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Chapter: **Investigations, Internal Reviews, Inspections and Audits**    Classification: **Public Document**

Subject: **Investigations and Internal Reviews**

For: **Correctional Services Division**

  
Authorized by the Executive Director

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## Policy

- 1    Correctional Services will conduct internal reviews into specific incidents, complaints or other areas of concern, as well as invite, participate in, and facilitate authorized investigations and/or internal reviews by other
  - (a) departments
  - (b) boards
  - (c) agencies
  - (d) commissions
  - (e) professional bodies
  - (f) judicial and quasi-judicial inquiries

## Definition

- 2    **Investigation:** A structured and methodical process aimed at collecting evidence, establishing facts, and revealing the truth behind an incident. Investigations can be criminal or administrative in nature.
- 3    **Internal Review:** A close examination or systematic inquiry initiated to gather the information necessary for informed decision-making.
  - (a) Intended to address areas that are not, or may not be, routine in nature or areas that are not reviewed by another process identified in policy and procedures or in law.
  - (b) To be completed at an adult correctional facility, youth centre, or community corrections office or other correctional services office.
  - (c) May be ordered in response to a
    - i. complaint
    - ii. allegation
    - iii. situation of a serious nature
    - iv. any other incident involving Correctional Services Staff or persons involved with correctional services determined to require further formal inquiry

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- 4     Correctional Services categorizes internal reviews as follows
- (a) level 1 – An internal review completed in response to an incident that initially appears to be minor in nature. It can be ordered by the Director Correctional Services, Chief Superintendent, Superintendent, Youth Custody Manager, Manager Correctional Services.
  - (b) level 2 – An internal review completed in response to a major or complex incident and is authorized by the Executive Director or delegate.
    - i. A level 2 review may be ordered based on information learned during a level 1 review.

#### **Authority to Order an Internal Review**

- 5     An internal review may be ordered with respect to any incident, allegation or complaint, that comes to a manager's attention that directly or indirectly appears to involve persons in custody/under the supervision of community corrections and/or staff in that manager's area of responsibility by
- (a) Facility Senior Manager, or designates
  - (b) Manager, Correctional Services
  - (c) Chief Superintendent
  - (d) Director, Correctional Services
  - (e) anyone designated under the *Corrections Services Act* or under the *Court Houses and Lockup Houses Act* as an inspector
  - (f) anyone designated under the *Youth Criminal Justice Act* as a Provincial Director
  - (g) Executive Director, Correctional Services
  - (h) Deputy Minister of Justice
  - (i) Minister of Justice, and/or
  - (j) anyone designated in law or by executive order of the Legislature


#### **Purpose of an Internal Review**

- 6     The purpose of an internal review is to provide complete answers to all questions arising

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from an incident, allegation or complaint. Generally, it will

(a) respond to the questions: who, what, when, where, how and why

(b) identify areas where there has not been compliance with

i. policy and procedures

ii. standard operating procedures (SOPs)

iii. local or interim directives

iv. Correctional Services Professional Code of Conduct

v. Nova Scotia OHS Act and Regulations all other applicable legislation

7 An employee who has been asked to participate in an internal review formal interview may be accompanied to the interview by a support person. The support person's role is to provide support and witness the interview. The person must be

(a) an employee of Correctional Services, or

(b) representee appointed by the local union ERO, or

(c) any other person pre-approved by the Chief Superintendent or the manager requesting the internal review

8 The support person will

(a) be acknowledged and introduced at the beginning of the audio recording

(b) refrain from interjecting/participating during the questioning of the employee

(c) not influence the interviewee's responses before or during the interview

i. the support person will only offer their support or guidance if specifically requested by the interviewee and only if that support does not conflict with (c) above

(d) maintain confidentiality and will not discuss any part of the interview with anyone else

9 At the conclusion of the interview, as part of the audio recording, the support person may be provided the opportunity to

(a) ask questions related to the internal review not the interview


(b) provide additional information related to the internal review

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## **Types of Investigations and Internal Reviews**

- 10    Investigations and/or internal reviews may originate from several sources. This includes
- (a) internal Correctional Services reviews
  - (b) internal Department of Justice investigations or reviews
  - (c) police investigations
  - (d) investigations by other government departments such as
    - i. Office of the Fire Marshall
    - ii. Ombudsman
    - iii. Workers' Compensation Board
  - (e) investigations by professional bodies, such as
    - i. College of Social Work
    - ii. College of Physicians and Surgeons of Nova Scotia
    - iii. College of Nurses of Nova Scotia
    - iv. Barristers' Society
  - (f) judicial and quasi-judicial inquiries, such as
    - i. Fatalities Inquiries
    - ii. Royal Commissions
- 11    Internal reviews may be conducted, in total or in part, by
- (a) Correctional Services staff
  - (b) staff designated by the Executive Director, Correctional Services
  - (c) staff designated from an internal agency or body
- 12    Internal reviews may be required where there has been
- (a) a mistaken release of a person in custody
  - (b) an allegation of assault by a staff member on any other person
  - (c) allegation of an assault to a person in custody by another person in custody, where serious injuries occurred

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- (d) an allegation of workplace harassment, including harassment of a sexual nature, by a staff member on another staff member
- (e) an allegation of physical or emotional abuse, as applies to young persons under the *Children and Family Services Act* or as defined in policy and procedures, by a staff member on a person in custody
- (f) an allegation of excessive use of force by a staff member on a person in custody
- (g) any riot or major disturbance within a correctional facility
- (h) any major fire within a correctional facility requiring evacuation and/or intervention by a fire service
- (i) criminal charges laid against an employee
- (j) alleged employee violations of the Personnel Regulations and Professional Code of Conduct
- (k) alleged employee harassment and bullying
- (l) an allegation of misappropriation of government property or monies
- (m) a death of a person in custody or client on the premises of a community corrections office
- (n) an escape or attempted escape by a person in custody
- (o) other incidents as deemed appropriate by a Director, Correctional Services

### **Access and Disclosure of Information**

- 13 When an employee is the subject of an internal review and may have been involved in criminal activity, the Facility Senior Manager or Manager Correctional Services will receive written permission from a Correctional Services Director to access the employee's Justice Enterprise Information Network (JEIN) user access logs.
- 14 Internal reviews will be guided and authorized by applicable legislation and policy and procedures on access and disclosure of information.

### **Police Investigations**

- 15 Where a police investigation has been initiated with relation to an incident or complaint

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involving Correctional Services staff or events that have occurred on Correctional Services property, staff will make every effort to facilitate and cooperate with the investigation.

- 16 Staff will not be interviewed if there is an ongoing police investigation until the police have been made aware of the internal review and have indicated interviews may proceed.
- 17 Interviews with staff will be scheduled in a fiscally responsible manner whenever possible. However, where the police require expediency, they may be directed to see staff at their homes and/or staff may be called back to work according to call-back provisions.
  - (a) Wherever possible, staff will be made available by Correctional Services, or information provided with relation to the staff's address to facilitate a police investigation.
  - (b) Staff will make themselves available for interviews as required.
- 18 To the extent possible, police investigations should not interfere with the day-to-day operations of the correctional facility or field office.

### **Investigations - Other Departments, Agencies, and Boards**

- 19 Investigations by other departments, boards, agencies, commissions, professional bodies, and judicial and quasi-judicial inquiries will normally be arranged and scheduled through the appropriate Director.
- 20 Correctional Services will, within a fiscally responsible framework, cooperate and facilitate authorized investigations by these groups.
- 21 At the discretion of the Executive Director, the Inspector, Correctional Services may take part in investigations or reviews being conducted in other departments, boards, agencies, commissions, professional bodies and judicial and quasi-judicial inquiries.

### **Reports**

- 22 All internal reviews will produce reports for the individual authorizing the internal review using form – [5.00.00 - B Internal Review Report](#).
  - (a) Reports will
    - i. be written in accordance with the [Internal Review Report Guidelines - 5.00.00-A](#).
    - ii. include, in their appendix, CCTV footage of the incident under review, and any other

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relevant videos and/or audio recordings

- (b) be submitted at the earliest opportunity to the individual authorizing the internal review and/or to anyone designated by the individual ordering the internal review.
  - (c) watermarked “DRAFT” prior to final submission by the investigating authority and subsequent release by the Executive Director
- 23 All reports are confidential and will be released at the discretion of the investigating authority or the Executive Director, Correctional Services and in accordance with legislation governing the access and disclosure of information.