

SOCIAL SERVICES AGENCY

ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

Subject: Duty to Warn

Number: D 1

Approved: Signature on file

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POLICY

SSA staff are under a "duty to warn" law enforcement and persons identified as targets of threatened action, where there is the existence of a "special relationship" with the person making the threats or the identifiable victim of the threats, and there appears to be a foreseeable risk of harm or injury to the victim.

The California Supreme Court (*Tarasoff v. Regents of the University of California*, 17 Cal. D3 435 (1976), established that patient confidentiality ends when "public peril begins" and "therapists have an obligation to use reasonable care to protect potential victims." The legal decision sets an affirmative duty precedent in cases of harm to others that is generally accepted within the social work and therapeutic professions. SSA employees are not therapists, but do have duties which create a "special relationship" (i.e., social workers, case-handling staff) with a potentially dangerous person or potential victim are subject to the same disclosure requirements as those imposed upon a therapist.

Notification of a threat should be made under appropriate circumstances where a determination has been made that there is a foreseeable risk to a readily identifiable victim.

SSA staff shall communicate to contractors that SSA contractors have the same requirement to notify law enforcement and the potential victim, if they become aware of a threat. The contractor shall also notify SSA staff immediately by telephone (not a voice mail); if the person they are trying to reach is not available, they shall ask for the Supervisor or Manager. The Supervisor or Manager who is notified is to complete a Special Incident Report.

Whenever any Agency employee, during the course of their employment, becomes aware of a credible threat to another person, that employee should immediately inform their Supervisor or Manager of the threat.
