



**Parole and Probation
DIVISION DIRECTIVE MANUAL**

AG REVIEW BY:	ORIGINATION DATE: 06/23/1999	APPROVED BY: BERNARD W. CURTIS, CHIEF <i>(Original signature on file)</i>
REFERENCES:	DATE EFFECTIVE: 05/07/2008	SUBJECT: Duty to Warn
PROCESSED BY: Nancy Tiffany, Executive Liaison to the Chief	REVISION DATE: 05/25/2006, 03/20/2008	DIRECTIVE NUMBER: 6.2.110

A. PURPOSE:

To set forth guidelines that provide for the protection of the community while providing for the supervision and rehabilitation of the offender.

B. POLICY:

The Division will assess all offenders under supervision to determine the possible risk of harm or future criminal behavior and the impact it may have upon any individual or group. The Division will take all reasonable precautions to minimize that risk, including exercising a duty to warn, when appropriate. Duty to warn decisions must be based on common sense and are discretionary. If in doubt, the employee should discuss the case with their supervisor as soon as possible and together decide if duty to warn is appropriate.

C. PROCEDURE:

1. The supervising employee will maintain a working knowledge of the offender's case to determine what individual, employer or group may be at possible risk of harm or criminal activity.

a. Warning an Individual

Upon discovery of specific risk of harm or criminal activity, the supervising employee will contact the individual within five working days, and warn that person of the possibility of said risk.

b. Warning an Employer

Upon discovery of specific risk of harm or criminal activity, the supervising employee will contact a supervisor or management level employee, within five working days, and warn that person of the possibility of said risk.

c. Warning Groups such as Treatment Programs, Benevolent Organizations, Religious Groups, Youth Organizations, Health Care Facilities

Upon discovery of specific risk of harm or criminal activity, the supervising employee will contact the program director, manager or supervising employee, including inpatient or outpatient, within five working days, and warn that person of the possibility of said risk.

2. Notification Process

a. The employee will determine the appropriate manner by which notification will be made, including but not limited to, personal contact or certified letter.

b. If a certified letter is the selected method of notification, a copy of the letter will be placed in the file. The employee will make every effort to ensure the letter was received by the appropriate party, within five working days of mailing.

c. A detailed chronological entry will be made in OTIS and will include the name of the individual contacted and the manner in which the contact was made.

3. If the supervising employee perceives an imminent threat of harm or criminal activity, the offender will immediately be prohibited from engaging in or continuing in contact with any individual, group or employment/program believed to be threatened. The supervising employee will immediately warn the person or group believed to be at risk by the quickest means available.

4. In appropriate cases, the Division will petition the Court or the Parole Board to modify the special conditions to address the Division's desire that specific contact be prohibited.