

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

Subject: **Allegation**

For: **Correctional Services Division**


Authorized by the Executive Director

Policy

- 1 Correctional Services staff will report to local police authorities if any person is alleged to have committed a criminal offence on Correctional Facility property or in a Community Corrections office, including allegations of sexual assault, physical or emotional abuse or excessive use of force against
 - (a) Others in custody
 - (b) Outside agencies
 - (c) Visitors or volunteers; and
 - (d) Employees

Definitions

- 2 The definitions of sexual and physical assault as they apply to this policy are derived from Sections 265 and 271 of the *Criminal Code of Canada*.

Requirements

- 3 Allegations of incidents that took place in or on Correctional Services property or on official business will be subject to further inquiry in accordance with
 - (a) Policy and Procedures, Subject No.
 - i. 5.00.00, [Investigations and Internal reviews](#)
 - ii. 5.02.00, [Reportable Incidents](#)
 - iii. 37.05.00, [Documentation](#)
 - iv. 37.16.00, [Use of Physical Force](#)

Allegation

- 4 Staff will commence an immediate internal review when
 - (a) A person in custody or under community supervision alleges they
 - i. have been physically or sexually assaulted

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- ii. have been emotionally abused
 - iii. are a victim of excessive use of force, see Policy and Procedures, Subject No. 37.16.00, [Use of Physical Force](#)
- (b) There is evidence of injuries resulting from violence
- 5 When an allegation is reported to a staff member by the person or a third party, the staff member will immediately notify their direct supervisor or designate as follows
 - (a) Verbally
 - (b) Followed up by a written report
- 6 In accordance with Policy and Procedures, Subject No. 5.02.00, [Reportable Incidents](#), upon being notified of the allegations the director supervisor will immediately report the allegation to the appropriate Director, Correctional Services.
- 7 A manager will interview the person making the allegation to gather information about who was involved, what happened, when, where, how and why the alleged incident occurred. The interview will be documented in a written report.


Notification

- 8 If the allegation is against a Correctional Services employee, the manager will contact the employee and arrange to meet with that person at the earliest possible time to notify them of the allegation.
 - (a) In accordance with Policy and Procedures, Subject No. 5.02.00, [Reportable Incidents](#), the manager will notify the Director, Correctional Services before contacting the employee. The Director and Manager will determine, work status options pending the investigation as follows
 - i. redeployment
 - ii. leave with pay
 - iii. remain on the job
 - (b) If the allegation is of sexual or physical assault by staff, at minimum, the accused staff member will be re-assigned immediately. The re-assignment will not involve duties that have direct interaction with persons in custody or under community supervision.

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- (c) The staff members' work status may be revisited as the investigation proceeds.
 - (d) If the Director is not available, the manager may proceed to contact the employee without delay if
 - i. there is a concern for the privacy, dignity and safety of the accused employee
 - ii. a delay may increase the possibility that the employee may receive the information from an ill-informed source
 - (e) When contact is made, advise bargaining unit employees that they may have a union representative present during the meeting
 - (f) Advise non-union employees that they may have a support person present during the meeting
- 9 If a support person is requested, the employee will be briefed regarding the role of the support person, (see [5.06.00-A](#) Roles and Qualifications of Support Person).
- 10 During the meeting the following information will be communicated to the employee
- (a) Details of the allegation
 - i. the report of alleged assault will be provided to the employee for review
 - ii. they will be provided an opportunity to respond to the allegation of abuse
 - (b) An explanation of the internal review process, (see Policy and Procedures, Subject No. 5.00.00, [Investigations and Internal Reviews](#))
- 11 After the meeting has concluded, the manager will immediately prepare a report to be submitted to the appropriate Director.
- 12 When the alleged victim is a youth, the incident will be reported to their guardian.
- 13 When the person alleges an assault or abuse by a volunteer or visitor, the designated manager will advise the volunteer or visitor
- (a) Of the allegation
 - (b) That their visiting rights will be suspended until the completion of the investigation

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Contacting Police

- 14 Prior to contacting police, Correctional Staff must adhere to the reporting and notification procedures outlined above under the headings Allegation and Notification.
- 15 Police will be contacted to report alleged crimes including
 - (a) Assault where one or more persons has injuries which require
 - i. nurses or paramedics to provide treatment or
 - ii. requires the person(s) to go to the emergency room
 - (b) Sexual assault
 - (c) Excessive force used by staff

Additional Requirements for Correctional Facilities

- 16 In all cases where a criminal act has been, or has alleged to have been committed, staff will preserve any evidence in accordance with Policy and Procedures, Subject No. 39.09.00, [Continuity of Evidence](#).
- 17 The Facility Senior Manager or designate will ensure the safety of the person in custody is protected and determine the appropriate placement of the person pending further investigation/review. The options include
 - (a) A change of cell or living unit
 - (b) Return to same cell or living unit, relocating the alleged perpetrator if required
- 18 In all cases, allegations of a recent incident of physical or sexual abuse require
 - (a) An appropriate medical assessment and the completion of an Accident and Injury form ([37.08.00-A](#)), including those where injuries are not visible, in accordance with Policy and Procedures, Subject No. 37.08.00, [Accident and Injury Report](#)
 - (b) Access to professional services, e.g., health care, mental health, chaplaincy, as required
- 19 Where the facility is unable to provide the person access to professional services, the person may be transferred in accordance with Policy and Procedures, Subject No. 27.05.00, [Transfers Between Provincial Correctional Facilities](#).

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- 20 The Facility Senior Manager or designate will respond to family requests for information by informing them of
- (a) How the person is being protected
 - (b) What support services are being provided

Allegations Reported Against a Transporting Agency

- 21 Allegations reported to Correctional Staff that assault, or abuse occurred while the person was in custody of the Sheriff, Police, or another transporting agency prior to admission to the facility will be
- (a) Reported to the transporting agency
 - (b) Detailed on an Information Report and forwarded to the Facility Senior Manager or designate identifying
 - i. details of the allegation
 - ii. transporting agency advised of the allegation
 - iii. medical attention provided to the person in accordance with section 26 of this policy
 - (c) If necessary, reported in accordance with Policy and Procedures, Subject No. 5.02.00, [Reportable Incidents](#)

Standard Operating Procedures (SOP)

- 22 The Facility Senior Manager will develop SOP to identify additional requirements regarding
- (a) Documentation
 - (b) Initial review process
 - (c) Reporting process
 - (d) Contacting police
 - (e) Documentation regarding decision not to contact police
 - (f) Reassignment coordinator