

## Investigation Decision Tree and Separation Caution Memorandum

Included in the Department of Corrections' (SCDC) December 18, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following question in LOC's December 2, 2019, letter to the Department of Corrections: "35. Please describe the situations in which an inmate's housing may be changed to separate the inmate from another inmate or from an employee, and the process to implement the separation (e.g., is a request required, if so, who has to complete a form and who decides if the separation occurs, etc.)."

In addition to providing the information in this document, SCDC provided the following response:

- Prison Rape Elimination Act- Allegation of Sexual Abuse or Sexual Harassment; Substantiated Case of Sexual Abuse or Sexual Harassment.
  - When an inmate submits, or the institution is notified of an allegation of sexual abuse, the security officer who is notified ensures that the alleged victim is separated from the alleged perpetrator for the duration of the investigation (Staff or Inmate). If the case is substantiated through an investigation, the Prison Rape Elimination Act Compliance Manager will submit an SCDC Form 19-141 "Separation/Caution Memorandum" to classification to review.
- Please see below excerpt from SCDC Policy 21.04 Inmate Classification Plan responsive to this question:

18. SEPARATIONS/CAUTIONS: To establish guidelines to flag the records of inmates for whom special caution must be taken for certain actions involving these inmates.

18.1 *The Central Classification Separation Committee* is responsible for issuing the official caution to be placed in the inmate's records when conditions or circumstances exist that would potentially jeopardize the safety and security of the inmate, employee(s), or other persons. SCDC Form 19-141, "Separation/Caution Memorandum," will be submitted to *Central Classification (CC)*.

18.2 The reasons an inmate may be identified with a Separation/Caution include:

- The inmate has testified against another inmate, and this is verified through court documentation, solicitor's office, or law enforcement.
- *Co-defendants are assessed on a case-by-case basis. Known hostility must exist or inmate must have a separation order from an appropriate law enforcement agency.*
- The victim, victim's family members, or known associates are incarcerated or employed at the inmate's assigned institution, and this is verified through court documentation, solicitor's office, law enforcement, victim/witness office, or employee.
- There are known strong hostilities between inmates, and this is verified by MINs and/or SCDC Form 19-29, "Incident Report."
- The inmate has physically assaulted and/or caused serious injuries to an SCDC employee who works at an institution, and this is verified by MINs and/or SCDC Form 19-29.
- The inmate makes written or verbal threats against an employee(s) or other inmate(s) that are found to be credible by institutional or Agency personnel.
- *Relatives of an inmate employed at the institution or with the SCDC will be evaluated on a case-by-case basis to determine if potential concerns exist between the inmate and the employee.*
- *Parent, child or current spouse of the inmate. Siblings will be assessed on a case-by-case basis.*

18.3 When an employee determines that circumstances warrant the placement of a separation in an inmate's record, s/he will complete SCDC Form 19-141, "Separation/Caution Memorandum," verify the

information, attach any documentation, and forward it to the Warden/Duty Warden for approval. The Warden/Duty Warden will sign the SCDC Form 19-141 and forward it to *Central Classification* if approved. Documentation of the Warden/Duty Warden's disapprovals will be noted on the staff memorandum and filed in the institutional record, central record, and maintained in the Warden's office. NOTE: For Kirkland R&E Center only: The R&E Manager can sign the 19-141 as would a Duty Warden. The R&E Manager will also determine if the 19-141 is invalid due to insufficient evidence and disapprove the Separation Request at that time instead of forwarding it to *Central Classification*. Documentation of disapproved request will be noted on the staff memorandum and filed in the institutional record, central record, and maintained at the Kirkland R&E Center.

18.4 Upon receipt of SCDC Form 19-141, "Separation/Caution Memorandum," the *Central Classification Separation Committee* will review for approval or disapproval. When a separation is approved, the information is entered into the automated system and SCDC Form 19-141 and documentation will be filed in *Central Classification automated* separation files. Temporary placement of SCDC Form 19-141 in Section 2 may be permitted only until the automated form is returned. An automated form (golden rod copy) will be printed and filed in the inmate's Central Record and Institutional Record. This copy will be placed in Section 2 of both records with nothing being filed on top of the Caution (golden rod). When the *Central Classification Separation Committee* disapproves a Separation/Caution, a return memo will be forwarded to the institution with an explanation as to the reason for disapproval. *Classification staff will file it in Section 3 of the Inmate Record.*

18.5 All active cautions will be reviewed for accuracy and applicability once every two (2) years. The Division Director of Classification and Inmate Records will be responsible for establishing a review schedule and procedures. If modifications to the Caution are necessary, a written request must be forwarded to the Division Director.

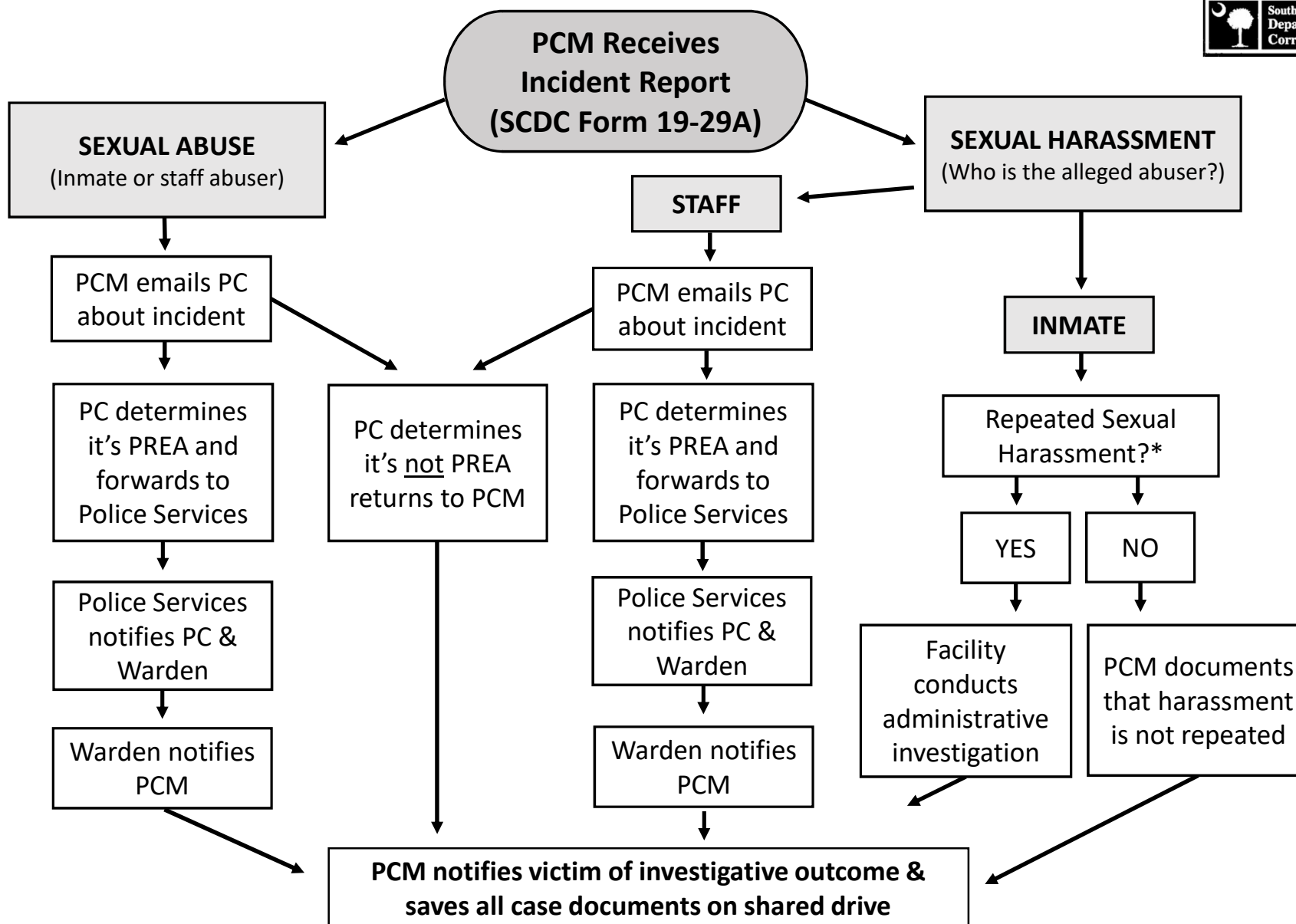
18.6 Cautions will not be removed from any record unless the original conditions causing the placement of the Caution are no longer a factor. When it is determined that a Caution is no longer necessary, the appropriate employee will request removal of the Caution by completing SCDC Form 19-141, "Separation/Caution Memorandum," with the Warden's approval and signature. When forwarded to CC for removal, an explanation must accompany the request. The Division Director of Classification and Inmate Records or designee will make the final decision to approve or disapprove removal of the Caution. If approved for removal, CC will be responsible for dropping the Caution from the automated system and for notifying Inmate Records via CRT message to remove it from the Central Record. The appropriate staff at the institution will be notified to remove it from the Institutional Record. (Note: A hard copy will be maintained by CC for historical information.)

18.7 When an inmate is released or paroled from the SCDC, any Caution information will remain in his/her records and will not be purged. In the event the inmate is reincarcerated, the Classification Coordinator at the Reception and Evaluation Center will review the inmate's record for Caution information when s/he is readmitted. If the inmate has previously had a designated Caution, the Classification Coordinator will ensure that both the manual and the automated records are properly flagged. If necessary, SCDC Form 19-141 will be completed and forwarded to CC.

18.8 When an initial or scheduled review is conducted by the ICC, the Classification Caseworker/Community Programs Supervisor will be responsible for checking the inmate's record for Cautions to verify that the manual and automated systems coincide. If they do not match, *Central Classification* will be notified to initiate any necessary corrective actions. If it is discovered that two (2) or more inmates housed in the same institution have Cautions against each other, an immediate transfer request should be made to *Central Classification*.

18.9 It is the responsibility of the Institutional Operations Section at both the sending and receiving institutions to carefully check the inmate's Institutional Record and automated system for placement of a Separation/Caution.

18.10 If an inmate with a Caution is inadvertently transferred to an institution to which s/he should not be assigned, immediate steps must be taken to isolate



PC – Agency PREA Coordinator ([barkley.john@doc.sc.gov](mailto:barkley.john@doc.sc.gov))

PCM – Facility PREA Compliance Manager

\*Review all current and prior incident reports in this alleged victim's file to verify if this is a repeat offense from this perpetrator.

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
SEPARATION/CAUTION MEMORANDUM**

**TO:** Division Director, Classification and Inmate Records  
**FROM:**  
**SUBJECT:** SEPARATION/CAUTION  
**DATE:**

Please ensure that a "SEPARATION/CAUTION" is issued for placement in the offender Central Record, Institutional Record, and Automated Record of the below listed inmate(s):

1. TYPE OF ACTION REQUESTED: ☐ SEPARATION REQUIREMENT ☐ DELETION OF SEPARATION

SCDC #: \_\_\_\_\_ INMATE NAME: \_\_\_\_\_

To be separated/deleted from:

SCDC #: \_\_\_\_\_ INMATE NAME: \_\_\_\_\_

SCDC #: \_\_\_\_\_ INMATE NAME: \_\_\_\_\_

SCDC #: \_\_\_\_\_ INMATE NAME: \_\_\_\_\_

SCDC #: \_\_\_\_\_ INMATE NAME: \_\_\_\_\_

SCDC #: \_\_\_\_\_ INMATE NAME: \_\_\_\_\_

☐ EMPLOYEE:

Employee I.D. #: \_\_\_\_\_ EMPLOYEE NAME: \_\_\_\_\_

Employee I.D. #: \_\_\_\_\_ EMPLOYEE NAME: \_\_\_\_\_

2. Explanation/Reason for Caution:

3. Source of Information:

4. Comments:

**Attach supplemental sheets as needed:** S/ \_\_\_\_\_

Position: \_\_\_\_\_ Location: \_\_\_\_\_

Classification Case Manager/Designee: \_\_\_\_\_

Location: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Original** Central Classification **Copy:** Warden's Jacket