

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: SEPTEMBER 10, 2021

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: **MINOR CHANGES**

SUPERSEDES: DP 2.06 – 06/05/2019

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 found 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.

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.

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. COMMUNICATIONS PROCEDURES

- A. If Communications Division receives a call from a mental health professional (as defined under Evidence Code section 1010), including other persons such as nurses and support staff members who call on the behalf of the mental health professional, who is reporting a threat that falls under the Tarasoff decision, the person taking the call shall:
1. Confirm the location of the subject when the subject made the threat. If the location is not in the jurisdiction of the San Diego Police Department, the reporting party shall be referred to the law enforcement agency having jurisdiction over the location where the threats were made. That agency has the responsibility to handle the Tarasoff report.
 2. Verify the identity of the reporting party. Obtain the reporting party's full name, title, address and telephone number, including an alternate phone number or cell phone number, in the event there is a need to contact the reporting party after hours.
 3. Obtain as much information about the victim and suspect as possible. If the victim or suspect is not in or does not reside in the City of San Diego, the law enforcement agency where the victim and/or suspect is located or resides in will be notified.
 4. Assess the call for the level of danger or potential for danger:
 - a. 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, using the type code CC, and the dispatcher shall raise the priority to a Priority 1.
 - b. In the event the threat involves any school, and appears to be credible and imminent, an officer will be dispatched to investigate, and a field supervisor shall be notified. The dispatcher will format the event using the type code DC-S, which is a Priority 1, and it shall be noted in the event remarks that the event is Tarasoff

related. This will occur even if the school has ended classes for the day.

- c. If there is no immediate threat of physical harm to a victim, an event shall be formatted for an officer to respond to the reporting party to evaluate the need/appropriateness of generating a Tarasoff report. The type code TARASOFF shall be used, which is a Priority 2 call. A PERT unit will be dispatched if available.

V. PATROL PROCEDURES

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- A. The responding officer will generate a Tarasoff report if appropriate. The officer will complete a case report in NetRMS to report the incident. The officer will follow the same procedures as those in section V., F., 1., c-h of DP 6.28 - PSYCHIATRIC EMERGENCY RESPONSE TEAM (PERT):

- 1. The officer who was notified of the threat will obtain all the necessary information and complete a Tarasoff report. Although not required by law, the reporting officer will make reasonable attempts to locate the suspect. If the person threatened resides or is located outside the City of San Diego, the reporting officer will make reasonable attempts to notify the law enforcement agency having jurisdiction of the location where the victim lives or is located.
- 2. If the suspect resides or is located outside the City of San Diego, the reporting officer will make reasonable attempts to notify the law enforcement agency having jurisdiction of the location where the suspect lives or is located.
- 3. The officer will use the TARASOFF ZZ code to obtain a case number for the Tarasoff report. The case report should include all notifications made or attempted to the person threatened or to the law enforcement agency having jurisdiction where the victim and/or suspect live or are located.
- 4. A Tarasoff report and TARASOFF ZZ code case number will be generated in addition to any arrest or criminal case that is part of the investigation.
- 5. The officer shall evaluate the need to notify the Criminal Intelligence Unit of the threat.
- 6. The officer will submit the Tarasoff report into NetRMS before the end of shift.

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7. The officer will add comments to the MPS event so a Special Situation (SS) File can be created in the Computer Aided Dispatch (CAD) System. The information for the SS File shall include all available victim(s) and suspect information, including the suspect's last known address. An SS File should not be requested if the victim or suspect resides outside of the City of San Diego, if the threatened location is outside the City of San Diego, or if the address for the suspect or victim is unknown, as this information is needed to create the SS File entry. Once the notes are added to the event, the officer will notify the Lead Dispatcher of the Tarasoff event and the added comments so Communications Division can create the SS File in a timely manner. Below is a typical format for an SS File for a Tarasoff warning:

****START SS*** "Tom Jones" 052580, WM 5f10 180#, Brn/Brn, made threats to shoot roommate "Jon Thomas" who also resides at this location. There are no known firearms at this residence. Event E18030012345.***END SS****

- a. A copy of the SS File printout and a copy of all reports concerned with the event will be maintained in a file marked "Tarasoff Warnings" in Communications Division.
- b. Department Procedure 2.15 - Special Situation File Entries, should be used as a resource for further information regarding SS Files.

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 an SS File for any related addresses.