Duty to Warn

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Confidentiality vs. Public Safety

General Guideline: “Confidentiality ends where public safety starts.”
Levels of Confidentiality
Danger to Self
Assessing suicide risk (Joint Commission levels)

1. Passive suicidality only
2. Active suicidal ideation w/o plan intent
3. Ideation with specific plan but no imminent intent
4. Ideation with credible plan, means, and imminent intent or CAH
5. Has recently made serious attempt and active ideation persists
Contracting for Safety

Reliability

Legal status

Practical application and utility

Consequences for breaking contract
Danger to Others
Assessment

Passive (wish)

Active plan w/o intent (fantasy)

Active plan with specific victims(s) and intent (Tarasoff)

a. In hospital setting
b. Not in hospital setting
Revelation of a Crime Already Committed
The Dilemma

Unsolved Crime

Solved Crime but Wrong Person Convicted

The innocence Project
The Warning
The Tarasoff Precedent:

- Reasonable steps required to warn the potential victim(s)
- Reasonable steps to prevent the harm
Case Examples
Tarasoff v. University of California
People (PA) v. Sandusky
People (CO) v. James Holmes
Continued Therapy vs. Termination
Q & A