

Ministry of Community Safety  
and Correctional Services

Ministère de la Sécurité communautaire  
et des Services correctionnels

Office of the Deputy Minister  
Correctional Services

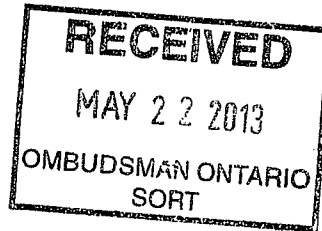
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Mr. André Marin  
Ombudsman  
Office of the Ombudsman Of Ontario  
10<sup>th</sup> Floor, South Tower  
483 Bay Street  
Toronto ON M5G 2C9



May 22, 2013

Dear Mr. Marin,

Thank you for the opportunity to review a draft of your report on excessive use of force in Ontario's correctional institutions. I am pleased to attach a detailed initial response to your recommendations.

Excessive use of force will not be tolerated in our correctional institutions, and the investigation of all use of force incidents must withstand the strictest scrutiny. As you noted in your draft report, the ministry has taken some solid initial steps to strengthen the system and help prevent excessive use of force incidents from happening in the future.

The ministry has:

- Restructured its investigations and oversight model to ensure greater transparency, accountability and robust oversight in the investigation of use of force incidents, based on the recommendations of seconded Ontario Provincial Police Commander Stephen Rooke. The new investigations and oversight model is being led by Commander Rooke, and will continue to report directly to me.
- Updated its use of force investigation policies and oversight to clarify expectations and ensure accountability. The use of force policy package is quite thorough and addresses a number of the recommendations in your report.
- Implemented Local Risk Management Teams in all institutions to conduct investigation reviews, and a Use of Force Auditor has been appointed to randomly review use of force reports for policy compliance and management of an incident.
- Provided additional training to ensure all of our institutional staff and managers clearly understand our expectations with respect to use of force.

Still, more work needs to be done. The majority of corrections staff conduct themselves responsibly and carry out their duties professionally. At the same time, it is clear that we must do more to crack the 'code of silence' that hampers investigations and intimidates inmates and staff members who come forward.

The ministry has introduced a number of key initiatives to deliver cultural change within Correctional Services, including:

- Partnering with the Ontario Human Rights Commission and the Ministry of Government Services on a Human Rights Project Charter to support ongoing efforts to identify and eliminate discrimination within Correctional Services.
- Modernizing the recruitment process to attract highly skilled candidates that better reflect the diversity of the population we serve.
- Adopting a zero tolerance policy for any behaviour which threatens the safety of inmates and staff, and interferes with our investigations.

Your report will serve as an excellent road map to build on the measures the ministry has already taken to strengthen compliance, accountability and oversight in our institutions. More than 50 per cent of your recommendations will be addressed in a package of policies that will be implemented in summer 2013. We will work with our bargaining agents on the effective implementation of policy changes. Several of your recommendations are outside the ministries' sole authority and will require Correctional Services to work with other organizations such as partner ministries and bargaining agents to review implications and develop an effective and appropriate response.

The ministry is committed to ensuring the safety and security of our facilities, staff and those in our custody. We will continue to work to improve the delivery of correctional services and will provide a report-back in six month intervals detailing our progress in addressing your recommendations.

Thank you again for the opportunity to respond to your report.

Sincerely,

A handwritten signature in black ink that reads "Stephen Rhodes". The signature is written in a cursive, flowing style.

Stephen Rhodes  
Deputy Minister of Correctional Services  
Ministry of Community Safety and Correctional Services

MCSOS Response to the Ombudsman Draft Report

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<b>CODE OF SILENCE</b>	
Recommendation	Response
<p>1.                      The Deputy Minister of Correctional Services should issue a direction to all correctional staff advising that the code of silence will not be tolerated and that all those who remain silent in the face of the code or take steps to enforce it will be subject to discipline, up to and including dismissal.</p>	<p>The Deputy Minister will issue a communiqué in Summer 2013.</p>
<p>2.                      Amend the draft Code of Conduct, Threats Against Correctional Services Staff and Other Personnel Policy, and Workplace Violence Prevention Program to specifically reference the code of silence and the steps available to staff who find themselves victims of its enforcement.</p>	<p>The Code of Conduct and Professionalism and, the Threats Against Correctional Services Staff and Other Personnel Policy is being revised to reference the "code of silence", and outline management and employee responsibilities, including that staff who violate the policies are subject to discipline, up to and including dismissal. The revised policies will be issued in Summer 2013.                      The ministry will also be initiating discussions with the Ministry of Government Services, which has responsibility for the OPS-wide Workplace Violence and Prevention Policy.</p>
<p>3.                      Ensure that senior ministry officials are apprised of all allegations of retaliation for breaching the code of silence, and that such cases are expedited and subject to thorough, expeditious and independent investigation.</p>	<p>The ministry's three assistant deputy ministers of Correctional Services will issue a joint communiqué to all correctional services staff in Summer 2013 advising of the notification process for allegations of retaliatory conduct, and emphasizing that such cases will be subject to thorough and expeditious investigations. Investigations undertaken in these cases will be conducted by an external body (i.e. not the workplace of an impacted employee), such as CISU or the Ministry of Government Services.</p>

## MCSCS Response to the Ombudsman Draft Report

CODE OF SILENCE	
Recommendation	Response
<p>4. Ensure senior ministry officials at the corporate level have primary responsibility for assisting officers who suffer backlash for breaking the code of silence, and that they focus on removing employees who take retaliatory measures from the institutional system and actively seek suitable alternative positions for their victims when necessary.</p>	<p>The ministry has worked with staff who have been victimized for breaking the “code of silence” to provide the necessary supports, including work reassignment where necessary, and will take disciplinary action against any staff found engaging in retaliatory conduct or other actions which violate the Ministry’s Code of Conduct and Professionalism.</p> <p>We are currently conducting a review to ensure that all cases have been identified, and that all victims are receiving meaningful assistance and supports. When appropriate, we will seek alternative workplaces for impacted staff. Senior ministry officials at the corporate level now have primary oversight for cases involving “code of silence” and for assisting victims. All cases are required to be brought to the attention of the three assistant deputy ministers of Correctional Services for review and action.</p>
<p>5. Regularly provide all correctional staff with information about the action it has taken in individual cases to address the code of silence.</p>	<p>The Ministry of Community Safety and Correctional Services does not have unilateral control with respect to the actions that are permitted to be taken as part of the disciplinary process. There are OPS-wide policies and procedures, as well as collective agreements in place governing the actions and steps that can be taken when employees are the subject of allegations, investigations and discipline.</p> <p>The ministry is reviewing this recommendation and its legal and labour relations implications, and will enter into discussions with the Ministry of Government Services and other parties as required to develop an effective and appropriate response.</p>

## MCSCS Response to the Ombudsman Draft Report

CODE OF SILENCE	
Recommendation	Response
<p>6. Ensure that all new recruits receive instruction on incidents involving excessive use of force and the code of silence, including information about the disciplinary and criminal consequences of this conduct, and how to seek assistance if they are faced with code of silence pressures.</p>	<p>Further to the work the ministry undertook to enhance and modernize its recruitment and selection system, a revised training program and curriculum for new recruits is also under development. While use of force policies and the Statement of Ethical Principles has always been an integral part of the ministry's training program for new correctional officer recruits, enhanced training in these vital areas, including the introduction of the Code of Conduct is being developed to reflect the ministry's revised and strengthened policies and procedures being issued this Summer.</p> <p>The new curriculum will include training on appropriate use of force, as well as clear instruction on what constitutes – and what the legal consequences are for - excessive use of force. All new recruits will also receive training on the ministry's zero-tolerance policy with respect to "code of silence", and the procedures to follow if ever they find themselves faced with it.</p> <p>The new curriculum will be in place for the next recruit training session, which is scheduled to begin in Fall 2013.</p>

MCSCS Response to the Ombudsman Draft Report

USE OF FORCE REPORTS	
Recommendation	Response
<p>7. Implement a policy requiring correctional staff involved in an incident of use of force to remain segregated while preparing their occurrence reports, and to refrain from communicating, directly or indirectly, with each other in regard to the incident until such time as any internal or external investigations of the incident have been completed.</p>	<p>A revised policy will be issued in Summer 2013 directing that use of force occurrence reports must be completed independently. Staff members will be prohibited from discussing or communicating the contents of their reports while investigations are ongoing, and any collusion in the preparation of reports will be subject to disciplinary action. Both the Correctional Investigation and Security Unit and the Use of Force Auditor will actively look for signs of collusion in reports.</p> <p>The policy also directs that, if possible*, staff should remain physically separated until their reports are completed. <i>*There are times that it is not possible to both physically separate staff and ensure that reports are written as soon as possible following an incident. Smaller institutions in particular would be challenged, given that they have limited space. The ministry's new policy places emphasis on ensuring that staff members are not communicating regarding the contents of their reports, either while the reports are being written or while investigations are ongoing.</i></p>
<p>8. Review the resources available to correctional staff and ensure that adequate technology and time is provided to allow for the thorough completion of reports relating to incidents of use of force.</p>	<p>By the end of the end of the 2013/14 fiscal year, the ministry will complete a review of the current resources available at all institutions and develop an implementation plan for any facilities identified as not having adequate resources/technology.</p> <p>The revised policies being issued in Summer 2013 will provide for a greater window to complete reports, and establish clear timelines for management review.</p>

## MCSCS Response to the Ombudsman Draft Report

USE OF FORCE REPORTS	
Recommendation	Response
<p>9. Amend Report Writing Policy to prohibit all correctional staff from conferring with anyone in connection with the preparation of institutional reports, except to respond to requests for clarification during internal management review or external investigation of incidents of use of force.</p>	<p>The revised Report Writing policy released on October 23, 2012, directs that information in an occurrence report must be based on the individual employee's observation.</p>
<p>10. Prohibit correctional officers from sharing with their union representatives any information, occurrence reports, or other institutional reports relating to incidents of use of force, unless the reports have been submitted to and approved by management, the superintendent has approved the disclosure, and the representative has undertaken in writing not to disclose the information or reports to others.</p>	<p>By Fall 2013, the ministry will initiate discussions with the Ministry of Government Services and the bargaining unit that represents correctional staff to determine how best to address this recommendation.</p>

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MSCS Response to the Ombudsman Draft Report

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REPRESENTATION DURING USE OF FORCE INVESTIGATIONS	
Recommendation	Response
11. Direct that no staff member involved in an incident of use of force be permitted to consult with or represent other involved staff in relation to the incident.	By Fall 2013, the ministry will initiate discussions with the Ministry of Government Services and the bargaining unit that represents correctional staff to determine how best to address these recommendations.
12. Prohibit the practice of joint representation of correctional officers during local and external investigations of incidents of use of force.	



MCSCS Response to the Ombudsman Draft Report

RESTRICTING INVOLVED OFFICER CONTACT WITH INMATES AND HEALTH CARE STAFF	
Recommendation	Response
<p>13. Revise policies relating to the use of force to direct that no staff member involved in an incident of use of force should be present when inmates are photographed, questioned by managers, their statements are taken for the accident and injury form, or when they are being assessed by health care personnel.</p>	<p>A revised policy will be released in Summer 2013 stating that no staff member involved in a use of force incident can be present when inmates are photographed, questioned, giving statements or being assessed by health care staff.</p>
<p>14. Ensure that correctional officers involved in incidents of use of force are not present when health care staff fill out accident and injury reports, and that such officers do not have access to such reports once health care staff have added their observations.</p>	<p>The revised Report Writing policy, released on October 23, 2012, specifies who is required to complete each section of the Accident and Injury Report. A review has been initiated to determine how best to address the recommendation regarding access to the reports.</p>

MCSCS Response to the Ombudsman Draft Report

PHOTO AND VIDEO RECORDS	
Recommendation	Response
<p>15. Ensure that all correctional institutions have the required digital imaging equipment necessary to take accurate and clear images of inmate injuries, and that they train relevant staff in its proper use as well as the requirements of the Digital Images of Inmate Injuries policy.</p>	<p>In November 2011, the ministry established a standard for the number and type of cameras for all institutions. A follow up survey will be completed by Summer 2013 to ensure compliance with this standard. The ministry will also ensure that all institutions have instruction for staff on the proper use of the technology.</p>
<p>16. Require that images of inmate injuries should be taken prior to any areas of injury being cleansed, as well as after, to ensure accurate images.</p>	<p>Current policies require that digital images of injuries are to be taken as soon as possible. When an inmate or staff member is injured, immediate medical treatment is the priority. The ministry is reviewing this recommendation and will develop a policy stating that photos should be taken of injuries prior to cleansing/treatment with the approval of the responding health care officials.</p>
<p>17. Require that images of inmate clothing and areas of the institution that are damaged or soiled as a result of an incident of use of force are taken and maintained with the file.</p>	<p>A revised policy will be issued in Summer 2013 that includes the requirement to take images of relevant areas within an institution, when applicable. With respect to the recommendation regarding images of inmate clothing, there may be times that this is not operationally possible, such as in cases where inmates are taken to the hospital. The ministry has initiated a review of that portion of the recommendation to determine how best to address it.</p>

MCSCS Response to the Ombudsman Draft Report

PHOTO AND VIDEO RECORDS	
Recommendation	Response
<p>18. Amend Digital Images of Inmate Injuries policy to expressly prohibit correctional staff involved in an incident of use of force from taking digital images of the involved inmate's injuries, or being present when the photographs are taken.</p>	<p>A revised policy will be issued in Summer 2013 specifying that staff involved in use of force incidents are not to be present when images are taken.</p>
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## MCSCS Response to the Ombudsman Draft Report

PHOTO AND VIDEO RECORDS	
Recommendation	Response
<p>19. Reinforce the requirement for photographing staff injuries, and require that images of staff injuries be kept with the related use of force file.</p>	<p>A revised policy has been drafted stating that images of injuries to a staff member should also be taken. The ministry will review the revised policy to determine if further changes are required to address how and where photos are stored and retained, while ensuring the protection of personal health information.</p>
<p>20. Continue to enhance closed-circuit television capacity in correctional facilities as a priority, and ensure such systems:</p> <ul style="list-style-type: none"> <li>• Are placed to allow maximum observation of inmate and correctional staff interactions;</li> <li>• Allow for clear and accurate recording; and</li> <li>• Are compatible with equipment used in regional offices and CISU.</li> </ul>	<p>The modernization of correctional services is a top priority. A multi-year plan has been developed to retrofit all correctional facilities with upgraded CCTV systems designed to provide maximum observation and allow for quality and robust recording using software platforms that are fully compatible with the systems used in our regional offices and by CISU. The initial phase is targeting larger facilities, and over \$10M has been invested over the past two years. Projects are underway and expected to be complete by Summer 2013 at Elgin Middlesex Detention Centre, Hamilton Wentworth Detention Centre and Central East Correctional Centre. Projects will soon be underway at Ottawa Carleton Detention Centre and Maplehurst Correctional Centre, and are expected to be completed by Spring 2014. Both of the new facilities – the Toronto South Detention Centre and the South West Detention Centre, in Windsor - will also be equipped with CCTV systems that meet our new standards. All remaining facilities are scheduled to be refreshed as part of the ministry's CCTV five-year refresh plan, initiated in 2011.</p>
<p>21. Develop a policy requiring that all correctional facilities retain copies of videos from security monitoring for a consistent and reasonable period of time.</p>	<p>As of September 2011, the ministry has prescribed a <i>minimum</i> 30-day retention period for all new installations of video surveillance systems. This is consistent with other similar jurisdictions. As we install new systems as part of our correctional services modernization initiatives, extended retention will be available based on defined incidents or site specific requirements.</p>

## MCSCS Response to the Ombudsman Draft Report

PHOTO AND VIDEO RECORDS	
Recommendation	Response
<p>22. Install video cameras in vehicles used for inmate transportation.</p>	<p>The ministry is responsible for transporting inmates being transferred between correctional institutions, and for escorting inmates into the community as needed. The most common reason for a community escort is an inmate who needs to attend a hospital.</p> <p>All ministry vehicles used for the transfer of inmates between correctional institutions are equipped with recording camera systems. Vehicles used for community escorts are equipped with non-recording audio/visual equipment that allows escorting staff to view the inmate compartment of the vehicle.</p> <p>The ministry has initiated a review of the feasibility of equipping its community escort vehicles with the same technology utilized in the vehicles used for inmate transfers. Our review should be completed by Fall/Winter 2013.</p>
<p>23. Implement a policy requiring hand held video and audio recording equipment to be used during all use of force incidents.</p>	<p>The ministry is conducting extensive research, including reviewing the best practices of other jurisdictions, and surveying our correctional counterparts across the country regarding their policies and procedures in this area.</p> <p>A pilot project is under development for the recording of all incidents where Institutional Crisis Intervention Teams and/or Cell Extraction Teams are deployed.</p>
<p>24. Conduct periodic audits of the closed-circuit television systems in correctional institutions to ensure they are functioning properly, clearly recording events, appropriately positioned and compatible with equipment used by the ministry when reviewing and investigating cases of use of force.</p>	<p>The ministry has provided staff resources to ensure oversight of our CCTV and security systems, and full audits were completed from June to September 2011. Upon retrofit activities, audit reports are updated to reflect any changes in technology.</p> <p>Preventative maintenance contracts are in place for a large number of sites and vendors have been identified to provide emergency repairs to ensure full operation of systems where contracts are not in place. At each site, there is a policy requirement that the administration verify system recording on a regular basis.</p> <p>The ministry is exploring further options for a provincial plan to ensure all sites have preventative maintenance coverage and a compliance process in place.</p>

## MCSCS Response to the Ombudsman Draft Report

PHOTO AND VIDEO RECORDS	
Recommendation	Response
25. Amend report writing and other policies relating to use of force to ensure that correctional staff involved in an incident of use of force are prohibited from viewing related video images, and access to security videos is restricted to those directly involved in investigating the incident.	Video recordings are kept in secure locations, and are not accessible to staff without the approval of management. A revised policy will be issued in Summer 2013 prohibiting staff involved in a use of force incident from viewing any of the digital video images associated with the incident prior to the completion and submission of their reports.

## MCSCS Response to the Ombudsman Draft Report

STAFF TRAINING	
Recommendation	Response
<p>26. Ensure that periodic training on diffusion of hostility is provided to all correctional staff, including management personnel.</p>	<p>Training in diffusion of hostility is provided as part of basic recruit training, as well as part of the training for community escorts. It will also be part of the direct supervision training the ministry will be providing in Fall 2013 for staff who will be working at the new Toronto South Detention Centre, and later for staff who will be working at the new South West Detention Centre in Windsor.</p> <p>The training will also be incorporated into refresher training that is provided to all staff.</p>
<p>27. As a priority, ensure that instruction on dealing with inmates with mental health and special needs challenges is provided during recruit training and as part of ongoing training for all correctional staff who are responsible for dealing with inmates directly.</p>	<p>The Ontario Correctional Services College's training program for new recruits has been updated to include instruction on working with inmates with mental health or other special needs. This training will also be part of the training program the ministry is providing in Fall 2013 for staff who will be working at the new Toronto South Detention Centre, and later for staff who will be working at the new South West Detention Centre in Windsor. It will also be incorporated into refresher training that is provided to all staff on a regular basis.</p> <p>The ministry and the bargaining unit that represents correctional officers have also established a joint sub-committee to discuss this important issue and explore ways to deliver effective training to correctional officers. Additionally, the ministry is participating in the Mental Health Strategy for Corrections in Canada, a Federal-Provincial-Territorial partnership that intends to increase information and resources for correctional staff.</p>
<p>28. Ensure that correctional staff are regularly trained in authorized defensive tactics, and take steps to create permanent field training positions.</p>	<p>The ministry has established a Defensive Tactics program to provide regular training to all staff in the field. Currently, there are approximately 125 trainers across the province that provide refresher training to staff, onsite at our institutions.</p> <p>The recommendation to create permanent field training positions is under review.</p>

## MCSCS Response to the Ombudsman Draft Report

STAFF TRAINING	
Recommendation	Response
<p>29. Establish a system for monitoring the quality and consistency of instruction in defensive tactics delivered to correctional staff by volunteer instructors.</p>	<p>The Ontario Correctional Services College currently monitors the quality of training delivered by Associate Instructors, who are themselves subject to a rigorous training program. The ministry will explore options to expand oversight.</p>
<p>30. Survey correctional staff to determine the physical restraint and control techniques actually being used in its institutions in order to focus its training efforts on problem areas.</p>	<p>Revised policies will be issued in Summer 2013 reinforcing the requirement to provide accurate and precise descriptions in reports. A revised Use of Force Occurrence Report and Use of Force Local Investigation Report will also be issued at the same time, and will include the requirement that staff outline the specific use of force techniques used in an incident, and the reasons for employing them.</p>
<p>31. Issue a list of standard authorized defensive techniques taught at the Ontario Correctional Services College, as well as prohibited control measures.</p>	<p>The Ontario Correctional Services College will post materials identifying standard and authorized defensive techniques on its training intranet, which is accessible to all correctional staff. A communiqué will be issued to all staff advising them when the information is available and where it can be accessed. It is expected that the materials will be available by Summer 2013.</p>
<p>32. Amend its Use of Force and related policies to expressly direct that use of physical techniques to control inmates that are not specifically approved is restricted to exceptional cases, where they are justified in the circumstances.</p>	<p>Training in use of force and defensive tactics are provided to all new recruits, and during refresher training provided to all staff on a regular basis. Training includes guidance and instruction on approved techniques, with an emphasis that the type and amount of force used in an incident is based on the specific threat posed and circumstances of that incident. Students are taught that any force used must be reasonable and necessary under the circumstances. The updated use of force policies being issued this Summer will further clarify and strengthen expectations and accountability in this area.</p>



## MCCSCS Response to the Ombudsman Draft Report

STAFF TRAINING	
Recommendation	Response
<p>33. Amend Report Writing policy to require that any use of physical techniques to control inmates that are not listed as authorized must be expressly identified and the reason for their application fully explained in related institutional reports.</p>	<p>Revised policies will be issued in Summer 2013 reinforcing the requirement to provide accurate and precise descriptions in reports. A revised Use of Force Occurrence Report and associated templates will also be issued at the same time, and will include the requirement that staff outline the specific use of force techniques used in an incident, and the reasons for employing them.</p>
<p>34. Ensure that all operational managers, and senior managers within Institutions receive regular training in defensive tactics.</p>	<p>Training in this area is mandatory for all managers. The Ministry will review expanding opportunities for defense tactics refresher training for managers.</p>
<p>35. Ensure that only correctional staff trained, and properly certified, accompany inmates into the community and use oleoresin capsicum spray and batons, and that institutions are provided with an updated list confirming which staff hold current certification in their use.</p>	<p>The ministry will be issuing a communiqué in Summer 2013 to all correctional staff reinforcing that only correctional staff trained and properly certified will be able to carry approved community escort/defensive tactics equipment. All institutions will be provided with an updated list confirming which staff members hold current certification for the use of this equipment.</p>
<p>36. Ensure that inspectors responsible for investigating allegations of excessive use of force receive defensive tactics and other training relevant to the use of force in a correctional context.</p>	<p>The Ontario Correctional Services College will complete this training by Fall 2013.</p>

## MCSOS Response to the Ombudsman Draft Report

STAFF TRAINING	
Recommendation	Response
37. Take additional steps to ensure that correctional staff are familiar with all policies and procedures relating to use of force, including conducting additional training, and requiring that all staff acknowledge that they have read them.	Upon issuing the revised Use of Force and associated policies, staff will be required to sign an acknowledgement that they have received copies of the policies and are aware that they are required to read them. New recruits will also receive copies and be required to sign the acknowledgement prior to graduation. The Use of Force policy revisions will also be incorporated in all applicable training.

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MCSCS Response to the Ombudsman Draft Report

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NOTIFICATION RELATING TO CRIMINAL CHARGES	
Recommendation	Response
38. Immediately clarify the process around the "notification of right to pursue/decline laying of criminal charges" form, and ensure that correctional staff involved in using force on an inmate are not responsible for communicating with the inmate about the option of bringing criminal charges.	Revised use of force policies will be issued in Summer 2013 directing that the investigating manager, who by definition would not be involved in an incident he/she is investigating, is responsible for ensuring that inmates are notified of their rights to pursue or decline the laying of criminal charges.

## MCSCS Response to the Ombudsman Draft Report

CONTACTING THE POLICE	
Recommendation	Response
<p>39. Amend Use for Force and related policies to clarify which situations warrant contacting the police and provide guidance on the details that should be communicated.</p>	<p>The ministry and the Ontario Association of Chiefs of Police have established a working group to discuss mutual issues and improve communication between correctional facilities and local police services. The working group is currently drafting a protocol for the reporting of use of force incidents to police, which will expressly indicate which situations warrant police notification.</p>
<p>40. Prohibit management staff associated with a use of force of incident from notifying the police about the case.</p>	<p>The current Use of Force policy, implemented in November 2011, emphasizes the need to notify police as soon as possible of incidents requiring police investigation, and directs that either the initial incident manager or the relieving manager is responsible for making the contact. Revised use of force policies will be issued in Summer 2013 stating that staff involved in a use of force incident are not permitted to notify the police about the incident.</p>
<p>41. Monitor any change to policy relating to police notification to ensure timely notification of any police relating to incidents of use of force.</p>	<p>The current Use of Force policy, implemented in November 2011, places significant emphasis on oversight and accountability: Following a use of force event, timely reporting to the police is currently directed to be completed by the incident manager or relieving manager. Oversight of the reporting is completed first by the investigating manager and then through the chain of command up to the Regional Director. The revised use of force policies being issued in Summer 2013 continue to place emphasis on timely reporting of use of force incidents to the police.</p>

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MCSGS Response to the Ombudsman Draft Report

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LOCAL INVESTIGATION DELAYS	
Recommendation	Response
42. Regularly monitor the number of incidents of use of force that are awaiting local investigation and length of time institutions are taking to review such cases, and ensure that correctional institutions have the necessary resources to conduct timely and thorough local investigations.	The ministry will implement a process to collect and regularly monitor the number of use of force incidents that are awaiting investigation, and the length of time institutions are taking to review cases. We will also ensure that all institutions have the necessary resources to conduct thorough and timely investigations. The information gathered will be provided to the ministry's Use of Force Auditor for review and follow-up, and the auditor will provide periodic updates and highlight any contentious issues to the Assistant Deputy Minister of Institutional Services.

## MCSGS Response to the Ombudsman Draft Report

FOLLOW UP ON RISK MANAGEMENT TEAM CONCERNS	
Recommendation	Response
43. Amend Use of Force and related policies to require that any concerns or dissenting views about an incident of use of force that are expressed by health care staff, members of the Risk Management Team or other relevant officials are recorded in the local investigations report, and that if no further action is recommended, the Risk Management Team and superintendent explicitly record why a decision was made not to pursue these matters.	The ministry will review this recommendation and address it as part of the revised use of force policies being issued in Summer 2013.

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## MCSCS Response to the Ombudsman Draft Report

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USE OF FORCE/AUDITOR	
Recommendation	Response
44. Ensure criteria are developed to guide Use of Force Auditor in selecting cases for in-depth review, including consideration of the nature of the injury, the type of physical force used, and trends involving particular institution and staff members.	The Use of Force Auditor is a newly created position, responsible for conducting audits of use of force incidents to determine compliance with all ministry policies. Currently cases are selected at random, ensuring review of cases from all institutions. The ministry has implemented a new incident reporting process, standardizing what is required for use of force incident reports, which should assist the Use of Force Auditor in selecting cases for review. The ministry is reviewing this recommendation to determine if any further changes are required and should be completed by Fall/Winter 2013.

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MCSCS Response to the Ombudsman Draft Report

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REPORT BACK	
Recommendation	Response
45. Report back to my office in six months' time on the progress in implementing my recommendations and at six month intervals until such time as I am satisfied that adequate steps have been taken to address them.	The ministry will report back to the ombudsman within six months and at six month intervals thereafter.