



**Department of Justice and Public Safety**  
**Adult Custody Services**

Policy: **Critical Incidents – Investigating and Reporting D48**  
Effective: January 2006  
Revised: December 2022

---

**MISSION STATEMENT**

---

Adult Custody Services is committed to providing professional practices that respect human rights and ensure safety for all. To be successful we will deliver fair practices, incorporate transparent policies and procedures, ensure independent quality assurance processes, and provide program access that allows for educational, cultural, traditional, and faith-based services as well as mental wellness and community re-entry assistance.

---

**PURPOSE**

---

To establish procedural standards for the investigation and reporting of critical incidents within an Adult Custody facility.

---

**LEGISLATIVE AUTHORITY**

---

[NB Corrections Act.](#)

---

**SCOPE**

---

This policy applies to all employees of the Adult Custody Services division of the Department of Justice and Public Safety.

---

**POLICY GUIDELINES**

---

The Adult Custody system inherently requires and benefits from access to a variety of sources and processes to appropriately address problems, allegations, or concerns of various types by client's their representatives, and employees. For example:

- In any situation or incident that appears may have criminal implications or connotations, the police are immediately notified.
- In relation to deaths in custody, the Coroner's Office and the police are immediately notified.
- For human rights-related concerns, individuals have access to the NB Human Rights Commission.
- For employment competitions and for client concerns regarding the administration/operation of any aspect of the Adult Custody service, individuals have access to the NB Office of the Ombud.
- For collective agreement related concerns, employees have access to the specified grievance process, including an adjudication hearing and a judicial review, if needed. For miscellaneous human resource management and/or workplace environment related matters, the Division's head office and the Department's HR Branch may become involved on an as needed basis.

All incidents or situations that represent a departure from intended and proper functioning of an Adult Custody institution are written up as a matter of routine policy to ensure there is a record that explains what, who, when, how, and why. These reports are used by managers and other employees as learning tools for personnel and

## Department of Justice and Public Safety Adult Custody Services

facility/office management improvement, policy/procedure clarification or refinement, etc. They may also be used for constructive disciplinary action in some instances.

Most problems or difficulties that are experienced within the day-to-day operation of the Adult Custody system can be appropriately addressed and resolved within the office or institution itself, or by recourse to one, or a combination, of the above.

Regardless of the above mechanisms and processes, Adult Custody Services may, following a serious incident, determine that a formal internal investigation is warranted.

---

### PROCEDURE

---

**Critical Incident Review (CIR)** is a formal process, initiated by the Director of Adult Custody Services to:

- investigate in a thorough and timely manner any incident that may have a significant impact on the division and/or its operations.
- examine, through interview and documents, the facts, relevant history, contributing factors and possible cause(s)
- develop recommendations that avoid or reduce the likelihood of a similar situation in the future.

The **Assistant Deputy Minister (ADM)** may, after consultation with the Director of Adult Custody Services, order a Critical Incident Review when there has been:

- a death or serious injury to a client, employee, or visitor, whether through self harm, the acts of others, or by accident.
- a substantial allegation of criminal conduct, impropriety, misconduct, negligence, or conflict of interest against any person employed within the division.
- an incident that has or may expose Adult Custody staff(s), Client(s) or the community to serious risk; or
- direction given by the Deputy Minister of Public Safety

#### **Review order**

Superintendents will, within twenty-four hours, notify the Director of Adult Custody Services of any event that gives or appears to give cause for a critical incident review.

#### **Initial notification**

The Director of Adult Custody Services will, upon receipt of the initial report, produce a briefing note for the Assistant Deputy Minister, CCS.

#### **Superintendent/Sergeant initial responsibilities**

Sergeants/Superintendents will, immediately upon notification of a significant event, begin to gather and safeguard all relevant information, including:

- logs, files, reports, electronic media relevant to the matter,
- reports and statements from all parties involved. Requests for information must include the advice to union members they have a right to have union representation of their choice.
- photographs or video evidence when reasonable and relevant
- provide an oral report to the Director of Adult Custody Services / on-call authority and
- when reasonable secure the scene of the incident

#### **Critical Incident Review Team**

The critical incident review may be conducted by a "Critical Incident Review Team".

## Department of Justice and Public Safety *Adult Custody Services*

The Team may be composed of one 1 to 3 Senior Managers from within Adult Custody Services, and a Chair appointed as appropriate.

1. Chief Superintendent
2. Deputy Chief Superintendent; or
3. Superintendent /Senior Management

### **Liaison Officer**

The affected area shall assign a Liaison Officer not involved in the incident to assist the review by:

- gathering and organizing written statements, reports, and other data.
- scheduling witnesses; and
- facilitating space, recording equipment and clerical support as needed.

The Liaison Officer may attend the review, provide information as requested, but does not participate in the deliberations.

### **Review Process**

Review will begin within seven days of the incident, and may include:

- interviews with witnesses.
- examination of any video or other visual information, relevant written statements, reports, and related data; and
- inspection of areas or items, subject to the legal rights of individuals, and any immediate and substantial security risks.

Reviews are conducted in a manner that is demonstrably fair and consistent with applicable statutory, regulatory, or collective agreement requirements.

### **No Oath**

Evidence is not taken under oath.

### **Report**

A review report will be submitted to the Director of Adult Custody Services within thirty (30) days. The report will address what happened, when, why, how, and who was involved, including.

- a review of the background to the incident, including all relevant factors.
- findings of fact, including factors that may be possible cause; and
- recommendations for change that may reduce the likelihood of similar situations or events.

### **Affected staff**

Affected staff are to be given a copy of the Report's contents and findings in a timely manner, unless there are circumstances or legal restraints that preclude such disclosure.

### **Closing Interview**

The Critical Incident Review Team will conduct informal closing interviews with Superintendents to outline preliminary findings and recommendations. Superintendents may invite others who may benefit. In principle, such interviews are to focus on problem-solving and prevention of any recurrence.

### **Recommendations**

Recommendations may have a local or Division wide focus.



**Department of Justice and Public Safety**  
**Adult Custody Services**

**Discipline**

The focus of a critical incident review is not disciplinary in nature. However, facts derived by a review may be used by a manager in a disciplinary context.

All disciplinary actions taken because of a review shall be in accordance with established policy.

**Criminal Charges**

The critical incident review must be conducted in a manner that does not prejudice a parallel police investigation.

The Chair and local Superintendent on site are responsible for consulting with the police investigator in such cases before proceeding with the review.

**Records**

Records will be managed in accordance with policy unless otherwise required by law.

**Time limits**

An extension of the time limit for a review can only be granted by the Director of Adult Custody Services

---

**RELATED POLICY**

---

- B7 Staff Conduct and Department
- D20 Emergencies
- D21 Disturbances
- D22 Terrorism/Bomb Threats
- D23 Hostage Taken
- D24 Escape/Rumor of Escape
- D26 Death in Custody
- D33 Video Recording
- G28 Suicide/Suicide Prevention

Adult Institutional Policy Manual NB