

Human Safety Plan in British Columbia for the Security and Protection of Prosecutors and their Families

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There have been a number of articles in the media recently addressing the issue of the increasing numbers of threats of violence to prosecutors, judges and court personnel. This is a very disturbing trend for those who work in the judicial system. In the United States, some judges now carry firearms under their judicial robes. What can Prosecution services do to better ensure the safety and security of their employees, whose work may put their safety, and that of their families, in jeopardy?

In October 2007, the British Columbia Criminal Justice Branch, which is our Prosecution Service (the “Branch”), hired a Special Advisor on Human Safety (the “Advisor”) and developed a Human Safety Plan for our 860 prosecutors and staff. The Advisor had an extensive background in law enforcement and private security work.

The mandate of this position is closely aligned with the IAP *Declaration on Minimum Standards Concerning the Security and Protection of Public Prosecutors and Their Families*, adopted by the IAP in March 2008. These standards derive from the IAP *Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors*, Article 6(b) of which states that prosecutors should be entitled “together with their families, to be physically protected by the authorities when their personal safety is threatened as a result of the proper discharge of their prosecutorial functions.”

It also furthers one of the goals of the business plan of the Branch: “To provide its members with a safe, secure, healthy and productive place to work.” We considered the creation of the Advisor position essential to ensuring the protection of our employees from threats that undermine the administration of the criminal justice system. The goal was to create an environment in which prosecutors could feel secure and confident that any threats to which they were subjected in the course of their work would be acted upon immediately and appropriate measures put in place to ensure their safety.

The responsibilities of this position included the development of a comprehensive Human Safety Plan. The first priority was to develop a clear and consistent process for dealing effectively with imminent direct threats to the safety of members of the Branch in order to provide them with the protection they needed to feel safe at work and at home.

Over the next two years, the Advisor made presentations to prosecutors and staff focussing on education and awareness in relation to personal and workplace safety. He visited all thirty-nine of the prosecution offices in the province consulting with staff about their safety concerns and evaluating the physical layout of the offices from a safety perspective. As a result, physical security standards for the offices were developed and changes implemented to upgrade security measures.

Some of the changes made to the offices involved improving interior and exterior lighting, strengthening doors, and installing burglar alarms. There were improvements to the reception areas, such as installing shatterproof glass between the offices and public areas, installing voice boxes and cameras, controlling access to offices, and installing interior office panic alarms and secure lockable filing cabinets. In addition, a new protocol was developed for responding to imminent threats in the offices after regular work hours.

A province-wide committee on Human Safety was established to assist in setting priorities for furthering safety in the Branch. In early 2008 employees completed a survey to assist the Advisor in identifying areas of concern in relation to safety and security.

The results of the survey showed that a significant number of staff was concerned for their safety: 32% on the street going to and from work, 16% in the courthouse, and 6% in the office. Forty-seven percent wanted training on managing aggressive behaviour, 61% felt if they were a victim of workplace violence they would not know how to respond, 63% were unaware of a current workplace violence policy and 52% were not aware of a system to report incidents of aggression or violence.

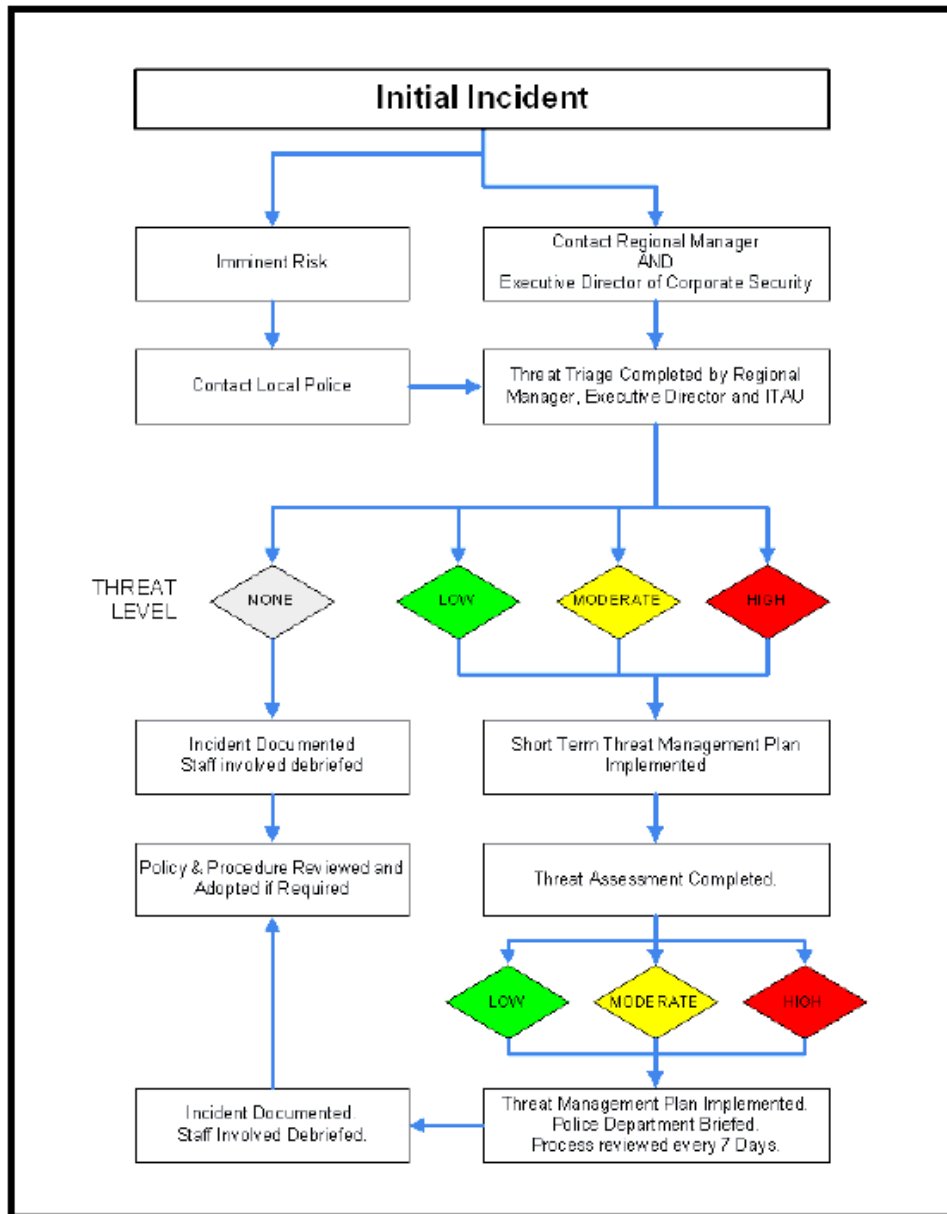
In response to this survey, we developed comprehensive policies on Workplace Violence and Safety and Security to ensure that risks of violence against staff of the Branch are identified and appropriate prevention programs and practices are established to minimize those risks. The policy states that the “first responsibility of all staff is to promote safety and guard against harm to themselves and other staff.”

The Advisor developed and delivered training programs on response procedures for bomb threats, handling suspicious mail, receiving threatening phone calls and responding to aggressive or threatening individuals.

We now have a comprehensive and effective Threat Management Process which the Advisor follows when an employee reports a threat. This process may result in enhanced security for the individual or office. Law enforcement officials are involved at the outset if the risk posed by the threat is imminent.

If the risk posed by the threat is not imminent, the Advisor will assess the risk, often in conjunction with the local police agency and the intelligence unit of the court sheriffs (ITAU). The nature of the risk and how it is classified determines the next steps.

Threat Management Process



Our policy defines three levels of risk. A low risk is a threat that poses minimal risk to the prosecutor and others in his/her environment. The threat in these cases tends to be vague, possibly indirect, and the content suggests that the person threatening is unlikely to carry it out.

A medium risk threat is more direct and concrete, and generally appears to be delivered with more thought as to how it would be carried out. There may be a general indication of place and time and some veiled reference to the possibility of violence.

A threat of high risk poses a serious danger, is more direct, plausible, and suggests that the person uttering the threat may have the means to carry it out.

After assessing the level of risk of a specific threat, the Advisor may implement a protection program. This program could include: personal information protection, local police support, contingency planning, security awareness training, physical security risk assessment, and protection services.

Protection may involve giving the prosecutor and sometimes his/her family: police protection, a Global Positioning Service (GPS) Blackberry device so the whereabouts of the prosecutor can be monitored at all times, a security system installed at home, and/or an escort service. This latter service ranges from a security person accompanying the prosecutor to and from work, or everywhere the prosecutor goes, to the escort vehicle being followed by a police emergency response team.

Some examples of measures the Advisor has introduced to address general safety concerns include a service to escort prosecutors and staff to and from their cars and public transportation at our largest courthouse in Vancouver. We have hired a security officer to perform this duty at the beginning and end of the work day. This has been in place for several years.

We also have a security officer permanently stationed in our downtown Vancouver and Victoria regional head offices. All visitors to these multi-floor buildings must report to security on arrival so their identities can be recorded, the purpose of their visit clarified, and visitor identification provided. Access to our floors is controlled by a security card.

In response to specific local threats, we have also employed a security officer for limited periods of time in other offices to control entrance to the office. In some instances, the security officer may escort the prosecutor to and from the courtroom within the courthouse.

We have had many threats against prosecutors. Any alleged threat that can result in criminal charges must be investigated by the local police agency within

the geographical area in which the threat occurred. In 2008, we had 32 files involving complaints of threatening behaviour towards prosecutors. These included threats to rape and kill prosecutors, shots to the home of a prosecutor with a paintball gun, threats to abduct the child of a prosecutor, and vandalism to cars and homes of prosecutors. Nine persons were convicted of threats to prosecutors last year and all received sentences of more than three months jail.

A crucial aspect of responding to threats and assessing the appropriate level of protection required involves management of the family, especially the children, of the prosecutor. In several cases the Advisor has met with school officials to make them aware of the extent of the threats and discuss concerns about the safety of the children and how to manage their security while they are at school. For at least four months a year we have a prosecutor and his/her family under 24 hour protection.

In a recent case, the family of a prosecutor had to be permanently relocated to another city in order to manage the risk to that family as a result of threats made in the course of a prosecution. The Advisor and local police determined that they could not put adequate security in place to address the risks to the family if they remained in their city of residence.

Home security systems, installed and monitored at government expense, are now standard for all prosecutors involved in specifically designated serious trials that have been assessed as high risk for prosecutor safety. Our Organized Crime Prosecution Unit works within a very structured high security environment and the prosecutors assigned to this work have extensive measures in place to protect their personal privacy and security.

A critical component of our prosecutor safety plan is to provide threatened employees with access to Critical Incident Stress Debriefing and Post Traumatic Counselling. We have retained psychiatrists and psychologists to provide this service. This assistance is crucial, as the constant security measures and the stress of living with the awareness of the risks to which they have been exposed substantially impacts every aspect of their lives.

Based on the success of our Human Safety Advisor program, we hired a second Advisor this year and the project was expanded to encompass the government ministry to which the Branch belongs (the Ministry of Attorney General) and two other ministries whose employees are exposed to similar risks in the course of their employment. Our first Advisor became the Executive Director of Public Safety overseeing the entire project.

We have a new Corporate Security Plan which includes the Personal Security Enhancement Program. This plan builds upon the work done earlier by the Branch with the Threat Management Process.

The goals of the policy adopted under the Personal Security Enhancement Program are to:

- Promote a violence-free workplace for all staff;
- Respect and protect the health, safety and dignity of all staff;
- Empower staff to make and act on decisions regarding risk of violence;
- Ensure staff are aware of and follow safety practices to prevent and respond to violent incidents;
- Establish written practices to identify and address risks for each local worksite;
- Offer critical incident debriefing and other support, including authorization to leave from work to consult with a physician of their choice for treatment or referral, to staff directly affected by workplace violence; and
- Allow the employee to remove him/herself from the risk environment, when the employee believes that there is a risk of violence.

Following the creation of this new security plan, staff from all three ministries completed a second survey. The results indicated that 30% were exposed to incidents of workplace violence in the past year; 56% were aware of the policies to address issues of violence; 30% had read the policies; and 37% had knowledge or training in violence prevention, management and reporting of these incidents. This was a marked improvement over the results a year earlier. However, the main areas of concern were still the lack of awareness and training in the area of workplace violence and the inconsistent reporting of such incidents.

In response, employees are now required to report all forms of intimidation and threats. We have a Corporate Security government website with an online incident reporting process. If the incident is very serious or requires immediate attention, the employee must report it to the local police first, and then complete the online form.

The first step in the online reporting is to classify the nature of the incident: violence, threat or intimidation; general loss, theft or damage; information or technology related (i.e. threat to confidentiality or loss of information); or other. We also have a detailed process for dealing with threatening phone calls, such as bomb threats, and handling threatening emails. The protocols for these incidents are easily accessible online for all employees, who have also been trained in response procedures.

There is still much to do in this area but we have come a long way. I believe it is fair to say that with the creation of our Human Safety Plan, the British Columbia Criminal Justice Branch is a leader in the area of human safety measures for prosecutors, certainly within Canada, if not elsewhere as well.

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