SAN JOAQUIN COUNTY PROBATION DEPARTMENT
ADMINISTRATIVE MANUAL

TO: ALL STAFF  BULLETIN #: 235

APPROVED BY: STEPHANIE L. JAMES  REPLACES: 8/18/2003
CHIEF PROBATION OFFICER  ISSUE DATE: 7/18/2019

SUBJECT: DUTY TO WARN POTENTIAL VICTIMS

POLICY

Employees must take appropriate measures to protect identifiable potential victims from harm, injury, or suffering due to the actions of a client. Caution must be used to assure, as much as possible, protection of the client’s constitutional rights.

PROCEDURES

A. Threats made by a Client

1. The appropriate unit supervisor, or higher-level management staff in the absence of the supervisor, shall be notified immediately at any time a duty to warn situation arises or if clarification is needed in determining if a duty to warn arises.

2. Upon learning of a credible threat made by a client of harm to an identifiable victim, the probation officer should make an immediate attempt to notify the identifiable victim of the threat.

3. In the event the potential victim is unavailable for immediate contact by the probation officer, the probation officer shall inform the appropriate law enforcement agency and request police assistance in providing notice of threat.

4. The probation officer shall forward written notification to any potential victim after completion of the above steps and retain a copy of the letter.

B. Employment/Placement, Living Arrangement.

1. Clients whose current conviction relates to, or who have a history of criminal abuse related to, the area or field of current employment, or living situation, must advise their current employer, person in charge, or living associate(s) of their criminal history or current conviction as it relates to their employment or living situation.

2. Though other situations may arise, areas normally considered sufficiently
sensitive to warrant disclosure are:

a. Child Abuse/Sex Offenders whose employment or living arrangement places them around children.

b. Drug Offenders whose employment or placement provides access to drugs and/or prescriptions, or whose current or past drug use poses an imminent danger.

c. Embezzlers/Thieves whose employment or placement provides access to handling of funds.

C. Procedure

1. The client should inform employer, person in charge, or living associate of current conviction as it pertains to an area of concern.

2. The probation officer, after receiving confirmation from the client that he has informed his/her employer, person in charge, or living associate, will contact said person and make verbal acknowledgment and confirm disclosure.

3. In complex situations, cases may be referred to the Assistant Deputy Chief Probation Officer who may consult with County Counsel.

D. Failure to Disclose as Directed.

1. If the client fails to disclose his current conviction as directed, the probation officer shall contact the employer directly and inform him/her of information sufficient to protect a potential victim and then document this notification.