Three out of four of Graham's professors were concerned about his mental health the majority of the fall semester. He had frequent absences, academic struggles, failing grades and, when he did attend classes, he wore the same clothing day after day.

Before Graham's death, there were emails exchanged between his professors, academic adviser, and the academic dean, Vivyan Adair, in which the professors expressed their observations and concerns. In one such e-mail, Maurice Isserman, Graham's academic adviser, reached out in writing to Adair stating, "Obviously what's happening here is a complete crash and burn. I don't know what the procedures/rules are for contacting parents but if this was my kid, I'd want to know." Isserman also communicated to Adair on another occasion, describing the situation with Graham as "a complete crash and burn."

In addition to the aforementioned emails among one another, his professors reached out to Graham via email regarding their concerns about his absences and related grades. As a result, Graham agreed to meet with Adair, the academic dean, who has since claimed she told Graham to talk to his parents if he felt depressed. She also added that she did her job of working with him on his academics, and did not see anything of concern in regard to his mental health. Adair stated she would have taken additional steps had she detected anything wrong.

The college did not have any type of protocol or procedures that prevented faculty or staff from contacting a student's parent(s) when they were concerned about mental health or suicidality. It has since been discovered that nobody had contacted the counseling center in regard to Graham despite the concerns among faculty. The university did not share any concerns with his parents, citing FERPA regulations as prohibiting their ability to do so. Though the college had a "Students of Concern" (SOC) list, Graham's name was not listed within. After his death, Graham's mother indicated she had discussed with Graham the need to get some help and testing, but he assured her that he was doing well and looking forward to the future.

Source:

- <https://www.nytimes.com/2018/05/12/us/college-student-suicide-hamilton.html>

Justice Department Reached Agreement with Princeton's Administration

Princeton agreement with DOJ after attempted suicide suit

Case 3:14-cv-01893-JAP-TJB US District Court/District of New Jersey

Allegation: The university mishandled the plaintiff's attempted suicide in February 2012. The plaintiff claimed that after the incident, the school locked him out of his residence hall and refused to allow him to attend classes. The university then told him to voluntarily withdraw, or he would be forced to withdraw due to mental health reasons.

The agreement resolves a compliance review that began in May of 2014 and concerned the university's policies and practices related to requests for reasonable modifications, withdrawals, and leaves of absences. The agreement details specific steps Princeton will take to strengthen its policies, practices, and training to benefit all current and future Princeton students with disabilities.

Under the agreement, Princeton will:

- revise its policies to explicitly describe: the types of accommodations students with disabilities may request, including modifications to University policies, rules, and regulations; where students may submit each type of accommodation request; and how Princeton will evaluate those requests;
- revise the websites for its Office of Disability Services and its Office of the Dean of Undergraduate Students to direct students to relevant policies and procedures related to requesting reasonable accommodations;
- revise its leave policy and practices, consistent with regulations implementing Title III of the Americans with Disabilities Act (ADA); and
- provide annual training, including references to updated policies, on Title III of the ADA, with a focus on mental health disability discrimination, to all faculty and staff responsible for evaluating and/or deciding requests from students for reasonable accommodations.

Source:

- <https://www.wsj.com/public/resources/documents/princetonsuit.pdf>

Regents of University of California v. Superior Court of Los Angeles County

This stabbing attack in 2009 underlines the responsibility of the college CARE/threat team to act on information shared. While this case is related to violence to others, the core concepts are related to BIT/CARE action.

Katherine Rosen was brutally stabbed by Damon Thompson, a student with a history of auditory hallucinations and delusions, who had repeatedly concerned faculty with his violent, erratic behavior. Beginning in fall semester 2008, the events leading up to the stabbing were indicative of potential danger posed by Thompson, who had raised red flags due to frequently contacting faculty and other university personnel to report what were actually indicators of paranoia and delusions. For example, Thompson reached out to a professor with a complaint that said professor called him “crazy” and “troubled” in class. Thompson also emailed the Assistant Dean of Students, Cary Porter, with a complaint that unwelcome sexual advances were made toward him by other residents in his residence hall, who were also spreading rumors of a sexual nature about him. He also accused others in his hall of spying on his phone calls. Thompson threatened to escalate his own behavior into a more serious situation and act in a manner with undesirable consequences should the university failed to discipline the students. The university responded by allowing Thompson to change residence halls.

In late January 2009, Thompson reached out to three professors and graduate assistant Julie Hernandez with complaints of other students trying to distract him with derogatory comments. Hernandez told her supervising professor that other students were not bothering Thompson, but rather, he was showing signs of schizophrenia in her class. Hernandez then told the supervising professor that Thompson should visit the university’s Counseling and Psychological Services (CAPS). Consequently, both the professor and Hernandez met with Thompson to express their concerns. Thompson stood by his initial claims regarding the students and stated he did not have auditory hallucinations.

Yet another professor reported concerns to Porter who contacted the “Response Team” and also met with Thompson and, similar to Hernandez and her supervising professor, Porter recommended that Thompson go to CAPS for medical testing. Near that same time, Thompson’s new residence hall arrangement was deteriorating due to Thompson claiming he could hear voices through the walls calling him an idiot. He also claimed he could hear the clicking sound of a gun, which led him to believe that other students were going to shoot him. Thompson also told the resident advisor that he had called his father who advised him to hurt the others in the hall. As a result, Thompson’s room was checked by university police who determined he did not have any weapons. They did however take him to the emergency department where he was admitted to being depressed and suffering paranoia and auditory hallucinations. This led to a diagnosis of schizophrenia, anti-psychotic medication and visits to CAPS. Dean Cary Porter and the Response Team were informed of the situation and the Response Team began regular meetings regarding Thompson.

By March 2009, Thompson disposed of his medication but did meet with CAPS therapist, Nichole Green. Green referred him to a CAPS psychiatrist. At this time, and while he was previously in the emergency department, Thompson denied wanting to hurt himself or others. He remained convinced the voices

D·PREP Sample Legal Cases

were real, even offering to record them. Simultaneous to this, issues continued in the residence hall and the university decided to move him to a single room.

Thompson began seeing the CAPS psychiatrist and admitted to wanting to hurt others, but could not articulate specific targets. Despite the CAPS psychiatrist trying to get Thompson to submit to voluntary hospitalization, Thompson refused, though he did agree to take medication for his diagnosis of schizophrenia. At that time, CAPS staff deemed it unnecessary to involuntarily hospitalize Thompson but advised him to voluntarily admit himself should his thoughts of hurting others worsen. He did continue seeing the psychiatrist until April, and repeatedly complained of auditory hallucinations without the desire to hurt others. Thompson's mental health concerns continued through the spring and summer until he shoved another student and was temporarily suspended.

Upon his return, his hallucinations escalated and maintained the same theme that he was "stupid" along with racist and other derogatory comments. He reported the hallucinations regularly in the chemistry lab and the instructor indicated it was a "pattern." After several of these incidents, the same faculty member stated that one of the individuals Thompson felt was calling him names was Katherine Rosen. Finally, a graduate assistant informed the lab supervisor of the incidents getting out of hand, as Thompson was demanding to know particular students' names. As such, various university personnel reached out to Thompson seeking a meeting. He did not attend.

The Response Team was looped in and expressed concern due to him naming particular individuals in his delusions. Simultaneous to this, Thompson skipped an appointment with the psychiatrist. The next day, Dean Porter and a member of the Response Team agreed to investigate if Thompson's behaviors were happening in other courses. They did not investigate. On October 8, Thompson was calmly completing an assignment, then shifted and began repeatedly stabbing Katherine Rosen in the back as she was kneeling down. The injuries were life-threatening, but Rosen did survive despite the stabbing that involved a large kitchen knife and multiple stab wounds.

Shin v. Massachusetts Institute of Technology

Settlement in MIT Suicide Suit (2000): Court unable to shed light on case with legal interpretation of what parties were liable for Elizabeth's untimely death, settled out of court.

Elizabeth Shin was a student who lit herself on fire in her residence hall room in 2000. Shin died of burns from the fire after a series of suicidal threats. Her parents originally sued MIT for \$27 million and reached a confidential agreement to resolve the lawsuit filed against two student life staff members.

Toxicology tests indicated that Shin had overdosed; the overdose was nonlethal but may have made her unresponsive when the candles in her room sparked a fire. The university believed all along that Elizabeth Shin's death was accidental.

According to a summary judgment issued, in the weeks before her death, she spoke with several MIT officials and counselors who documented her "severe" depression and "recurrent suicidal gestures." On April 10, 2000, the day of Elizabeth Shin's death, two students informed her housemaster that she had told them she planned to kill herself that day. Several MIT mental health professionals discussed her case that day, and one scheduled an appointment for her on the following day at an off-campus psychiatric facility.

In their lawsuit, the Shins said MIT was negligent in treating their daughter and failed to take her suicide threats seriously enough. The parents also complained that MIT had failed to notify them that she was suicidal. MIT officials said they were respecting her confidentiality and that family pressures were part of her problems.

Source:

- <https://casetext.com/case/shin-v-mass-inst-of-technology>

University of Virginia Shooting Perpetrated By Darnell Jones, Jr.

**Fatalities include Devin Chandler, Lavel Davis, D'sean Perry,
all members of the football team**

This case highlights the importance of the CARE/threat teams acting on information that was shared prior to the shooting. This case differs from the suicide cases, but serves as a reminder of the responsibility to act on previously obtained information.

On November 13, 2022, a number of students traveled via bus from the University of Virginia (UVA) in Charlottesville to Washington, DC to see a play. They subsequently traveled back to UVA, arriving around 10PM. Upon the bus pulling into a campus parking garage, Darnell Jones, Jr. pulled out a firearm and strategically fired at particular students on the bus. A total of five students were wounded, three fatally.

It is important to look at Jones' behaviors prior to the shooting. Feb. 22, 2021, Jones was pulled over for a traffic violation. Officers found Jones, who did not have a gun permit, had a 9mm semiautomatic pistol in his vehicle. He was arrested for the weapons charge and previously leaving the scene of an accident, a felony. Jones subsequently pled no contest to the weapons charge. In July of the same year, Jones attempted to buy a rifle at a sporting goods store. He was denied due to the felony charge. In October, Jones' charge related to leaving the scene of an accident was changed to a misdemeanor which allowed him to eventually purchase a pistol, extra magazine, and rifle between July 8, 2021 and February 19, 2022.

In September 2022, Jones was brought to the attention of the university threat assessment team due to another individual reporting that he, Jones, talked about having a gun. Jones' roommate was then interviewed by the student affairs office and stated that Jones did not have any weapons. It appears the student affairs office took the word of Jones' roommate, as they did not search his room to look for weapons. They did make an attempt to contact Jones, but took no further action after being unable to reach him. After the shooting it was discovered that in addition to the firearm used in the shooting, Jones also had a rifle and handgun in his apartment. Immediately after the shooting, a university spokesperson said Jones' case was escalated to the University Judiciary Committee that could have disciplined Jones. Further investigation indicates that Jones' case was never escalated to the judiciary committee.

Sources:

- https://richmond.com/news/state-and-regional/crime-and-courts/uva-shooting-timeline-key-dates-leading-up-to-the-tragedy/article_a5625969-9d32-5548-9e6b-ef5e2c8e4aac.html
- <https://www.usnews.com/news/us/articles/2022-11-16/uva-campus-shooting-suspect-due-for-1st-court-appearance>