

GA-01.13, "Duty to Warn,"

SCDC POLICY

NUMBER:GA-01.13

TITLE:DUTY TO WARNISSUE DATE: DECEMBER 19, 2021

RESPONSIBLE AUTHORITY:OFFICE OF GENERAL COUNSEL

POLICYMANUAL:GENERAL ADMINISTRATION

SUPERSEDES: GA-01.13, DUTY TO WARN, (September1, 2007); (June 1, 2004)

RELEVANT SCDC FORMS/SUPPLIES: 19-29

ACA/CAC STANDARDS: NONE

STATE/FEDERAL STATUTES:

PURPOSE: To provide guidelines for responding to and documenting threats made by inmates against any identifiable individual, organization, or entity in an expeditious manner.

POLICY STATEMENT: The Agency will document threats made by inmates against any identifiable individual, organization, or entity. Threats that are communicated by inmates will be taken very seriously, and appropriate actions will be initiated by staff members pursuant to this policy/procedure. The Agency will attempt to identify targets of these threats and attempt to warn such targets of the threat. Identified targets of these threats who wish to be apprised of actions relating to an inmate's release will be encouraged to register with the Agency's Division of Victim Services and will receive notices of such action pursuant to SCDC Policy/Procedure GA-02.05, "Victim Witness Notification."

1. RESPONSIBILITIES:

1.1 The Office of General Counsel will develop a lesson plan for SCDC personnel that explains the Agency's policy on threats made by inmates and the procedures to use to report specific threats made by inmates. The Office of General Counsel will be responsible for providing this information periodically to Agency staff through the annual legal update.

1.2 Threats communicated by inmates will be taken seriously by staff members, and appropriate actions will be initiated pursuant to these procedures.

1.3 Agency Reception and Evaluation Centers will provide initial orientation to inmates that includes the Agency's policy on the disciplinary system and threats of harm toward others.

2. THREATS MADE BY INMATES:

2.1 All agency employees will report specific verbal or written threats made by inmates against identifiable potential victims. When an employee receives information that would lead a reasonable person to believe that an inmate intends to harm an identifiable potential victim, that employee will immediately inform his/her supervisor of this information and will complete SCDC Form 19-29A, "Incident Report." The SCDC Form 19-29A must include the threat, the name of the potential victim, his/her relationship to the inmate, and any other pertinent identifying information. It is critical that as much identifying information be included as is available because of the difficulty that often exists when trying to find the potential victim. The specific threat must be stated in the Form 19-29A in order to ensure that all appropriate warning steps can be carried out by the Division of Victim Services.

2.2 The inmate may be charged pursuant to SCDC Policy/Procedure OP-22.14, "Inmate Disciplinary System," and criminal charges may be pursued, if appropriate.

2.3 The supervisor will immediately provide this information to the Warden/Duty Warden. The Warden/Duty Warden will review the inmate's record to determine if the inmate is due for imminent release and will call the Division of Victim Services to gain additional guidance. A copy of the Incident Report will be faxed to the Division of Victim Services, and the Office of Investigations and Intelligence (OII), followed by a telephone call. Time sensitive warnings must be handled immediately. If necessary, the Warden/Duty Warden will notify the Emergency Action Center (EAC). The EAC will notify the on-call representative of the Division of Victim Services and OII.

2.4 The Division of Victim Services will attempt to identify targets of such threats, will attempt to notify each potential victim, and will follow the procedures outlined in SCDC Policy/Procedure GA-02.05, "Victim/Witness Notification." The Division of Victim Services will coordinate with OII and other appropriate law enforcement agencies to ask for their assistance to locate or notify targets of such threats.

2.5 The Offender Records Branch will file the victim/witness documents provided by the Division of Victim Services and will place a victim/witness sticker on the inmate's folder pursuant to SCDC Policy/Procedure GA-02.05, "Victim/Witness Notification."

2.6 OII will coordinate with the appropriate Solicitor if criminal charges will be filed against the inmate.

3. DEFINITIONS:

Duty to Warn refers to an obligation to warn an identifiable individual, organization, or entity of a specific threat of harm.

Potential Victim refers to an identifiable individual, organization, or entity who/which is the target of a specific threat of harm.

Specific Threat refers to a written or verbal declaration of intended harm toward an identified potential victim(s).

SIGNATURE ON FILE

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s/Bryan P. Stirling, Director

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Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN POLICY DEVELOPMENT.