



Department of Justice and Public Safety
Adult Custody Services

Policy: **Code of Conduct B-7**
Effective: April 2005
Revised: October 2019

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

It is the responsibility of all employees within the Adult Custody Services Branch to conduct themselves in a manner which reflects positively on the Government of New Brunswick.

Employees must uphold the highest standard of conduct to promote the impartial administration of custody services and to ensure the safety of the institution, employees, clients, and the public through the delivery of custody services.

All employees must fulfill their duties diligently, competently, professionally, and fairly with due regard for all values and principles contained in the Department of Justice and Public Safety's Values and Mission statements.

LEGISLATIVE AUTHORITY

[Section 31, Corrections Act](#),

[Section 2, Criminal Code of Canada](#)

[Human Rights Act, 2011](#)

[Occupational Health and Safety Act, 1983](#)

[Right to Information Act and the Protection of Privacy Act](#)

SCOPE

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

POLICY GUIDELINES

Standards

Adult Custody Services strives to provide a workplace where each employee understands their role and how to carry it out. This allows employees to contribute to the overall good order, safety, and security of the institution and the public while confidently and dutifully fulfilling their specific tasks.

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It is incumbent upon every employee within the Adult Custody Services Branch:

- a) to respect the rights of all persons.
- b) to maintain the integrity of the law, the institution, the Department, and the administration of justice.
- c) to perform their duties promptly, diligently, competently, impartially, and professionally in accordance with the law and without abusing their authority.
- d) to avoid any actual, apparent or potential conflict of interests.
- e) to avoid abusing their authority for personal gain.
- f) to ensure that any improper or unlawful conduct of any employee in the Adult Custody Services Branch is not concealed or permitted to continue.
- g) to be incorruptible, never accepting or seeking special privilege in the performance of their duties or otherwise placing themselves under any obligation that may prejudice the proper performance of their duties.
- h) to always act in a manner that will not bring either actual or the perception of disrepute to the organization on their role as an employee of the Adult Custody Services Branch; and
- i) to treat all persons or classes of persons equally, regardless of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, gender identity or expression, social condition, criminal accusation, criminal history, political belief, or activity.

In addition to the standards and procedures set out in this policy; when carrying out their duties, all employees are expected to follow all applicable Federal and Provincial Laws and all applicable Government of New Brunswick policies, and all the Adult Custody Institution's policies and procedures.

Conduct Violations

An employee of the Adult Custody Services Branch commits a breach of the code if they do any of the following:

- a) engages in discreditable conduct.
- b) engages in deceitful behaviour.
- c) fails to conduct themselves in a professional manner.
- d) neglects their duties.
- e) improperly discloses information.
- f) commits corrupt practice.
- g) abuses their authority.
- h) has possession of an unauthorized weapon or misuses an authorized weapon.
- i) damages government property.
- j) misuses intoxicating substances in a manner prejudicial to duty.
- k) is convicted of an offence.
- l) engages in insubordinate behaviour.
- m) is a party to or is complicit to a breach of the code.
- n) engages in workplace harassment as outlined under the Government of New Brunswick's Respectful Workplace Policy as outlined in Schedule "A".
- o) misuses social media as outlined in Schedule "B"; or
- p) misuses digital media and cell phones as outlined in Schedule "C".

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Discreditable Conduct

An employee of the Adult Custody Services Branch engages in discreditable conduct if the employee:

- a) does not report to work in uniform, on time, and ready for duty, or fails to advise the supervisor as soon as possible where he or she cannot avoid being late or cannot report to work.
- b) engages in sleeping or appearing to sleep while on duty.
- c) engages in the use of social media, watching television, or playing games while on duty.
- d) engages in activities in relation to a secondary place of employment while on duty.
- e) engages in personal activities that detract from the performance of the employee's duties such as receiving extended visits of a personal nature, personal phone calls, text messaging, or completing personal errands while on duty.
- f) is oppressive or abusive to any person while on duty.
- g) acts in a manner that is prejudicial to the maintenance of discipline in the Department with which they are employed or is likely to bring the reputation of the Department with which they are employed into disrepute.
- h) while off duty, asserts or purports to assert authority as an employee of the Adult Custody Services Branch and does an act that would constitute a breach of the code if done while the employee is on duty.
- i) while on or off duty:
 - (i) withholds or suppresses a complaint or report of wrongdoing.
 - (ii) contravenes provisions of the respective Acts and Regulations under the Adult Custody Services Branch, or a rule, guideline or directive made under the Acts.
 - (iii) fails to report to their Sergeant, any information or evidence, either for or against any client or defendant, that is material to an alleged offence under an Act of the Legislature, and Act of another province or territory of Canada or an Act of the Parliament of Canada.
 - (iv) tampers with information that is material to a proceeding or potential proceeding, or
 - (v) fails to disclose information that is material to a proceeding or a potential proceeding.

An employee of the Adult Custody Services Branch who is being investigated or who acts as a representative of an employee who is being investigated does not engage in discreditable conduct if they fail to provide the investigator with any information or assistance requested by the investigator.

Deceit

An employee of the Adult Custody Services Branch engages in deceitful behaviour if the employee, with intent to deceive, falsify or mislead:

- a) willfully makes a false, misleading, or inaccurate oral or written statement or entry in an official document or record.
- b) without lawful excuse, destroys, mutilates, or conceals any official document or record, or alters, erases, or adds to any entry in it.
- c) without lawful excuse destroys, mutilates, or conceals any evidence or potential evidence of wrongdoing.
- d) fails to promptly report alleged incidents, criminal activity or unusual event or occurrence relative to the Adult Custody Services' Code of Conduct and Department to their Supervisor.



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Professional Conduct

In general, professional conduct requires that all employees of the Adult Custody Services Branch:

- a) work cooperatively.
- b) present themselves for work on time and in full uniform and equipment, which shall be neat, clean, and in good repair.
 - (i) while on duty and not in uniform will not appear in any dress or affect any mannerism likely to bring dishonour to the Adult Custody Services Branch.
 - (ii) while on leave do not wear a uniform without authorization of the Director of Adult Custody Services.
- c) adhere to established health and safety practices.
- d) are always alert and responsible in the performance of their duties.
- e) facilitate and support the work of other peace officers while on duty or in circumstances related to their duties with the consent or direction of their Sergeant
- f) refrain from misrepresenting or misusing their position, title, or authority.
- g) refrain from providing legal advice or direction.
- h) use appropriate titles when referring to or addressing superiors.
- i) behave in a professional manner by maintaining integrity, respect, impartiality, service, and competence.
- j) refrain from engaging in union activity while on duty unless such activity is authorized and is in accordance with the collective agreement.
- k) bring any grievances to the attention of the Superintendent and, as appropriate, pursue only approved avenues of recourse and appeal in accordance with the Collective Agreement.
- l) notify the Superintendent immediately if they have been questioned or charged by the police in relation to their involvement in criminal activity.

Professional Conduct of Managers, Supervisors and Sergeants

All employees in a Manager, Sergeant, and Correctional Officer position are required to comply with all responsibilities and professional conduct requirements set out in the Adult Custody Services' Code of Conduct and Department Policy. They are required to:

- a) treat all staff with respect and dignity.
- b) refrain from conducting themselves in a manner considered to be condescending or degrading.
- c) genuinely listen and respond when applicable to employee concerns and questions.
- d) lead by example.

Additionally, each Sergeant/Acting Sergeant has supervisory responsibilities for all other employees on their shift and to ensure that:

- a) all services are delivered in accordance with this policy and this manual.
- b) all services are delivered in accordance with an institution's policies and procedures.
- c) all employees conduct themselves in accordance with this policy.
- d) all employees are informed of this policy, indicate by signature that they have read it, and have access to it and to the government-wide policies and legislation it incorporates.

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- e) all potential violations of this policy are promptly investigated in an impartial manner in consultation with the Deputy Superintendents and the Superintendent of an institution.
- f) where warranted, timely disciplinary action is taken in consultation with the Deputy Superintendents and the Superintendent of an institution.

Neglect of Duty

An employee of the Adult Custody Services Branch neglects their duties if:

- a) the employee, without lawful excuse, fails to promptly, competently, and diligently.
 - (i) obey or carry out any lawful order issued by a superior ranking branch officer, or.
 - (ii) perform his or her duties as an employee.
- b) the employee fails to work in accordance with established policies and procedures.
- c) the employee leaves an area, detail, or other place of duty without due permission or sufficient cause, or having left an area, detail, or other place of duty with due permission or sufficient cause, fails to return promptly; or where appropriate fails to wait for proper relief from another officer for that area.
- d) the employee is absent or late for duty without reasonable excuse.

Improper Disclosure

An employee of the Adult Custody Services Branch improperly discloses information if the employee:

- a) except as required in the performance of their duties, as authorized by their supervisor, or as required by due process of the law:
 - (i) communicates to any person any confidential information which they have acquired in the course of their duties to persons not authorized to receive such.
 - (ii) gives notice directly or indirectly to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons.
 - (iii) discusses or discloses a client's current offences or previous convictions to anyone not authorized to receive such information.
 - (iv) discusses or discloses information from official documents, Incident Reports, Client Information System, and any other source of information, with anyone not authorized to receive said information.
 - (v) removes or copies an official document, record, or report.
- b) discusses operational issues or confidential information in circumstances where there is a reasonable possibility that the discussion could be overheard by client's or makes comments about operational information or confidential information publicly.
- c) makes signs or circulates a petition or statement, in respect of a matter concerning the Adult Custody Services Branch:
 - (i) knowing that all or any part of the petition or statement is false, or
 - (ii) having reckless disregard as to the truth of the petition or statement.

Notwithstanding subparagraph 1(a)(i) of this section, an employee of the Adult Custody Services Branch does not improperly disclose information if, during an investigation into a conduct complaint, the employee provides the investigator with any information and assistance requested by the investigator.

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Employees shall protect the confidentiality of notes taken, documents created and obtained during their duties. The obligation to protect confidential information related to or obtained during their employment continues even after the employment relationship ends.

Corrupt Practice

An employee of the Adult Custody Services Branch commits corrupt practice if:

- a) the employee fails to promptly account for, or to make a prompt and true return of, any money or property received by the employee during their duties.
- b) uses government assets for personal use or gain.
- c) without adequate reason, the employee uses or attempts to use their position as an employee with the Adult Custody Services Branch for personal advantage.
- d) accepts a bribe or is compromised by blackmail.
- e) in their capacity as an employee and without the consent of the Director of Adult Custody Services, directly or indirectly, demands, solicits, or accepts any gratuity, present, testimonial, or favour of any kind that might affect the proper performance of their duties.
- f) places themselves in any financial or other obligation to any person in a manner which might affect the proper performance of their duties.
- g) while in their capacity as an employee with the Adult Custody Services Branch becomes involved intimately, including but not limited to sexually, in person, by telephone or in writing, in hard copy or electronically with any person under the authority of the Courts, or is expected to come or who has recently come under the authority of the Courts.
- h) while in their capacity as an employee with the Adult Custody Services Branch conducts any business with any person under the authority of the Courts or is expected to come or who has recently come under the authority of the Courts.
- (i) abetting in or knowingly being an accessory to a contravention of this section by another peace officer.

Abuse of Authority

An employee of the Adult Custody Services Branch abuses his or her authority if the employee:

- a) without lawful authority, detains, arrests, or searches a person.
- b) uses unnecessary force on a person.
- c) at their discretion, takes unwarranted action or omits to take warranted actions, which result in unnecessary suffering to any client or other person with whom they may be brought into contact in the execution of their duty.
- d) uses language or acts in a manner that is discourteous, uncivil, abusive, or insulting to a person.
- e) differentially exercises authority or shows disrespect to a person based on that person's race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, gender identity or expression, social condition, criminal accusation, criminal history, political belief, or activity.
- f) harasses, intimidates, or retaliates against a complainant, a client, a member of the public, a fellow peace officer or an employee of the Adult Custody Services Branch.



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Possession of an Unauthorized Weapon and Misuse of an Authorized Weapon

An employee of the Adult Custody Services Branch has possession of an unauthorized weapon or misuses an authorized weapon if they, while on duty:

- a) has possession of a weapon which was not approved by the Director of Adult Custody, for their lawful use, and which was not issued under the authority of the Director of Adult Custody Services .
- b) fails to exercise sound judgement and restraint in respect to the use and care of authorized weapons:
 - (i) fails to properly account for and store authorized weapons.
 - (ii) uses an authorized weapon without proper certification and/or without approval of the Sergeant.
 - (iii) uses an authorized weapon in a careless manner.

Damage to Government Property

An employee of the Adult Custody Services Branch damages government property if the employee:

- a) without reasonable excuse loses, destroys, or causes any damage to:
 - (i) any government property, or
 - (ii) any property the care of which has been entrusted to the employee during their duties.
 - (iii) by negligence causes any waste or loss of or damage to any government property or other property entrusted to the employee.
- b) fails to report any loss or destruction of, or any damage to property referred to in paragraph (a), however caused.

Misuse of Intoxicating Substances

An employee of the Adult Custody Services Branch misuses intoxicating substances in a manner prejudicial to duty if:

- a) the employee, on reporting for or while on duty, is unfit for duty because of drinking intoxicating liquor, using a drug for non-medical purposes, or intentionally misusing a prescription drug.
- b) the employee, while on duty and without proper authority, makes any use of, receives from any other person, has in their possession, or provides to any person any intoxicating liquor or a drug other than one prescribed by a medical practitioner.
- c) brings alcohol or other drugs, except medication that is necessary to the workplace and, where medication is necessary, fails to carry it discreetly and securely, or to store it securely with their belongings; or
- d) does not advise their Sergeant as far in advance as possible, and at least before beginning a shift, where it has been necessary to take medication that may impede their performance or prevent/impact them from carrying out their usual duties.

Conduct Constituting an Offence

An employee of the Adult Custody Services Branch is guilty of a breach of the code if the employee is convicted of an offence under an Act of the Legislature, an Act of another province or territory of Canada, or an Act of the Parliament of Canada that renders the employee unfit to perform their duties or that is likely to bring the reputation of the Adult Custody Services Branch with which the employee is employed into disrepute.



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Insubordination

An employee of the Adult Custody Services Branch engages in insubordinate behaviour if the employee:

- a) is subordinate, or non-compliant by word, act, gesture, or demeanor.
- b) without lawful excuse, disobeys, omits, or neglects to carry out any lawful order.
- c) refuses to participate during an investigation or inquiry.
- d) does not comply with training standards or directives.
- e) fails to adhere to policies and procedures.

Party to a Breach of Code

An employee of the Adult Custody Services Branch is a party to a breach of the code if the employee aids, abets, counsels, or procures another employee of the Adult Custody Services Branch to which they belong to, commits a breach of the code or is an accessory after the fact to a breach of the code.

Allegations of Wrongdoing

Duty to Report Employees have a duty to report any situation relevant to the Department of Public Safety and governmental operations that they believe contravenes the law, misuses public funds or assets, abuses authority, or represents a danger to public health and safety or a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law or policy (for example, the *Right to Information Act and the Protection of Privacy Act*). Employees will not be subject to discipline or reprisal for bringing forward, in good faith, allegations of wrongdoing in accordance with this policy statement.

Protocol for Reporting Employees must report their allegations or concerns to management while respecting the chain of command.

Public Complaints Complaints received from the public will only be accepted in written form and will be passed onto the Deputy Superintendents and the Superintendent if warranted. The Deputy Superintendents or the Superintendent will decide if the complaint warrants an investigation, or if the complaint can be handled by the Sergeant.

Investigation Process for Allegations of Wrongdoing

In the event of any allegation of wrongdoing the Superintendent shall, without delay, meet with the employee reporting the alleged breach and any other person who may have relevant information.

Where there is a complaint against the conduct of a peace officer, the Superintendent will promptly advise the peace officer against whom the allegation was made, along with the nature of the allegation. A summary of the information collected will be provided to the peace officer for their review and consideration.

Notwithstanding the obligation to notify the peace officer in question, notification may be withheld, where the Superintendent believes it may jeopardize the investigation of the complaint.



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If the peace officer requests an adjournment of the matter to allow them to prepare a response, an adjournment of the discussion will not be unreasonably withheld. The peace officer will be afforded up to 72 hours to prepare and submit their response.

The Superintendent will not decide on the outcome of the matter until the peace officer alleged to have committed an offence has had reasonable opportunity to:

- a) consider the information.
- b) seek counsel if required.
- c) make a reply to the allegations; and
- d) have the response heard.

The Superintendent will determine if it is necessary to suspend the peace officer with pay pending completion of the investigation. The decision on any requirement for suspension with pay will be based on:

- a) the nature of the alleged wrongdoing and the risk of continuation or reoccurrence of the alleged behaviour.
- b) the risk that the peace officer might impede the investigation by being allowed to remain on duty.
- c) the risk that the peace officer might deliberately or inadvertently contact the complainant directly or indirectly.
- d) whether having the peace officer on the job would impair:
 - (i) the ability of the peace officer to function
 - (ii) the ability of other peace officers to function; and
 - (iii) the effectiveness of the organization.

A peace officer who is suspended from duty will not attend or enter the work location without prior approval of the Superintendent.

If after a complete investigation, examination, and hearing of all evidence, the peace officer is found not to have violated provisions of this section, the Superintendent will dismiss the complaint. The Superintendent will then advise the alleged peace officer of the finding and the reasons upon which the finding was based.

If after a complete investigation, examination, and hearing an alleged peace officer is found to have violated provisions of this section, the Superintendent will advise the alleged peace officer of the finding and the reasons upon which the finding is based. The Superintendent then may:

- a) give the employee a verbal reprimand.
- b) give the employee a written reprimand.
- c) suspend the employee indefinitely with pay pending further investigation.
- d) recommend to the Director of Adult Custody Services that more severe disciplinary action be taken against the employee.

The Superintendent will report the occurrence to the Director of Adult Custody Services in writing, giving full details.



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If an employee wishes to appeal disciplinary actions, it shall be in accordance with the respective Collective Agreement for bargaining personnel or in accordance with the provisions of the personnel management for non-bargaining personnel.

Failure to Adhere to Policy

Violation of any provision of the Adult Custody Services Branch Code of Conduct and Department may result in disciplinary action up to and including dismissal.

Sign Off

All employees of the Adult Custody Services Branch are to acknowledge their understanding and acceptance of this Code of Conduct and Department as well as the attached schedules.

Supporting Documents

A6 Vehicle Control

B4 Offences against Federal or Provincial Statutes

B5 Employee Identification Cards

B Personal Property of Staff

B-8 Dress Regulations

D9 Allegations of a Staff Member Assaulting an Offender

D29 Use of Force

D44 Cell Phones / Pagers

Adult Institutional policy Manual NB

Respectful Workplace Policy (GNB Administration Policy Manual AD-2913)

Conflict of Interest Policy (GNB Administration Policy Manual AD-2915)



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Schedule A – Respectful Workplace Policy

Application

This policy applies to all employees in Parts I, II and III of the New Brunswick Public Service. This includes employees of the Adult Custody Services Branch of the Department of Public Safety. Where applicable, this policy also applies to volunteers, contractors, fee for service individuals, those governed under medical staff bylaws, and clients.

Workplace

The workplace includes and is not limited to the physical work site or building, washrooms, lunchrooms and eating areas, designated smoking areas on site, meeting rooms, training sessions and conferences, business travel, work related gatherings, locker rooms, vehicles, any physical or virtual workplace where an employee conducts business on behalf of the Government of New Brunswick. The workplace may extend to events outside of work hours depending on the nature of the event.

Protected Grounds

Protected grounds are race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation, sex, gender identity and expression, social condition, political belief, and activity.

Personal Harassment

Personal harassment means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome. It includes objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment.

Without limiting the above, personal harassment includes harassment within the meaning of the [New Brunswick Human Rights Act](#), i.e., harassment on the basis of the following prohibited grounds of discrimination: race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity.

Sexual Harassment

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or a series of incidents,

- that might reasonably be expected to cause offence or humiliation; or
- that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, or receipt of services or a contract.

Examples of behaviour that can constitute sexual harassment include, and are not limited to:

- conversation, physical touching, or leering that could be construed as a sexual advance.
- conversation about an individual's sexual behavior including sexualized banter.

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- inappropriate or unwelcome focus/comments on a person's physical attributes or appearance.
- comments with sexual overtones.
- inappropriate, lewd, or sexually offensive written, graphic, or behavioral displays, including gender-based insults or jokes.
- a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance; and
- sexual assault.

Poisoned Work Environment

A poisoned work environment is characterized by an activity or behaviour, not necessarily directed at anyone, that creates a hostile or offensive workplace. A poisoned work environment can be created by managers or supervisors or amongst employees who may or may not have a reporting relationship with each other. Examples of a poisoned work environment include and are not limited to bullying, graffiti, sexual, racial, or religious insults or jokes, abusive treatment of an employee(s) and the display of pornographic or other offensive material.

Abuse of Authority

Abuse of authority is where an individual improperly uses the power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with or influence a person's career. It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate. Examples of abuse of authority include, and are not limited to misuse of power, intimidation, threats, blackmail or coercion, inappropriate use of power (with a subordinate) for sexual purposes.

Complainant

A Complainant is a person who brings forward a complaint as defined in the *Respectful Workplace Policy*.

Respondent

A Respondent is a person against whom a complaint is made.

CEO

CEO means a Chief Executive Officer or designate and includes Deputy Ministers.

Manager

A manager is any person who is responsible for employees, has responsibility for delegating work and includes, supervisors, directors, and all appropriate persons in the chain of command within the organization.



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Schedule B – Use of social media

Purpose

Social media creates a new set of opportunities, challenges, and risks for Adult Custody Services Branch employees. This document seeks to establish acceptable practices when using social media and sets standard that must be followed when Adult Custody Services employees use social media in a private capacity by identifying themselves as Adult Custody Services employees either directly or indirectly.

Defining social media

Social media are a group of web-based applications that enable the creation and exchange of user-generated content. Social media occur in a variety of formats including chat rooms, weblogs, social blogs, wikis, microblogging, internet forums, podcasts, pictures, video, and rating and social bookmarking. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, Snap Chat, LinkedIn, YouTube, Tik Toc and Flickr.

Application

This policy applies to all employees of the Adult Custody Services branch.

Procedure

Off-duty employees may use social media; however, employees are reminded that whether they are on or off duty, their conduct could reflect on the Adult Custody Services Branch.

Employees are personally responsible for opinions and commentaries posted on social media sites, blogs etc.

When employees make use of social media sites it is imperative to ensure that the contents.

- do not compromise the integrity of the Department of Public Safety, the Adult Custody Services Branch, the employee's unit, or any employee.
- do not affect public confidence in the government, the department, or its employees.
- do not discredit the government, the department, or its employees; or
- do not comment on or suggest a hint at matters that are likely to be currently under investigation.

Without expressed written consent of the Director of Adult Custody Services or designate, employees are prohibited from posting, transmitting and/or disseminating any of the following.

- likeness or images of departmental insignia, emblems, uniforms, badges, or any other material that specifically identifies the Department of Public Safety.
- photographs of equipment, offices, or vehicles.
- any work-related activity or work-related assignments.
- all photos, video, or audio recording, including but not limited to those of employees.
- information pertaining to investigations or operations.
- information identifying members of the public, employees, clients.
- information pertaining to incidents or investigations; or
- statements or information that could be interpreted as an intent to harass, disparage, or intimidate an employee or member of the public.



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Acceptable Use

Use of social media shall be restricted to off-duty time unless being used in an official capacity.

Professional Conduct

At all times professional conduct is to be maintained, use of profanity, sexual innuendo, racism, or harassment of any kind is forbidden.

Disciplinary Action

A violation of this policy by any employee could result in a disciplinary action. Please refer to "Failure to Adhere to the Policy".



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Schedule C – Digital Media

Purpose

To establish acceptable practices for taking and retaining photos, audio and video, or voice recordings while on duty.

Application

This policy applies to all employees of the Adult Custody Services branch.

Procedure

Use and retention of digital media is often to corroborate evidence of infractions specific to a certain person or incident.

Under the *Right to Information and Protection of Privacy Act of New Brunswick*:

Section 38(1) Personal information shall be collected by or for a public body directly from the individual the information

is about unless:

(g) the information is collected for law enforcement purposes

(h) the information is collected for the purpose of existing or anticipated legal proceedings to which the Province of New Brunswick or the public body is a party,

The information captured is considered private and cannot be used without the consent of the owner or person included in the media unless it is for court purposes. The content of any such media is protected by the *Privacy Act of Canada* and the *Right to Information and Protection of Privacy Act of New Brunswick*, and as such must follow the prescribed guidelines of collection, retention and disposal set forth in those Acts.

Officers' Responsibility

Release of any information collected outside of the guidelines listed above is a breach of both the *Privacy Act of Canada* and the *Right to Information and Protection of Privacy Act of New Brunswick*. Subsequently those breaching the storage or release of information are subject to penalties under those Acts.

Collection of any digital media (photo or videos) must be.

- Recorded and maintained on GNB devices; however, should any media be captured on personal devices (including cameras, or any other personal electronic devices capable of recording and/ or taking pictures), it must be transferred to GNB equipment as soon as possible and then removed from the personal device.
- Retained for a period that is prescribed by the department.
- Kept confidential.
- Be used only for the intended purpose of collection under the regulation or Act in which the infraction occurred;
or
- Disposal shall follow departmental guidelines.



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Collection of any digital media (photo or video) shall not be:

- Forwarded to a cloud service for retention.
- Released to the public.
- Retained for a period exceeding the departmental requirement; or
- Disposed of before departmental limits of retention.

Data Storage

Digital media shall be maintained and retained only on the GNB networks and equipment (i.e., hard disc drives, USB keys or recorded to a CD) and maintained in a secure location.