

Duty to Warn and/or Protect Foreseeable Victims from Specific Threats

415.1 PURPOSE

The purpose of this policy is to provide clear guidance to peace officers on their duty to take reasonable steps to warn and/or protect foreseeable victims when they become aware of a specific, credible threat of harm posed by a probationer or other individual under supervision. This policy is informed by the principles established in *Tarasoff v. Regents of the University of California* (1976) 17 Cal.3d 425 and subsequent case law, which impose a duty on professionals in special relationships to exercise reasonable care to protect identifiable victims from foreseeable dangers. In probation contexts, this duty has been extended to include both warning potential victims and taking other protective measures tailored to the circumstances.

415.2 SCOPE

This policy applies to all sworn deputy probation officers, probation corrections officers, and other peace officers employed by the department who have supervisory or investigative responsibilities over probationers or other individuals in community corrections programs.

415.3 BACKGROUND

Deputy probation officers may learn of threats during supervision activities. California courts have recognized a "special relationship" between deputy probation officers and supervisees that may give rise to a duty to take reasonable steps to protect foreseeable victims. The duty is not limited to direct warnings but encompasses a range of protective actions depending on the specific facts of each case. Failure to act appropriately on credible threats could compromise public safety and expose the department to liability.

415.4 DEFINITIONS

Specific Threat: A credible statement or indication of intent to cause serious physical harm, violence, or death to another person, where the threat is serious and imminent based on the officer's professional judgment.

Foreseeable Victim: An identifiable individual or small group (e.g., a named person, family member, or former victim) who is reasonably likely to be harmed based on the threat and the threatening individual's capability to act.

Duty to Warn: Direct notification to the foreseeable victim (or their guardian) of the nature and source of the threat to enable self-protection.

Duty to Protect: Broader reasonable measures to prevent harm, which may include (but are not limited to) notifying law enforcement, seeking probation revocation, requesting a warrant, recommending mental health evaluation or hold, or other interventions.

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415.5 POLICY

Peace officers shall exercise reasonable care to warn and/or protect foreseeable victims when they have knowledge of a specific threat that meets the criteria outlined below. The appropriate response—whether a direct warning, other protective measures, or a combination—shall be determined based on the specific circumstances of each incident. This duty supersedes general confidentiality obligations when public safety is at risk, but disclosures and actions must be limited to the minimum necessary. Officers are not required to predict all possible harms but must act on reliable, specific information indicating foreseeable danger.

Every incident involving a potential duty under this policy shall be immediately assessed in consultation with a supervisor and/or manager. County Counsel shall be consulted when there is uncertainty regarding the existence or scope of the duty, the appropriateness of proposed actions, or potential legal implications.

415.6 CRITERIA FOR INVOKING THE DUTY

The duty to warn and/or protect applies when all of the following are met:

- There is a specific threat of serious physical harm or violence to an identifiable victim or victims.
- The threatening individual has the apparent ability and opportunity to carry out the threat.
- The information is obtained directly from the individual, a credible third-party report, or through supervisory activities.
- Reasonable protective steps are feasible under the circumstances.

If the threat involves a minor, additional mandated reporting obligations under Penal Code Section 11165 et seq. apply.

415.7 PROCEDURES

Immediate Assessment and Consultation: Upon learning of a potential threat, the officer shall immediately notify and consult with their supervisor and/or manager to evaluate credibility, specificity, imminence, and foreseeability. The supervisor/manager, in consultation with the officer, shall determine the appropriate response(s) based on the circumstances (e.g., warning only, protective actions only, or both). If there is any uncertainty about legal obligations, appropriateness of actions, or potential liability, county counsel shall be consulted promptly. Document the threat details and all consultations.

Response Options (Tailored to the circumstances):

- **Direct Warning to Victim:** When feasible and appropriate, notify the foreseeable victim(s) as soon as reasonably possible (in-person preferred, followed by telephone). Provide sufficient information about the threat and recommended safety measures.
- **Notification to Law Enforcement:** Report the threat to the appropriate law enforcement agency, providing details to enable protective intervention.

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- Other protective measures, depending on the circumstances:
 - Seeking probation violation proceedings, and arrest.
 - Coordinating a mental health evaluation or involuntary hold (e.g. Welfare and Institutions Code § 5150).
 - Increasing supervision intensity.
 - Modifying conditions of supervision.

Multiple measures may be used concurrently if warranted. Monitor the situation and reassess if new information emerges, consulting supervisor or manager as needed.

415.8 DOCUMENTATION

All actions and consultations under this policy must be thoroughly documented in the case file, including:

- Description of the threat and assessment rationale.
- Details of consultations (with supervisor/manager and county counsel).
- Actions taken (or reasons for not taking certain actions).
- Copies of notifications and receipts, if applicable.

415.9 TRAINING

All peace officers shall receive initial and annual training on this policy, including threat assessment, consultation requirements, and selecting appropriate warn/protect responses.

415.10 REVIEW

This policy shall be reviewed annually or as needed by the Chief Probation Officer to ensure alignment with current law and best practices.