

Parent-Child Assistance Program (PCAP)

FETAL ALCOHOL & DRUG UNIT
UNIVERSITY OF WASHINGTON ALCOHOL AND DRUG ABUSE INSTITUTE
SEATTLE, WASHINGTON (206) 543-7155
<http://depts.washington.edu/pcapuw/>

DUTY TO WARN PROTOCOL THREATS OF HARM TO SELF OR OTHERS

POLICY

All Parent-Child Assistance Program (PCAP) workers, including clinical supervisors and research interviewers, have a legal obligation to implement Duty To Warn procedures when they hear a subject communicate an actual threat of physical violence against a reasonably identifiable victim or victims. Failure to warn may result in liability (civil monetary damages) and/or action on professional license for unprofessional conduct.

DEFINITION

Duty To Warn: RCW 71.05.120: "duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn...is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel."

PROCEDURE FOR DUTY TO WARN

1. Foreseeable Harm: PCAP workers (clinical supervisors and research interviewers), upon hearing a threat during the course of a work procedure, shall review and assess the following criteria.
 - 1.1 Determine if the threat is serious. Does it meet the following criteria:
 - Is the threat likely to be more than a passing expression of anger?
 - Does this subject have a history of violence?
 - Is the subject motivated to carry out the threat, i.e. has the subject expressed a clear desire to hurt someone and given reasons why?
 - Is there a specific plan?
 - Is the subject capable of carrying out the plan, i.e. does the subject have access to the weapon they have threatened to use?
 - Is there a specific, identifiable victim?
 - 1.2 Determine if there are any alternative interventions available, e.g. make a mental health professional (MHP) referral.
 - 1.3 Consult with professional colleagues both in your discipline and others, such as psychiatry, consulting psychologist, and other PCAP clinical supervisors regarding your review and assessment.
2. If the assessment concludes that foreseeable harm might be done to identifiable victim(s):
 - 2.1 The local police department must be notified by the PCAP worker who directly heard the threat. The local police department may determine that another law enforcement agency should be contacted instead if the intended victim lives in another jurisdiction.
 - 2.1.1 Document name and number of the law enforcement agent who took the report.

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2.2 Disclosure to law enforcement shall include:

- Only such information that is pertinent to the threat or harassment.

[RCW 71.05.390 (10)]

- “Health care information about a patient without the patient’s authorization, to the extent the recipient needs to know the information, if the disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation on the part of the provider to disclose.”
(RCW 70.02.050)

2.3 The PCAP worker hearing the threat shall document in the subject’s PCAP case notes the basis for their determination of duty to warn and the steps taken above.

GOOD FAITH DISCLOSURE DECISION – NO LIABILITY

“The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.”

[RCW 71.05.390(10)]