

Duty cont'd

Police protection

No general duty to indivs – just to public

Limited resources and want to let cops decide how to deploy best

Only if spec rel:

1 Assumption of affirmative duty

2 Knowledge that inaction will lead to harm

3 Direct contact between agents and person promised protection

4 Justifiable reliance by injured party

Causation

but-for the D's neg harm wouldn't have occurred.

Substantial factor – allows a finding of causation where have concurrent causes – Corey –

Should come out the same – if not substantial factor will not be but-for in most cases – can have +1 sub factor

Proof – must show most likely explanation, undermine alternative explanations to make yours more likely

