


Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Investigations		
For:	Entire Division	 <small>Authorized by Executive Director</small>	

1. Policy

- 1.1 Correctional Services will conduct internal investigations into specific incidents, complaints or other areas of concern, as well as invite, participate in and facilitate authorized investigations by other
- 1.1.1 departments
 - 1.1.2 boards
 - 1.1.3 agencies
 - 1.1.4 commissions
 - 1.1.5 professional bodies
 - 1.1.6 judicial and quasi-judicial inquiries


2. Definition

- 2.1 An investigation is defined as a close examination or systematic inquiry into a matter in response to a
- 2.1.1 complaint – level 1
 - 2.1.2 allegation – level 1 or 2
 - 2.1.3 situation of a serious nature – level 2
- 2.2 An investigation is initiated to gather the information necessary for informed decision-making.
- 2.3 An investigation is 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.

3. Authority to Order an Investigation

- 3.1 In addition to the investigation required by this policy and procedures, an investigation may be ordered with respect to any incident, or complaint, that comes to a manager’s attention that directly or indirectly appears to involve offenders and/or staff in that manager’s area of responsibility by
- 3.1.1 superintendent or senior probation officer, or their designates
 - 3.1.2 manager, community corrections
 - 3.1.3 director, Correctional Services

Page 1 of 8	Dated Issued: June 9, 2010 Date of Last Revision: March 31, 2017 Current Revision Date: March 15, 2019	Subject No. 5.00.00
-------------	--	---------------------

Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Investigations		
For:	Entire Division	 Authorized by Executive Director	

- 3.1.4 any individual designated under the *Corrections Services Act* or under the *Court Houses and Lockup Houses Act* as an inspector
- 3.1.5 any individual designated under the *Youth Criminal Justice Act* as a Provincial Director
- 3.1.6 the Executive Director, Correctional Services
- 3.1.7 the Deputy Minister of Justice
- 3.1.8 the Minister of Justice, and/or
- 3.1.9 anyone designated in law or by executive order of the Legislature

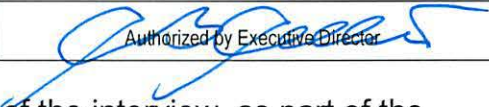
- 3.2 Correctional Services categorizes investigations as follows
 - 3.2.1 level 1 – an internal investigation ordered by a superintendent, deputy superintendent, manager, community corrections or senior probation officer to be completed at an adult correctional facility, youth centre or community corrections office
 - 3.2.2 level 2 – an investigation completed by Head Office, authorized by the executive director at the request of the director, Correctional Services

4. Purpose of an Investigation

- 4.1 The purpose of an investigation is to provide complete answers to all questions arising from an incident or complaint. Generally, it will
 - 4.1.1 respond to the questions: who, what, when, where, how and why
 - 4.1.2 identify areas where there has not been compliance with
 - 4.1.2.1 policy and procedures
 - 4.1.2.2 standard operating procedures (SOPs)
 - 4.1.2.3 local or interim directives
 - 4.1.2.4 Correctional Services Professional Code of Conduct
 - 4.1.2.5 other instruction to staff

- 4.2 An employee who has been asked to participate in an internal investigation may be accompanied to a formal interview by a support person, the support person will
 - 4.2.1 be acknowledged and introduced at the beginning of the audio recording
 - 4.2.2 refrain from interjecting/participating during the questioning of the employee

Page 2 of 8	Dated Issued: June 9, 2010 Date of Last Revision: March 31, 2017 Current Revision Date: March 15, 2019	Subject No. 5.00.00
-------------	--	---------------------

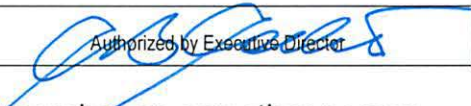
Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Investigations		
For:	Entire Division	 Authorized by Executive Director	

- 4.2.3 be permitted at the conclusion of the interview, as part of the audio recording, to
 - 4.2.3.1 seek clarification on matters raised during the interview
 - 4.2.3.2 ask questions of the investigator related to the current investigation
 - 4.2.3.3 provide additional information related to the current investigation

5. Types of Investigations

- 5.1 Investigations may originate from several sources. This includes
 - 5.1.1 internal Correctional Services investigations
 - 5.1.2 internal Department of Justice investigations
 - 5.1.3 police investigations
 - 5.1.4 investigations by other government departments such as
 - 5.1.4.1 Office of the Fire Marshall
 - 5.1.4.2 Ombudsman
 - 5.1.4.3 Human Rights Commission
 - 5.1.4.4 Workers' Compensation Board
 - 5.1.5 investigations by professional bodies, such as
 - 5.1.5.1 College of Physicians and Surgeons of Nova Scotia
 - 5.1.5.2 College of Nurses of Nova Scotia
 - 5.1.5.3 Barristers' Society
 - 5.1.6 judicial and quasi-judicial inquiries, such as
 - 5.1.6.1 Fatalities Inquiries
 - 5.1.6.2 Royal Commissions
- 5.2 Investigations may be conducted, in total or in part, by
 - 5.2.1 corrections staff
 - 5.2.2 supervisory employees, managers
 - 5.2.3 staff designated by the Executive Director, Correctional Services
 - 5.2.4 staff designated from an internal agency or body
- 5.3 Investigations will normally be required where there has been
 - 5.3.1 a death of an offender while in custody or on the premises of a field office
 - 5.3.2 an escape or attempted escape by an offender from custody
 - 5.3.3 a mistaken release of an offender from custody

Page 3 of 8	Dated Issued: June 9, 2010 Date of Last Revision: March 31, 2017 Current Revision Date: March 15, 2019	Subject No. 5.00.00
-------------	--	---------------------

Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Investigations		
For:	Entire Division	 <small>Authorized by Executive Director</small>	

- 5.3.4 an allegation of assault by a staff member on any other person
- 5.3.5 allegation of an offender to offender assault, where serious injuries occurred
- 5.3.6 an allegation of workplace or sexual harassment by a staff member on another staff member
- 5.3.7 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 an offender
- 5.3.8 an allegation of excessive use of force by a staff member on an offender
- 5.3.9 any riot or major disturbance within a correctional facility
- 5.3.10 any major fire within a correctional facility requiring evacuation and/or intervention by a fire service
- 5.3.11 criminal charges laid against an employee
- 5.3.12 alleged employee violations of the Professional Code of Conduct
- 5.3.13 an allegation of misappropriation of government property or monies
- 5.3.14 other incidents as deemed appropriate by a director, Correctional Services


6. Access and Disclosure of Information

- 6.1 When an employee is the subject of an internal investigation and may have been involved in criminal activity, the superintendent is to receive written permission from a Correctional Services director, to access the employee's Justice Enterprise Information Network (JEIN) records.
- 6.2 Investigations will be guided and constrained by applicable legislation and policy and procedures on access and disclosure of information.

7. Police Investigations

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

Page 4 of 8	Dated Issued: June 9, 2010 Date of Last Revision: March 31, 2017 Current Revision Date: March 15, 2019	Subject No. 5.00.00
-------------	--	---------------------

Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Investigations		
For:	Entire Division	 Authorized by Executive Director	

- 7.2 Staff conducting an internal investigation will not interview staff, offenders or other witnesses until the police
 - 7.2.1 investigation has concluded
 - 7.2.2 have been made aware of the internal investigation and have indicated interviews may proceed

- 7.3 Scheduling of interviews with staff will be undertaken wherever possible in a fiscally responsible manner. 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. Staff will make themselves available for interviews as required.

- 7.4 Wherever possible, offenders will be made available or information provided with relation to the offender's address to facilitate a police investigation.

- 7.5 To the extent possible, police investigations should not interfere with the day-to-day operations of the correctional facility or field office.

8. Investigations by Other Departments, Agencies and Boards


- 8.1 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.

- 8.2 Correctional Services will, within a fiscally responsible framework, cooperate and facilitate authorized investigations by these groups.

9. Reports


- 9.1 All investigations will produce reports for the person authorizing the investigation. Reports will include the following sections
 - 9.1.1 cover, indicating
 - 9.1.1.1 Central Registry file number
 - 9.1.1.2 title of investigation including date of incident, person(s) being investigated and location of incident
 - 9.1.1.3 date investigation was completed
 - 9.1.1.4 name of investigator(s)

Page 5 of 8	Dated Issued: June 9, 2010 Date of Last Revision: March 31, 2017 Current Revision Date: March 15, 2019	Subject No. 5.00.00
-------------	--	---------------------

Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Investigations		
For:	Entire Division	 Authorized by Executive Director	


- 9.1.2 table of contents which lists
 - 9.1.2.1 all sections within the report
 - 9.1.2.2 numbered paragraphs in each section
 - 9.1.2.3 page numbers
- 9.1.3 contacts and appendix listing all
 - 9.1.3.1 collateral contacts – persons who were not interviewed as part of the investigation but provided input as subject matter experts
 - 9.1.3.2 persons interviewed – all individuals with whom the investigator conducted recorded interviews such as a
 - 9.1.3.2.1 staff member
 - 9.1.3.2.2 offender
 - 9.1.3.2.3 witness
 - 9.1.3.3 appendix listing including information referenced in the report including
 - 9.1.3.3.1 terms of reference
 - 9.1.3.3.2 e-mails
 - 9.1.3.3.3 information reports
 - 9.1.3.3.4 incident reports
 - 9.1.3.3.5 directives
 - 9.1.3.3.6 accident and injury reports
 - 9.1.3.3.7 warrants
 - 9.1.3.3.8 admission records
 - 9.1.3.3.9 conditional release certificates
 - 9.1.3.3.10 transcribed interviews
 - 9.1.3.3.11 use of force reports
 - 9.1.3.3.12 damage estimates
 - 9.1.3.3.13 copy of unit round log books
 - 9.1.3.3.14 copy of control shift logs
 - 9.1.3.3.15 closed circuit television (CCTV) video
 - 9.1.3.3.16 photographs
- 9.1.4 overview – several paragraphs which provide a synopsis of the offender(s) and staff that are the subject of the internal investigation. Specific dates and names may be used to provide the reader with an understanding of what occurred. Direct quotes from referenced material are not appropriate in this section.
- 9.1.5 terms of reference – this section will clearly define the parameters

Page 6 of 8	Dated Issued: June 9, 2010 Date of Last Revision: March 31, 2017 Current Revision Date: March 15, 2019	Subject No. 5.00.00
-------------	--	---------------------

Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
Subject:	Investigations		
For:	Entire Division	 Authorized by Executive Director	

- of the internal investigation, as provided by the director or executive director and may include
- 9.1.5.1 people who are to be interviewed
 - 9.1.5.2 specific policies to be considered
 - 9.1.5.3 expected completion date
- 9.1.6 background – this section will contain a brief history of the persons interviewed as part of the internal investigation
- 9.1.6.1 offender
 - 9.1.6.1.1 date of birth
 - 9.1.6.1.2 current charges on warrant of committal or remand
 - 9.1.6.1.3 synopsis of criminal history
 - 9.1.6.2 staff
 - 9.1.6.2.1 date of hire
 - 9.1.6.2.2 date of permanent status
 - 9.1.6.2.3 promotions
 - 9.1.6.2.4 current position
- 9.1.7 referenced policy – policies relevant to the internal investigation (including Professional Code of Conduct). All policies listed in this section of the internal investigation will be referenced in the findings section of the report
- 9.1.8 chronology of events – a concise list of events or correspondence relevant to the internal investigation
- 9.1.8.1 each entry will be in a numbered paragraph
 - 9.1.8.2 when referencing CCTV video the date and time will be indicated e.g. May 27, 2020 (18h38m29)
- 9.1.9 evidence – the evidence section of the internal investigation is a factual, succinct and complete account of the information gathered that is relevant to the investigation. All information is to be sourced using footnotes. In this section of the internal investigation the investigator presents the facts gathered and is not to include opinion, innuendo or bias. The evidence will include, but is not limited to
- 9.1.9.1 the content of interviews conducted by the investigator
 - 9.1.9.2 information contained in e-mails and reports
 - 9.1.9.3 correctional services forms, log books etc.
 - 9.1.9.4 information provided by collateral contacts

Page 7 of 8	Dated Issued: June 9, 2010 Date of Last Revision: March 31, 2017 Current Revision Date: March 15, 2019	Subject No. 5.00.00
-------------	--	---------------------

Chapter:	Investigations, Inspections and Audits	Classification:	Public Document
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For:	Entire Division	 <small>Authorized by Executive Director</small>	

9.1.10 contributing factors – this section is not intended for inclusion in all investigative reports. The contributing factors section may be used to document any factors that may have had an impact on the staff, offenders or the incident itself that are not covered by formal policy or were in some way unique to the situation.

9.1.11 findings – this section of the report will state the internal investigation conclusions, based on documented evidence. Findings may be based on the standard, “based on a balance of probabilities.”

- 9.1.11.1 Each finding will be listed in a separate numbered paragraph and fall under the following three headings
 - 9.1.11.1.1 general – findings not related to a specific policy, standing order, directive, act or regulation
 - 9.1.11.1.2 in compliance – findings in compliance to a specific policy, standing order, directive, act or regulation
 - 9.1.11.1.3 not in compliance – findings not in compliance to a specific policy, standing order, directive, act or regulation

9.2 Reports will be submitted to the individual authorizing the investigation and/or to any person designated by the individual ordering the investigation.

9.3 All reports are confidential and will be released at the discretion of the investigating authority or the Executive Director, Correctional Services and according to legislation governing the access and disclosure of information.

10. Standard Operating Procedures

10.1 Superintendents will establish such local standard operating procedures (SOPs) as may be required to ensure processes are put in place to ensure compliance with this Policy and Procedure.