
Chapter: **Investigations, Inspections and Audits**

Classification: **Public Document**

Subject: **Allegation**

For: **Correctional Services Division**


Authorized by the Executive Director

Policy

- 1 It is the policy of Correctional Services to investigate and report to local authorities all allegations by individuals in custody or under community supervision of sexual assault, physical or emotional abuse or excessive use of force against
 - (a) others in custody
 - (b) outside agencies
 - (c) visitors or volunteers
 - (d) Correctional Services staff
- 2 Correctional Services staff aware of allegations of physical or sexual assault that do not fall under Section 1 will advise the individual to contact the local police agency.

Definitions

- 3 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

- 4 Allegations by individuals will be investigated in accordance with
 - (a) Policy and Procedures, Subject Nos.
 - i. 5.00.00, [Investigations](#)
 - ii. 5.02.00, [Reportable Incidents](#)
 - iii. 5.08.00, [Contact with Police](#)
 - iv. 37.05.00, [Documentation](#)
 - v. 37.16.00, [Use of Physical Force](#)

Allegation

- 5 Staff will commence an immediate investigation when an individual in custody or under

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community supervision

(a) alleges they

- i. have been physically or sexually assaulted
- 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](#)
- iv. there is evidence of injuries resulting from violence

(b) When a staff member receives an allegation, whether from the individual or a third party, they will immediately notify their direct supervisor or designate.

- 6 The individual will be interviewed 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.
- 7 In accordance with Policy and Procedures, Subject No. 5.02.00, [Reportable Incidents](#), significant allegations will be immediately reported to the appropriate Director, Correctional Services.
- 8 Staff will immediately report the allegation to their supervisor as follows
 - (a) verbally
 - (b) followed by a written report
- 9 In all cases the Manager, Correctional Services, youth custody manager or superintendent will be immediately notified of the allegation.

Notification

- 10 The superintendent, youth custody manager or SPO will immediately and without reasonable delay notify the Correctional Services employee of the allegation.
- 11 When the alleged victim is a youth, the incident will be reported to their guardian.
- 12 When the individual alleges an assault or abuse by a volunteer or visitor, the designated manager will advise the volunteer or visitor

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- (a) of the allegation
 - (b) that there visiting rights will be suspended until the completion of the investigation
- 13 All reported allegations of sexual or physical assault by staff require that the accused staff member be re-assigned immediately upon receipt of the allegation. The re-assignment will not involve duties that have direct interaction with individuals in custody or under community supervision.
- 14 In accordance with Policy and Procedures, Subject No. 5.02.00, [Reportable Incidents](#), the Manager, Correctional Services, youth custody manager or superintendent will notify the Director, Correctional Services before meeting with the employee. If the director is not available, proceed to contact the employee if
- (a) there is a concern for the privacy, dignity and safety of the accused employee
 - (b) a delay may increase the possibility that the employee may receive the information from an ill-informed source
- 15 The Manager, Correctional Services, youth custody manager or the superintendent or designate
- (a) contact the employee and arrange to meet with that person at the earliest possible time
 - (b) advise bargaining unit employees that they may have a union representative present during the meeting
 - (c) advise non-union employees that they may have a support person present during the meeting
- 16 If the service of the 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).
- 17 The following information will be communicated to the employee
- (a) details of the allegation to the employee
 - (b) the report of alleged assault will be provided to the employee for review
 - (c) an opportunity to respond to the allegation of abuse
 - (d) an explanation of the investigative process, (see Policy and Procedures, Subject No. 5.00.00, [Investigations](#))

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- (e) in consultation with the appropriate Director, work status options pending the investigation as follows
 - i. redeployment
 - ii. leave with pay
 - iii. remain on the job
 - iv. status may be revisited as the investigation proceeds
- (f) After the meeting has concluded, the Manager, Correctional Services, youth custody manager or the superintendent or designate will immediately prepare a report to be submitted to the appropriate director.

Police Contact

- 18 All cases of alleged physical or sexual assault will be reported to police. In the case of correctional facilities, police contact will be made in accordance with Policy and Procedures, Subject No. 5.08.00, [Contact with Police](#).

Additional Requirements for Correctional Facilities

- 19 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](#).
- 20 The superintendent, youth custody manager or designate will ensure the safety of the individual in custody is protected and determine the appropriate placement of the individual pending further investigation. 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
- 21 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](#)

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- (b) access to professional services, e.g., health care, mental health, chaplaincy, as required
- 22 Where the facility is unable to provide the individual access to professional services, the individual may be transferred in accordance with Policy and Procedures, Subject No. 27.05.00, [Transfers Between Provincial Correctional Facilities](#).
- 23 The superintendent, youth custody manager or designate will respond to family requests for information as follows, inform them of
 - (a) how the individual is being protected
 - (b) what support services are being provided

Allegations Reported Against a Transporting Agency

- 24 Allegations to correctional staff that assault, or abuse occurred while the individual 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 superintendent or designate identifying
 - (c) details of the allegation
 - (d) transporting agency advised of the allegation
 - (e) medical attention provided to the individual in accordance with Section 21 of this policy
 - (f) if necessary, reported in accordance with Policy and Procedures, Subject No. 5.02.00, [Reportable Incidents](#)

Standard Operating Procedures (SOP)

- 25 The superintendent and youth custody manager will develop SOP to identify additional requirements regarding
 - (a) documentation
 - (b) initial investigation process

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- (c) reporting process
- (d) police contact
- (e) documentation regarding decision not to contact police
- (f) reassignment locations