

GA-01.07, "Access to the General Counsel," January 1, 2003

SCDC POLICY/PROCEDURE

NUMBER: GA-01.07

TITLE: ACCESS TO THE GENERAL COUNSEL

ISSUE DATE: JANUARY 1, 2003

RESPONSIBLE AUTHORITY: OFFICE OF GENERAL COUNSEL

OPERATIONS MANUAL: GENERAL ADMINISTRATION

SUPERSEDES: GA-01.07 (August 1, 2001)

RELEVANT SCDC FORMS/SUPPLIES: NONE

ACA/CAC STANDARDS: 3-4023

STATE/FEDERAL STATUTES: NONE

PURPOSE: To provide guidelines for employee access to the South Carolina Department of Corrections Office of General Counsel.

POLICY STATEMENT: SCDC is committed to maintaining compliance with all state and federal statutes. To this end, the Agency's organizational structure will include the Office of General Counsel which will be responsible for providing legal advice, guidance, and services to all SCDC employees on official matters. The General Counsel and his/her staff will also serve as liaisons with the Office of the Attorney General and the federal and state court systems. (3-4023)

SPECIFIC PROCEDURES:

1. LEGAL QUESTIONS/ADVICE:

1.1 Questions regarding specific legal problems related to the Agency mission should be directed to the Office of General Counsel by the appropriate member of the Agency Director's staff, Division Director, Warden, or designee. (3-4023)

Absent circumstances requiring immediate action, all such questions should be specific and communicated in writing. Written responses will normally be returned within 30 days.

1.2 The General Counsel and his/her staff will not be responsible for providing personal legal assistance or advice to SCDC employees. Any legal assistance given to an employee must be related to his/her position or to the Agency's mission. (3-4023)

1.3 The General Counsel and his/her staff will not be responsible for providing legal assistance or advice to inmates.

2. LEGAL PAPERS SERVED ON AN EMPLOYEE: If an employee is served with legal papers, such as a Summons and Complaint or a subpoena, the following steps will be taken:

2.1 The employee will note on the upper right hand corner of the first page the date and manner of service, as well as the name and title of the individual serving the papers. For documents received through the mail, the employee will note the date the document was received and will note that service was made through the mail.

2.2 The employee will, as soon as practical, give the paper(s) to his/her Warden, Division Director, or the appropriate member of the Agency Director's staff, who will make a copy of the document(s) for the employee and forward the original(s) to the Office of General Counsel.

2.3 Five (5) days after forwarding the document(s), the Warden, Division Director, the appropriate member of the Agency Director's staff, or designee will telephone the Office of General Counsel at 896-8508 to verify the receipt of the paper(s).

2.4 An employee's failure to follow these instructions could render him/her liable in an action in which s/he might otherwise be covered by state liability insurance.

3. LEGAL TRAINING FOR SCDC EMPLOYEES: The General Counsel or designee will be responsible for conducting training classes concerning applicable areas of the law for individuals as designated by the Division Director of Training and Staff Development or designee. (3-4023)

Other training will be provided in compliance with SCDC Policy/Procedure ADM-17.02, "Law Enforcement Training Act Standards," and/or on an "as-needed" basis.

4. DEFINITIONS: NONE

SIGNATURE ON FILE

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s/ Gary D. Maynard, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.