

Publicly Reportable Incidents, Persons in Custody

Objective:

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 contribute to a consistent approach to communication of reportable incidents to the public by DOJ.

Authority to disclose:

Disclosure of information is subject to legislation including the *Freedom of Information and Protection of Privacy (FOIPOP) Act*, as well as the *Personal Health Information Act*.

Types of publicly reportable incidents:

- a disturbance at a correctional facility requiring emergency or police services to respond to an identified threat;
- disruptions of day-to-day activities in a correctional facility or Justice Centre/Court 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 vehicle 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 facility to visitors/the public due to a public health concern;
- the death of a person while in custody.

When release of information is prohibited:

- a publication ban may be ordered by the court prohibiting publication of information that might identify a victim or person in custody or at large;
- the *Youth Criminal Justice Act (YCJA)* prohibits the release of information identifying persons under the age of 18 unless authorized by a Youth Court judge;
- no specific information will be issued on incidents under investigation.

When the law or policy prohibits release of information, media representatives or members of the general public will be advised of their right to make an access to information in accordance with the *Freedom of Information and Protection of Privacy (FOIPOP) Act*.

Reporting method:

In the event of a reportable incident, DOJ will post information on DOJ's website, as long as it does not impede the capture of an individual, impede an ongoing police investigation, and/or put victims at risk.

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

- social media;
- news releases;
- emergency alerts (in accordance with Nova Scotia Emergency Management Office (NSEMO) processes and policies).

Type of information provided:

Depending on the nature of the incident, the following information may be provided by an approved DOJ spokesperson 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;
- other relevant details as appropriate or important to the protection of public safety;
- whether an internal investigation will take place.