

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES DIRECTIVE	PROGRAM: MENTAL HEALTH SERVICES
	DPSCSD #: 124-160
	TITLE: Duty to Protect/Warn
	ISSUED: December 20, 2000
	CLINICAL AUTHORITY: ASST. DIRECTOR
	AUTHORITY: DIRECTOR
	APPROVED: DEPUTY SECRETARY

- I. REFERENCES: A. DPSCSD #124-003
 B. DCD 95-1
 C. Courts and Judicial Proceedings, §§ 5-316 and 9-901, ACM
- II. PURPOSE: To establish guidelines for the notification of appropriate individuals of information concerning a threat to harm someone or to disrupt institutional operations received during the mental health treatment process.
- III. PROCEDURE:
- A. There is a limit to maintaining confidentiality of information received during the mental health treatment process. The mental health provider may reveal information without the written authorization of the inmate in certain circumstances. These circumstances include, but are not limited to, the following:
1. The information is important to the safety or operation of the facility.
 2. When the mental health provider becomes aware of intent to do harm to self or others.
 3. When the mental health provider becomes aware of suspected or actual child abuse.
- Whenever possible, the inmate shall be notified in writing of the limitations to confidentiality in accordance with DPSCSD 124-150.
- B. In the event that a mental health provider receives general information that in the provider's judgment constitutes a threat or is important to the operation of the facility, the provider shall be free of the constraints of confidentiality. The provider shall take the following actions:

1. Place documentation of the information received in the mental health file.
 2. Formulate a diagnostic impression and develop a treatment plan to deal with the information.
 3. Advise the warden and any other appropriate individual(s).
- C. In the event that a mental health professional becomes aware, during the treatment process, that the inmate being treated (patient) intends to inflict imminent physical injury on a specific victim(s), and the mental health professional determines the inmate's threat to be serious due to knowledge of the inmate's propensity for violence, the mental health professional shall make a reasonable and timely effort to either treat the mental illness to decrease the threat and/or to warn the specific victim or authority.
1. The mental health professional shall strive to protect by:
 - a. Documenting the threat and placing the documentation in the base file and the mental health file;
 - b. Formulating a diagnostic impression and establishing and undertaking a documented treatment plan calculated to eliminate the possibility that the inmate will carry out the threat.
 2. If the above is not possible to perform in a timely manner, the mental health professional shall:
 - a. Inform in writing the appropriate law enforcement agency and, if feasible, (e.g. current address known), inform the victim(s) of:
 - (i) The nature of the threat;
 - (ii) The identity of the inmate making the threat;
 - (iii) The identity of the intended victim(s);
 - (iv) The approximate release date of the inmate;
 - (v) Action the victim(s) may take, specifically that the victim(s) may request notification of the inmate's escape, recapture, approved leave or release of any kind or death in accordance with DCD 95-1.
 - b. Advise the victim(s) to write to the following individual and address if notification of the inmate's escape or release is desired:

Director of Inmate Affairs
Division of Correction
6776 Reisterstown Road - Suite 310
Baltimore, Maryland 21215-2342
 - c. Advise the victim(s) to write to the following address to request notification of the inmate's parole:

Maryland Parole Commission
6776 Reisterstown Road - Suite 307
Baltimore, Maryland 21215-2342

3. Inform the managing officer in writing of these actions.

IV. ATTACHMENT: None

V. SUPERSEDES: DCD 124-160, dated December 1, 1995

Distribution:

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