



IDENTIFICATION

Department	Position Title	
Justice	Director, Investigations and Standards	
Position Number	Community	Division/Region
82-226	Hay River	Directorate/HQ

PURPOSE OF THE POSITION

This position is responsible for providing independent oversight of the Corrections Service through the investigation of incidents, complaints and issues related to the administration of the *Corrections Act* (NWT), including the programs and services of the Corrections Service. Pursuant to the *Corrections Act* and Regulations, the Director also reviews appeals of adult custody inmate disciplinary determinations and dispositions and participates in inspections of correctional facilities.

SCOPE

Reporting to the Assistant Deputy Minister, Attorney General, Department of Justice, the Director, Investigations and Standards (Director) is the statutory Director appointed by the Minister of Justice pursuant to the *Corrections Act*. The position works within a legislative and policy framework and carries out the mandate of the Investigations and Standards Office (ISO) as set out in the *Corrections Act* (NWT) and Regulations. The scope of this office includes all community corrections; institutional and contracted services under the Act for both adult and youth offenders/inmates.

The Corrections Service itself is responsible for the custody and supervision of all adults and youth who have been committed to custody (either to serve a sentence or on remand awaiting trial), who have been sentenced to a form of community supervision or who have been released from custody on parole.

Providing independent oversight of the Corrections Service is made complex by the operational context which includes two correctional complexes, a correctional facility that operates under a therapeutic community model, and community corrections (Probation) offices in 13 communities.



The Director must be familiar with Departmental, and Government of the Northwest Territories (GNWT) legislation and regulations, including but not limited to, the *Access to Information and Protection of Privacy Act (NWT)*, the *Corrections Act (NWT) and Regulations*, *Public Service Act (Canada)*, *Human Resource Manual*, *Collective Agreement*, *Youth Criminal Justice Act (Canada)*, *Youth Justice Act (NWT)*, *Prison and Reformatories Act (Canada)*, *Criminal Code (Canada)*, and any other applicable legislation.

The Director develops policies and procedures for the delivery of the legislated functions of the ISO. The Director manages the resources, conducts investigations, audits and inspections within the Corrections Service. Pursuant to the *Corrections Act (NWT)*, the Director may initiate an investigation directly. The Director may, under the Act, apply to the Supreme Court for an order directing for a person to comply with an order made under this Act.

The Director is responsible for ensuring Corrections practices are in accordance with the *Corrections Act (NWT)* legislation and regulations and provides direction and leadership to senior management of the Department of Justice. For all matters within the Corrections mandate of the ISO, the Director reports the findings to the Assistant Deputy Minister, Solicitor General, Department of Justice.

The Director may create investigative teams and provide direction and operational support for more complex investigations and inspections, including interpreting legislation and policy, and providing quality assurance on the team's work.

The Director must maintain the independence and impartiality of the Office in all actions taken including communication with and responses to complainants and Corrections Service management. Developing and conveying inquisitorial and impartial approaches to working with both the complainants and Corrections Service management in areas of sensitivity which require tact and diplomacy.

To establish and maintain a high level of credibility within the justice delivery system, as well as to ensure the timely completion of investigations and inspections, the Director must develop, build and maintain strong working and professional relationships with the following:

Director of Corrections and other senior management, and senior staff in the Department of Justice;

- Operational staff within the Corrections Service.
- Northwest Territories Indigenous government, groups and organizations.
- Northwest Territories Health and Social Services Authority (NTHSSA), health care professionals
- The Northwest Territories Ombud Office.
- Northwest Territories Human Rights Commission.
- RCMP and Police agencies.



- Federal Corrections Services Canada staff.
- Counterparts in other ministries, territorial and federal governments, and agencies.

The Director is expected to have comprehensive and expert understanding, knowledge and experience of correctional environments and practices associated with the Charter of Rights and Freedoms applied to incarcerated individuals, administrative fairness practices, and the principles of The United Nations Standard Minimum Rules for the Treatment of Prisoners; more commonly referred to as the “Mandela Rules.”

The Director utilizes independent decision-making powers delegated by appointment from the Minister of Justice to review and render decisions made in accordance with the Corrections Act. Decisions are made with guidance from policy, law and legal precedent with a great deal of independence which flows from the abilities, actions and experience of the incumbent. Decisions made by the Director are reviewable by judicial review and may be viewed by the Ombud Office, Human Rights Commission and various community groups.

Accountabilities include:

- Ensures matters involving liberty of an individual are investigated promptly with a lens on administrative fairness.
- Exercises discretion and decision-making authority provided by the *Corrections Act* (NWT) and Regulations in a manner that is fair, impartial and demonstrates professionalism.
- Identifies, plans, develops and manages projects in response to current and emerging investigation and inspection issues and initiatives.
- Coordinates joint investigation activities with other agencies.
- Develops and maintains an organizational culture of continuous improvement, where all are engaged and interested in the effective and efficient operation of the office.

No positions report directly to the Director; however, the position is the integral piece in the accountability process of the Department of Justice, and the Director will supervise investigative teams when a team is required due to the complexity of an investigation or inspection.

RESPONSIBILITIES

1. Responsible for the monitoring, arranging for and conducting investigations made under the *Corrections Act*, and other complex workplace investigations as directed by the Minister.

- Maintains a structure for the conduct of Corrections Service investigations, including directing or conducting investigations of complaints, investigations of disturbances, and into matters that may include the deprivation of liberties, in keeping with the principles of administrative fairness and adherence to international human rights instruments and standards.



- Investigations may be initiated by the Director in response to critical incidents, high profile situations, or to study matters of concern regarding the operational and administration of programs and facilities within the Corrections Service.
- Investigations may also be initiated by the Assistant Deputy Minister, Solicitor General; including the highly sensitive investigations of incidents and personnel matters involving Corrections Service employees when allegations of impropriety under the Code of Professional Conduct are involved. Investigations of this type may involve the need for communication, collaboration and consultation with the Department of Finance, Labour Relations.
- Formulates investigative strategies and prepares investigation plans for complex, serious and/or sensitive investigations.
- Conducts pre-investigative assessment of allegations to determine if sufficient evidence is available to open an investigation.
- Collects all relevant information by means of interviews, document review and site visit. The Director will have unfettered access to all Corrections Service records and physical plants (medical records excluded).
- Applies to the Supreme Court of the Northwest Territories when required for an order to compel persons to participate in an investigation.
- Analyzes all information and prepares a comprehensive and detailed investigative report with findings and any recommended changes to address issues identified through the investigation process.
- Maintains a database of investigation findings and recommendations.
- Reviews and provides comprehensive written feedback on investigation reports written by others.
- During the course of investigations, looks for opportunities to resolve the matter through less confrontational methods, including mediation.
- Manages the contracts of outside investigators hired to undertake investigations under the *Corrections Act* as directed by the Assistant Deputy Minister, Solicitor General. This includes recommending Investigation Specialists based on their competency.
- Provides ongoing quality assurance reviews on all ISO reports consistent with case law, best practices in investigations including adequacy and timeliness, and high standards in written composition.
- Provides the Assistant Deputy Minister, Solicitor General with comprehensive investigation reports, both written and orally, often under very severe time constraints, which may recommend significant changes and improvements in regards to the operations of the Corrections Service.
- Provides annual reports to the Assistant Deputy Minister, Solicitor General on the type, regularity and findings of investigations conducted under the *Corrections Act* for decision-making purposes.



2. Responsible for the monitoring, arranging for and conducting of periodic inspections of correctional facilities and community corrections offices under the *Corrections Act* as directed by the Minister.

- The Director of ISO is mandated to carry out on-site inspections of all correctional facilities in the Northwest Territories.
- Inspections may be initiated based on a theme or directed at a specific correctional facility based on an assessed risk or by the direction of the Minister or Assistant Deputy Minister, Solicitor General.
- Oversees any contract inspectors working on behalf of the ISO and ensures a high standard is maintained in carrying out inspections.
- The inspection process undertaken by ISO is intended to:
 - Provide assurance to the Department of Justice and the public that correctional facilities in the NWT operate within the parameters of applicable laws, regulations and policies.
 - Identify weaknesses in operational or correctional practices, internal controls and management systems.
 - Identify opportunities, where applicable, to improve operational or correctional practices and make recommendations to this effect.
 - Ensure the administration and operation is consistent with International Standards and the Human Rights legislation.
 - Inspections must be continuously managed, reviewed and updated.
 - Inspections must be focused on ensuring the safe, secure and humane treatment of inmates, and they must be timely and consistent across all correctional facilities.

3. Responsible for establishing and running a system for the review of disciplinary and corrective measures imposed on inmates.

- In accordance with the Corrections Act and Regulations, the Director of Investigations and Standards, hears appeals arising from the inmate disciplinary process and renders decisions consistent with fairness and natural justice. The Director also considers case law, Charter implication and social history when rendering decisions, which are subject to judicial review and affect the rights and liberties of inmates and the operations of correctional facilities.
- The disciplinary review process is dependent upon knowledge of administrative law, the *Corrections Act*, Regulations and familiarity with the Corrections Service process.
- The Director will approach an inmate's request of appeal of disciplinary and/or corrective measures or the review of disciplinary hearings as a time sensitive and high priority matter given that the inmate may be subject to enhanced restrictions on their liberties or freedoms (e.g. disciplinary segregation).
- If the Director determines that a review is warranted, the Director will review the record of the hearing and the decision of the adjudicator.



4. Responsible for establishing and implementing a system for the investigation and review of complaints made by inmates and persons on probation, conditional sentences or judicial interim release as guided by the *Corrections Act*:

- Conducts investigations of complaints from a complainant as defined in the Corrections Act with a high degree of diligence and professionalism.
- Gathers and analyses all relevant evidence, makes findings of fact, and drafts clear and concise investigative reports.
- Seeks to resolve issues informally employing alternative dispute resolution approaches where possible.
- Makes resolution proposals to complainants and corrections service managers with the objective of supporting a fair and effective complaint system.
- Renders decisions that affect the rights and fair treatment of inmates and persons on probation, conditional sentences or judicial interim release.
- Issues recommendations aimed at improving the Corrections Service and follows up on these to ensure commitments to action by the Corrections Service is fulfilled.
- Ensures matters involving liberty of an individual are investigated promptly with a lens on administrative fairness.
- During the course of an investigation, the incumbent is responsible for reporting any type of unlawful or criminal behaviour, threats, abuse or any other type of inappropriate action or situation to the proper authoritative body or individual.
- Maintains awareness of current case law applicable to the Corrections Service mandate.
- Applies relevant legislation and Corrections Service related case law to ensure appropriate responses from ISO to the complaint issues raised.
- Maintains working knowledge of oversight practices and methods consistent with approaches taken by the Office of the Ombud for the Northwest Territories, Human Rights Commissions and other regulatory agencies.

5. Contributes to Corrections investigations policy, Minister's briefing notes, reports and research initiatives as required.

- Develops new, and enhances existing policies and procedures pertaining to investigation, early case resolution, and inspections based on administrative law, alternative dispute resolution, in depth research and international human rights instruments.
- Develops and reports on key performance indicators for the ISO (e.g. general case load, timeliness, trends, feedback from external investigations and reviews) with respect to ISO's main functions - investigations (including those conducted as a result of a complaint), special and complex investigations, inspections, and appeals of inmate discipline and corrective measures.
- Delivers training to Corrections Service staff on ISO's mandate and other subject matter related to correctional practices and administrative fairness as required.



- Provides sound advice and recommendations to senior management in the Corrections Service.
- Prepares and develops Ministerial briefing notes for review by Senior Management.
- Reviews and analyzes reports, submissions, and legislation from other jurisdictions.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

Located in an office environment, however occasionally required to work in a secure correctional facility environment where there can be exposure to communicable diseases through direct engagement with inmates.

Sensory Demands

Typically no unusual demands, however simultaneous use of multiple senses is required during investigations in order to observe and interpret verbal and non-verbal communication, and perform situational assessments.

Mental Demands

The incumbent may be required to travel on short notice and be away from home up to a week at a time, an estimated three times per year. Travel includes winter driving conditions to remote locations.

Visits to correctional facilities may include face-to-face contact with inmates, some of whom may be deemed high risk. The incumbent may be required to interact with inmates presenting uncooperative, hostile, and/or potentially physically aggressive behaviour.

While carrying out investigations the incumbent may be required to work in an isolated secure environment, resulting in exposure to higher-risk situations. They may be exposed to individuals who have suffered trauma; subject matter discussed may be emotionally disturbing.

Due to relatively small community sizes, it's likely that the incumbent will see investigation participants in personal situations after the fact in the community.



KNOWLEDGE, SKILLS AND ABILITIES

- A sound knowledge of acts and regulations related to the Corrections Service.
- Seasoned knowledge of techniques and principles of standard investigative practices.
- Knowledge and awareness of labour law, employment law and human rights law relevant to management of performance issues and workplace conflict.
- Demonstrated commitment to ethics, including the ability to exercise good judgment while being proficient with regulations and investigation methods.
- Strong understanding of the NWT Indigenous culture, history and legacy of the residential school system.
- Ability to interact effectively with a variety of cultural groups.
- Ability to initiate and lead work independently and exercise considerable autonomy and discretion while making difficult decisions.
- Strong systems thinking skill and judgment, proven ability to assess options and implications for long term goals, as well as demonstrated ability to research, analyze, and synthesize multiple concepts and priorities.
- Strong professional oral and writing skills including the development of reports, oral presentations, and technical/persuasive documents for consideration at the Departmental and Ministerial level.
- Proven ability to conduct comprehensive investigations into employment related issues (including conflict situations) and to prepare clear and concise reports outlining findings based on evidence. Seasoned knowledge of and an ability to apply human resource services within a unionized, public service context.
- Ability to develop relationships, work collaboratively and communicate effectively with GNWT Departments and agencies, Indigenous Governments, Non-Government Organizations and health organizations.
- Capacity to conduct and manage complex investigations including the ability to independently design and draft investigative terms of reference and scope and conduct interviews with staff, clients in the community and persons in custody.
- Proven effective use of computer technology for purposes of research, file management, communication and presentation.
- Ability to listen and communicate effectively and conduct themselves in a manner that promotes and reinforces public confidence in the administration of justice.
- Ability to work respectfully and with tolerance in all personal interactions.
- Able to be decisive, calm, fair, open-minded and reasonable.
- Ability to manage time and tasks efficiently and effectively and work to deadlines with changing priorities.
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion and cultural awareness, as well as safety and sensitivity approaches in the workplace.



Typically, the above qualifications would be attained by:

5 years of relevant experience conducting workplace or other related investigations, including 3 years managing people and resources.

Equivalent combinations of education and experience will be considered.

ADDITIONAL REQUIREMENTS

Position Security (check one)

- No criminal records check required
- Position of Trust – criminal records check required
- Highly sensitive position – requires verification of identity and a criminal records check

French language (check one if applicable)

- French required (must identify required level below)

Level required for this Designated Position is:

ORAL EXPRESSION AND COMPREHENSION

Basic (B) Intermediate (I) Advanced (A)

READING COMPREHENSION:

Basic (B) Intermediate (I) Advanced (A)

WRITING SKILLS:

Basic (B) Intermediate (I) Advanced (A)

- French preferred

Indigenous language: Select language

- Required
- Preferred