

Publicly Reportable Incidents Involving Persons in Custody

Objective:

The objective of this policy is to ensure the public disclosure of information in the event of a reportable incident involving persons in the custody of the Department of Justice (DOJ). This policy will ensure a consistent and transparent approach to communication of reportable incidents to the public from DOJ.

Authority to disclose:

Disclosure of information is subject to access to information and privacy legislation including the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Act*.

The release of information may be prohibited in certain circumstances:

- a publication ban may be ordered by the court prohibiting publication of certain identifying information;
- the *Youth Criminal Justice Act* prohibits the release of information identifying persons under the age of 18 unless authorized by a Youth Court judge, therefore no information regarding a young person will be released without an order from the Youth Court (for example, in the case of a young person at large); and,
- no specific information will be issued on incidents under investigation.

Types of publicly reportable incidents:

- a disturbance at a correctional facility requiring emergency or police services to respond;
- disruptions of day-to-day activities in a correctional facility or Justice Centre/Court related to a person in custody where it has been determined that there is a threat to public safety;
- purposeful damage to a correctional facility, Justice Centre/Court, DOJ office or DOJ vehicle by a person in custody estimated to be in excess of \$5,000;
- a motor vehicle accident which occurs while transporting a person(s) in custody resulting in inpatient hospitalization;

- assault committed by a person in custody against another person that requires inpatient hospitalization;
- escape, and/or being at large, from custody, including escorted temporary absences;
- mistaken release of a person from custody prior to the expiration of a sentence or remand order;
- closure of a correctional facility to visitors/the public due to a public health concern; and,
- the death of a person while in custody.

Reporting method:

In the event of a reportable incident, DOJ will post information on its website, as long as it does not impede the apprehension of an individual, impede an ongoing police investigation, and/or put the health or safety of victim(s) or other person(s) at risk.

Depending on the circumstances, DOJ may also use the following platforms to supplement the website posting:

- social media;
- news releases; and,
- other methods as determined by DOJ.

Type of information provided:

Depending on the nature of the incident, the following information may be provided by DOJ regarding a reportable incident:

- description/nature of the incident;
- the time and date of the incident;
- the number of persons involved (e.g., the number of persons in custody/ correctional officers);
- whether injuries were sustained and whether medical attention was required;
- whether police or other emergency responders were involved;
- whether an internal investigation will take place; and,
- other relevant details for the protection of public health or safety, as determined by DOJ.