

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: 08/22/2014

NUMBER: 2.06 – COMMUNICATIONS

SUBJECT: POLICE RESPONSE TO REPORTS OF DANGEROUS PERSONS (TARASOFF DECISION)

RELATED POLICY: 2.15

ORIGINATING DIVISION: COMMUNICATIONS

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 2.06 – 09/25/2012

I. PURPOSE

This Department procedure establishes guidelines for responding to reports of dangerous persons (Tarasoff decision).

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

In 1976, the California Supreme Court ruled that psychotherapists had a duty to warn potential victims of serious threats of violence by one of their patients (*Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425 (1976)). The Court believed that a psychotherapist incurred an obligation to take reasonable care to prevent any physical harm to another person. In most cases, the appropriate “reasonable care” would be to warn the intended victim and/or advise the police.

NEW

In 2004, two cases decided by the California Court of Appeal extended the Tarasoff rule to include threats disclosed by family members (*Ewing v. Goldstein*, 120 Cal. App. 4th 804 (2004), and *Ewing v. Northridge Hospital Medical Center*, 120 Cal. App. 4th 1289

(2004)). The court saw no difference between threats conveyed directly by the patient and those related by an immediate family member of the patient.

NEW

In 2008, the *Tarasoff* rule was codified in California law. (Cal. Civil Code § 56.10(c)(19)). The statute allows for patient information to be disclosed when a psychotherapist, in good faith, believes that such disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a reasonably foreseeable victim or victims, and the disclosure is made to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.

IV. PATROL PROCEDURES

- A. Action should be taken to assure the safety of the victim and to locate the suspect.
- B. The victim should be given the information about the threat of violence and the identity of the suspect. If the suspect is located, appropriate action should be taken. The officers are responsible for submitting reports detailing any action they take.
- C. The need for a PAC file should be evaluated. If a PAC file is required, it should be entered directly using the Premise Entry (PE) Command, or by using the Miscellaneous (M) Command. (See related policy 2.15 for PAC File Entries.)

NEW

V. COMMUNICATIONS PROCEDURES

- A. When notified of such threats, Communications Division will verify the identity of the reporting party, complete a *Tarasoff* report, and a supervisor will evaluate the potential for danger.
 - 1. If it appears the possible victim is in danger of immediate physical harm, officers will be dispatched to the victim's location with all available information.
 - 2. In the event the threat involves any school, and appears to be credible and imminent, an officer will be dispatched to investigate the incident and a field supervisor notified. This will occur even if the school has ended classes for the day.
 - 3. Whether or not there is immediate threat of physical harm to a victim, the Communications Division dispatcher receiving the call will prepare a report listing the victim, suspect, and all available information regarding the threat. If an officer was dispatched, the incident number will be noted on the report.

4. If either the victim or suspect resides in the City of San Diego, the dispatcher will fax the report to Records Division. Prior to faxing the report, the dispatcher will note on the report the date and time the report was faxed. After faxing the report, the dispatcher will place the report in the PAC file bin at the Lead Desk. The on-duty Lead Dispatcher at LD01 will evaluate the urgency of the PAC file entry. The Lead Dispatcher will immediately enter the PAC file or for non-urgent matters, hold the report for the Lead PAC File Coordinator. The PAC File Coordinator is responsible for all PAC file entries.

5. If the victim or suspect lives outside the City of San Diego, the dispatcher will notify the appropriate law enforcement agency and fax the report to them.

B. The information concerning the possible victim and the suspect, including the suspect's last known address, will be entered in the Computer Aided Dispatch System Prior Activity Code (PAC) file by a Lead Dispatcher.

- 1. A copy of the PAC file printout and a copy of all reports concerned with the incident will be maintained in a file marked "Tarasoff Warnings" in Communications Division.
- 2. Department Procedure 2.15 , PAC File Entries, should be used as a resource for further information regarding PAC files.

NEW

VI. RECORDS PROCEDURES

A. When the Records Division receives a Tarasoff report from another law enforcement agency or a Division other than Communications Division, Records will fax a copy of the report to the Communications Division. The Lead Dispatcher at LD01 will evaluate the Tarasoff report, and, if applicable, enter a PAC file for any related addresses.

B. Records Division personnel will assign a case number to the Tarasoff report and fax it to the appropriate divisions/units. The report will be scanned into CRMS and the information will be entered into ARJIS.