

# DID YOU KNOW?

## Duty to Protect

The Office of Compliance has recently updated the Duty to Protect Policy & Procedure. A psychotherapist has a **duty** to protect a reasonably identifiable victim(s) of a DBH client's *serious threat* of physical violence communicated to the psychotherapist **by a client or their family member**.

### What is a “serious threat”?

A verbalization or other communication by a client that a service provider assesses to be a threat of violence toward an intended victim(s), and

- (1) The person means to do it (and is not a fantasy, or venting, for example); and
- (2) The threat, if carried out, will likely result in bodily harm to a human being(s).

### What must a psychotherapist do when a serious threat is made by a client?

1. Conduct an assessment of the seriousness and intent to determine if it warrants potential victim(s) and law enforcement notification;
2. Consult with direct supervisor;
3. Consult, as necessary, with a higher level of leadership and if needed County Counsel through designated Executive DBH staff;
4. If a serious danger exists:
  - a. Initiate an evaluation of involuntary detention if client is present or can be located;
  - b. Whether or not the client is placed on hold, make reasonable efforts to notify the intended victim(s);
  - c. Report the threat by telephone to local law enforcement agency within 24 hours of discovery;
  - d. Complete an Unusual Occurrence Incident Report (QM053) within 24 hours of receipt of threat, and
  - e. Send a Duty to Warn Intended Victim Letter (CLP063) by certified mail no later than 36 hours after threat is disclosed.

Refer to DBH Duty to Protect Policy ([CLP0819](#)) and Procedure ([CLP0819-1](#)) for additional guidance regarding psychotherapist requirements to protect third parties.

For questions, please email [Compliance\\_Questions@dbh.sbcounty.gov](mailto:Compliance_Questions@dbh.sbcounty.gov) or call the DBH Office of Compliance at (909) 388-0879.

