5-09/540.00 - Tarasoff Notifications Received From Licensed Psychotherapists

The California Welfare and Institutions Code (WIC) section 8100 (b) states: any person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim is prohibited from possessing or purchasing any firearm or other deadly weapon for a period of five years.

WIC section 8105 (c) requires a licensed psychotherapist to report (known as a tarasoff notification) the identity of these prohibited persons to the local law enforcement agency who, in turn, must immediately notify the Department of Justice (DOJ).

The firearms prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency. The Department of Justice is required to notify the individual by certified mail of their prohibition and inform them that they may petition the court to have their firearms rights restored during the five year period.

Tarasoff notifications to a law enforcement agency can either be in person, telephonic, or in writing. These notifications do not require law enforcement to notify the identified victim or victims. This is the responsibility of the licensed psychotherapist.

Upon notification by a licensed psychotherapist, of a serious threat of physical harm against a reasonably identifiable victim or victims, Sheriff's personnel **shall** complete a Sheriff's Department "Law Enforcement Report of Firearms Prohibition" form. The form must include the subject's complete mailing address and other personal identification information (i.e., name, date of birth, and physical description). The completed form shall be immediately faxed or e-mailed to Special Operations Division Mental Evaluation Team (MET) for notification to DOJ. The MET will be responsible for completing a California State Form BC II 8074, Law Enforcement Report of Firearms Prohibition. The MET shall maintain a copy and send the original state form to DOJ.

The completion of the law enforcement report of firearms prohibition form does not preclude Department personnel from taking additional police action should the circumstance warrant (e.g., a complaint report relative to other crimes such as stalking, terrorist threats, suspicious circumstances, etc.).