

GENERAL ORDER

TARASOFF INCIDENTS

The purpose of this order is to set procedures for investigating and reporting threats communicated to a psychotherapist, commonly referred to as Tarasoff incidents.

I. GUIDELINES

A. DEFINITION OF A TARASOFF INCIDENT. A Tarasoff incident is one in which a person has communicated to a psychotherapist a serious threat of physical violence against a reasonably identifiable victim.

B. RELEVANT CODES

1. PSYCHOTHERAPIST DEFINED. Section 1010 of the Evidence Code defines a psychotherapist as:

- a. A psychiatrist, or a person whom the patient reasonably believes to be a psychiatrist.
- b. A licensed psychologist.
- c. A licensed clinical social worker.
- d. A licensed school psychologist, holding state credentials to provide such services in schools.
- e. A licensed marriage, family, or child counselor.
- f. Registered associates, assistants, interns and trainees working under the supervision of licensed psychiatrists, licensed psychologists, licensed clinical social workers, or under the supervision of licensed marriage, family and child counselors.

2. **CIVIL LIABILITY.** Section 43.92 of the Civil Code exempts psychotherapists from civil liability if they do the following:
 - a. Make reasonable efforts to notify the victim or victims, and
 - b. Make a police report, relating complete information regarding the threats and the success or failure of efforts to notify the victim(s).
3. **POSSESSION OF FIREARM OR DEADLY WEAPON.** Section 8100 (b) (1) of the Welfare and Institutions Code prohibits persons, who have communicated a third-party threat to a psychotherapist, from purchasing, possessing, or having access to any firearm or other deadly weapons for six months after the date of the threat. Section 8105 (c) of the Welfare and Institutions Code requires that a licensed psychotherapist immediately report the identity of persons subject to this prohibition.

II. POLICY

It is the policy of the San Francisco Police Department that in incidents involving third-party threats communicated by a person to a psychotherapist, officers shall prepare an incident report.

III. PROCEDURES

- A. **ASSIGNMENT.** Communications shall assign calls of Tarasoff incidents to a patrol unit for the initial investigation and completion of an incident report. In special circumstances, the Communications may notify the Department's Psychiatric Liaison Unit which will then be responsible for completing the incident report.
- B. **INCIDENT REPORT.** When preparing the report, follow these procedures:
 1. **TITLE.** Title the report "Tarasoff Threats."
 2. **WITNESSES, REPORTEES, ETC.** Include the names of reporteers, witnesses, and intended victims. Describe the circumstances of the threat along with efforts by the psychotherapist to notify the intended victim. Indicate whether the intended victim was notified of the threat.

3. **SUSPECT INFORMATION.** In order for the Psychiatric Liaison Unit to make the required notifications to the Department of Justice – which is required in 8105(c) of the Welfare and Institutions Code – include the suspect's name (including any alias), sex, race, DOB or approximate age, height, weight, hair and eye color, Social Security number, driver license number. Also include the suspect's mailing address and date the threat was reported.
 4. **ASSIGNMENT.** Assign the report to 5G200 (General Work Section) with copies to the Psychiatric Liaison Unit.
- C. **QUESTIONS.** If you have any questions, call officers at the Psychiatric Liaison Unit (PLU), at 206-8099 (Monday - Friday 0900-1700 hrs.). During non-business hours, contact the PLU through the Operations Center.
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References

Section 1010 Evidence Code
Section 43.92 Civil Code
Welfare & Institutions Code Sections 8100 (b) (1), 8105 (c), 8102
Welfare & Institutions Code Section 5150
DGO 6.14, Psychological Evaluation of Adults
DGO 7.02, Psychological Evaluation of Juveniles
DGO 3.05, Department Weapon Return Panel