


Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Intimidation of a Justice System Participant		
For:	Entire Division	 Authorized by Executive Director	


1. Preamble

- 1.1 Intimidation of, or attempts to intimidate, persons working in or volunteering in the justice system is a serious matter. The *Criminal Code of Canada* (CC) was amended in 2001 to include in Section 423.1 CC *Intimidation of a Justice System Participant* as an offence punishable upon conviction by up to fourteen (14) years in prison.
- 1.2 It is recognized that in its role as employer, Correctional Services is responsible for providing a healthy and safe work environment.
- 1.3 It is also recognized that the need for staff and other Correctional Services system participants to respond to confrontational behaviour is inherent in correctional work.

2. Policy

- 2.1 Correctional Services has a zero tolerance for actual or attempted intimidation of Correctional Services and Justice System participants. Correctional Services will manage instances of *Intimidation of Justice System Participant* in accordance with
 - 2.1.1 Section 423.1 CC
 - 2.1.2 Section 2 CC
 - 2.1.3 Policy and Procedures, Subject No.
 - 2.1.3.1 5.02.00, [Reportable Incidents](#)
 - 2.1.3.2 10.00.00, [Critical Incident Stress Management](#)
 - 2.1.4 this policy
- 2.2 Correctional Services will respond immediately to any actual, attempted or perceived intimidation of Correctional Services or Justice System participants with priority being given to
 - 2.2.1 the safety and debriefing of the victim of intimidation or attempted intimidation
 - 2.2.2 the identification, control, arrest and prosecution of the perpetrator
- 2.3 Correctional Services will provide appropriate and timely support to its system participants who are or have been subject to, or impacted by, intimidation.

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3. Workplace Violence Prevention Plan

3.1 This policy and procedure, in addition to any associated facility Standard Operating Procedures (SOP), is part of the Correctional Services Division's overall workplace violence prevention plan as required by Section 7 of the *Violence in the Workplace* regulations.


4. Definitions

- 4.1 Correctional Services' system participants refer to all Correctional Services employees including
- 4.1.1 contractors providing services to Correctional Services
 - 4.1.2 staff of the Nova Scotia Health Authority, IWK Health Centre and contracted nursing service providers
 - 4.1.3 officials of other provincial government departments working at Correctional Services sites
 - 4.1.4 volunteers
- 4.2 For "justice system participants" Section 2 CC.
- 4.3 Intimidate means to compel or deter by threat or implied threat, to cause fear of consequences to the person, or to act in a manner to provoke a state of fear, and as a result
- 4.3.1 the administration of Correctional Services is impeded
 - 4.3.2 abstains from doing something that results in an advantage to another person that is unlawful, contrary to policy and procedures, standard operating procedures (SOP), post orders or that would otherwise jeopardize the safe and secure operation of Correctional Services

5. Intimidation

- 5.1 Examples of intimidation or attempted intimidation by an individual in custody, under community supervision or has previously been incarcerated or supervised include
- 5.1.1 persistently and repeatedly follow a system participant away from a Correctional Services work site

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- 5.1.2 persistently or repeatedly watching the place where the system participant or their family resides, works or attends school, carries on business or happens to be
- 5.1.3 demonstrate that they
 - 5.1.3.1 know where the system participant lives
 - 5.1.3.2 have personal information about the system participant, their family, friends or property
- 5.1.4 take photos of the system participant, their family or property
- 5.1.5 make or send nuisance or threatening communication to the system participant or their family or friends, e.g., mail, phone calls, e-mail, text messages, or through social media platforms
- 5.1.6 indirectly threaten a system participant by gesture, innuendo or other methods
- 5.1.7 utter direct threats against a system participant or their family or friends
- 5.1.8 vandalize or damage a system participant's property
- 5.1.9 use violence against a system participant or their family, friends
- 5.1.10 attempt to bribe or bribes a system participant or their family or friends

6. Reportable Incident

- 6.1 Staff and other Correctional Services system participants are required to report all attempts at intimidation, regardless of whether the intimidation was directed at themselves or at another person, to the appropriate director or the Executive Director.
- 6.2 Intimidation reports will include
 - 6.2.1 the nature of the intimidation
 - 6.2.2 the time, date, location and circumstances of the intimidation
 - 6.2.3 the name of the individuals
 - 6.2.4 the name(s) of the witness(es) to the intimidation, if any
 - 6.2.5 the name(s) of the source of information of the intimidation
 - 6.2.6 such other details as may be appropriate or required by Policy and Procedures and SOP
- 6.3 Staff and other Correctional Services system participants are required to advise the individual in custody, under community supervisions or has

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been previously incarcerated or under community supervision that a report of the intimidation has been filed.

7. Internal Investigation

- 7.1 The senior probation officer, superintendent, manager of community corrections or director will immediately initiate an internal investigation. The investigation will attempt to determine
- 7.1.1 the context of the intimidation or attempted intimidation
 - 7.1.2 the details of the intimidating action or conduct
 - 7.1.3 whether the incident was or was not the product of an “explosive moment” by the individual, e.g., the individual is in a confrontational situation and/or is momentarily upset
 - 7.1.4 the likelihood of the intimidation or attempted intimidation being repeated
 - 7.1.5 whether the role of the system participant with respect to the individual needs to be permanently or temporarily changed, e.g., case assigned to another probation officer
 - 7.1.6 in the case of an individual in custody, whether they need to be re-assigned to another part of the correctional facility or transferred to another correctional facility
- 7.2 The internal investigation will include an assessment of the risk posed by the individual including information regarding
- 7.2.1 current and previous offence(s) or outstanding charge(s) including nature and severity of offence(s) and sentence length
 - 7.2.2 current and previous behavior while under supervision or while in custody
 - 7.2.3 risk/needs assessment information e.g., Level of Service – Case Management Inventory (LS-CMI), Institutional Security Assessment (ISA)
 - 7.2.4 any prior incidents of intimidation and action taken
 - 7.2.5 substance abuse
 - 7.2.6 mental illness
 - 7.2.7 relevant reports from other justice system components e.g., Sheriff Services, police agencies, Correctional Services Canada
 - 7.2.8 Canadian Police Information Centre (CPIC) information

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- 7.2.9 risks and alerts entered on the Justice Enterprise Information Network (JEIN)
- 7.3 The investigation report will also include information with respect to
 - 7.3.1 the system participant's role with respect to the individual, e.g., supervisor
 - 7.3.2 previous contact between the system participant and the individual
 - 7.3.3 a response plan to the intimidation
- 7.4 Where advisable, the senior probation officer, superintendent, manager of community corrections or director, as appropriate, may request the
 - 7.4.1 appropriate director assigns an internal investigator from another community corrections office or correctional facility, or
 - 7.4.2 executive director assigns an external investigator, and
 - 7.4.3 the matter be referred to the police in accordance with Section 9 of this policy.

8. Interview

- 8.1 The individual will be advised in-person by the senior probation officer or superintendent or designate that
 - 8.1.1 a report has been received that the individual has attempted to intimidate a Correctional Services system participant
 - 8.1.2 intimidation of a justice system participant is an offence pursuant to Section 423.1 CC and upon conviction is punishable by up to fourteen (14) years in prison
 - 8.1.3 appropriate reports detailing the nature of the incident, including the individual's response to the allegation, will be filed
 - 8.1.4 there is an expectation that no harm will befall the system participant, their family, friends or property
 - 8.1.5 a police investigation may be conducted
 - 8.1.6 an internal investigation will be conducted
- 8.2 The senior probation officer or superintendent will also send the individual written confirmation of the content of the interview that took place in a form consistent with the sample letter, see form [5.03.00-A](#), Letter Alleging Intimidation.

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- 8.3 A copy of the Letter Alleging Intimidation will be provided to the Correctional Services system participant.
- 8.4 Where the individual is under community supervision, the senior probation officer may, based on the results of the internal investigation and after consultation with the manager, community corrections, opt to forego the in-person interview in favour of sending the individual a registered letter outlining the allegation and the steps being taken.
- 8.5 When an individual is in custody in a correctional facility, the superintendent will ensure that
 - 8.5.1 a disciplinary report, as well as related reports are filed detailing the nature of the incident
 - 8.5.2 the individual is placed in close confinement pending the outcome of any internal, external or police investigation(s)
 - 8.5.3 the individual is advised of the situation in accordance with Section 8.1 above and with respect to any disciplinary report

9. Police Investigation and Criminal Charges

- 9.1 An allegation of intimidation of a *Justice System Participant* may result in a criminal charge pursuant to Section 423.1 CC. Therefore, when intimidation is of a serious nature, the senior probation officer or superintendent will refer the allegation of intimidation to the local police agency for investigation.
- 9.2 When a police investigation is requested, all relevant reports will be provided to the investigating agency.
- 9.3 Decisions in relation to laying charges are the responsibility of the police. If the police do not lay criminal charges or the Crown attorney declines to proceed with the prosecution of the criminal charges, the allegation will be kept on the individual's file, as well as applicable administrative files for future reference.

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10. Reports

- 10.1 Reports regarding the intimidation of a Justice participant will be filed as follows
- 10.1.1 copies of all relevant reports will be included in the individual's file
 - 10.1.2 copies of all reports and correspondence will be included in an intimidation incident file maintained by the Department of Justice, Central Registry
 - 10.1.3 a letter confirming the report of the intimidation and the outcome of the investigation will be sent to the Correctional Services system participant consistent with form [5.03.00-B](#), Letter to System Participant Re: Intimidation

11. Assistance for System Participants

- 11.1 To assist the system participants who have been the victim of intimidation or attempted intimidation, the senior probation officer or superintendent will
- 11.1.1 meet with the system participant
 - 11.1.2 determine the impact of the participant, where and as often as may be indicated, to keep them apprised of the action being taken by Correctional Services in response to the incident
 - 11.1.3 provide the intimidated individual with a copy of the risk assessment, see 7.3.3, indicating the level of risk posed by the individual in custody, under community supervision or has been previously incarcerated or under community supervision
 - 11.1.4 arrange for a critical incident stress management debrief if requested
 - 11.1.5 refer staff to the Employee Family Assistance Program (EFAP)
- 11.2 Where the affected staff member has not continued to perform regular duties because of the intimidation, the senior probation officer or superintendent will support the staff member's return to normal work duties.

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12. Standard Operating Procedures (SOP)

12.1 Superintendents will establish such local SOP as may be required to ensure reports and investigations relating to actual or attempted intimidation of Correctional Services system participants are reported and processed in accordance with this policy.