

HEALTH SERVICES POLICY & PROCEDURE MANUAL

North Carolina Department Of Correction
Division Of Prisons

SECTION: Administrative – Reporting

POLICY # AD VIII-3

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SUBJECT: Duty to Warn

EFFECTIVE DATE: July 2011
SUPERCEDES DATE: January 2005

PURPOSE

To outline the conditions under which a duty to warn exists and specify the actions that a DOP mental health professional should take in discharging said responsibility.

POLICY

When an inmate informs a DOP mental health professional of an intention to physically harm an identifiable potential victim, then certain actions on the part of that professional are required. This policy applies to all full-time, part-time, or contractual DOP mental health staff members (e.g., psychiatrists, psychologists, social workers, nurses, recreation therapists, interns) who are engaged in providing mental health services in the Division of Prisons.

PROCEDURE

1. A duty to warn exists when an inmate has expressed in the presence of a DOP mental health professional an intention to physically harm a specific identifiable victim.
2. When a mental health professional is aware of such a stated threat, the Psychology Program Manager covering the facility in question shall be contacted immediately for assistance in the implementation of required actions.
 - A. When the identifiable potential victim is a non-inmate:
 1. Psychology, social work, and administration will collaborate to determine the contact information for the identifiable potential victim in the community. Once the contact information is located, the potential victim should be contacted by both telephone and certified United States mail.
 2. Telephone contact shall be made by the Psychology Program Manager covering the facility in question, or by documented designee.
 3. A letter shall be composed by the Psychology Program Manager covering the facility in question, or by documented designee.
 4. For cases in which current contact information is not obtainable, telephone and certified United States mail contact should instead be directed, as above, to the sheriff of the last known county of residence of the identifiable potential victim so that local law enforcement can assist in locating that individual to warn him /her of the threat.
 5. All contacts and efforts to contact shall be clearly documented in the mental health record; photocopies of letters and receipts of mailings are additionally to be copied and sent to the Regional Director and facility administrator in question, the Parole Commission, the field and area jackets, the Office of Victim Services, and to DOC combined records.

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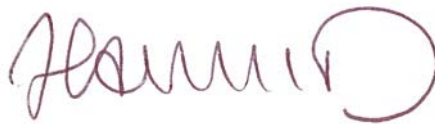
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6. If the identifiable potential victim is a non-inmate but is physically located within the confines of a prison facility (e.g., full-time or part-time DOC or other state agency employees, contractors, volunteers), the potential victim should be contacted and informed by the Psychology Program Manager covering the facility in question, or by documented designee, and record of the notification should be included in the personnel file of that individual. Additionally, the facility administrator or the Officer-in-Charge should be notified directly by the Psychology Program Manager, or documented designee, so that actions may be taken to insure the safety of the identifiable potential victim and maintain order within the facility.
7. If the inmate making the threat is nearing release from prison, the inmate may meet the criteria for civil commitment to a state psychiatric hospital; in such a case, psychiatry, psychology, and social work at the facility in question shall collaborate in the involuntary commitment petitioning process.

B. When the potential victim is an inmate:

1. If an inmate is threatening another inmate, the facility administrator or the Officer-in-Charge should be notified directly by the Psychology Program Manager, or documented designee, so that actions may be taken to insure the safety of the identifiable potential victim and maintain order within the facility.
2. A memo documenting the expressed threat shall be placed in the housing units and combined records of both the threatening inmate and the threatened inmate to insure that prison officials are aware of the potential danger. The memo shall also be sent to the Classification Services Section, for addition to the Central Monitoring Case File, and placed in the mental health record of the threatening inmate.



7/11/11

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date