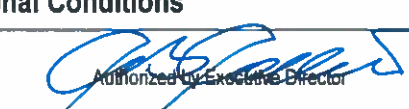



Chapter:	YCJA Orders	Classification:	Public Document
Subject:	Custody and Supervision Orders – Setting Additional Conditions		
For:	Community Corrections and Correctional Facilities	 <small>Authorized by Executive Director</small>	

1. Policy

- 1.1 Provincial directors designated under the *Youth Criminal Justice Act* (YCJA) will set additional conditions to provide appropriate supervision to young persons (YP) serving the community portion of a custody and supervision sentence made in accordance with Section 42(2)(n) YCJA.

2. Authority

- 2.1 The YCJA provides authority for
 - 2.1.1 the executive director, correctional services to designate provincial director responsibilities to correctional services staff
 - 2.1.2 custody and supervision orders in accordance with Section 42(2)(n) of the YCJA
 - 2.1.3 a probation officer to supervise the YP during the community portion of a custody and supervision order in accordance with Section 90(2) of the YCJA
 - 2.1.4 the provincial director to set additional conditions for the community portion of a custody and supervision order in accordance with Section 97 of the YCJA
 - 2.1.5 the designated provincial director to respond to breaches of the community portion a custody and supervision order in accordance with Section 102 of the YCJA
 - 2.1.6 apprehension and remand of a YP who has breached the conditions of a custody and supervision order in accordance with Section 107 of the YCJA
 - 2.1.7 review by the designated provincial director of the case of a YP who has been apprehended and remanded in accordance with Section 108 of the YCJA
 - 2.1.8 the provincial director after review of the case to release the YP or refer the YP's case to the youth justice court in accordance with Section 103 of the YCJA

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3. Community Portion of Custody and Supervision Orders

3.1 The youth justice court may make a custody and supervision order with respect to the YP, ordering that a period be served in custody and that a second period, which is half as long as the first, be served under supervision in the community subject to conditions, i.e., the first two-thirds of the sentence in custody and last third of the sentence under community supervision. The total sentence may not exceed two years.

4. Authority to Set Additional Conditions

4.1 In addition to the statutory conditions ordered by the youth justice court at the time of sentencing, a manager, Correctional Services, or any designated provincial director, may, in accordance with Section 97(2) YCJA, set additional custody and supervision conditions to

- 4.1.1 support and address the needs of the YP,
- 4.1.2 promote the reintegration of the YP into the community
- 4.1.3 offer adequate protection to the public

5. Determining Additional Conditions

5.1 Not less than thirty (30) days prior to the YP's release date, the youth worker and probation officer will determine if additional conditions during the community portion of the sentence are required.


5.2 Where the custodial portion of the sentence is thirty (30) days or less, the youth worker and the probation officer will determine if additional conditions are required within seven (7) days of the YP's admission to custody.

5.3 The additional conditions will, reflect the conditions contained in a probation order or other court order that is in effect or scheduled to commence following expiration of the custody and supervision order.

5.4 The additional conditions will, at minimum, require the YP to

- 5.4.1 report to a probation officer at a given date, time, location and thereafter as required
- 5.4.2 reside at a specific street address

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5.5 The conditions should be briefly stated, specific, and not be subject to latter modification by the probation officer.

5.6 Where the YP has been transferred to a provincial adult correctional facility, the superintendent will designate to identified staff the responsibilities of the youth worker.

6. Responsibilities of the Probation Officer

6.1 After the additional conditions have been identified, the designated probation officer will

- 6.1.1 enter the recommended conditions on JEIN:
Courts/Orders/Supervision Order/Supervision Conditions
- 6.1.2 notify the manager, Correctional Services that the conditions are ready for review and approval

7. Approval of Additional Conditions

7.1 Prior to approving the recommended conditions, the manager, Correctional Services may add, modify, or delete conditions as appropriate.


7.2 Upon approving the additional conditions on JEIN, the manager, Correctional Services will notify the probation officer and Nova Scotia Youth Centre (NSYC).

8. Notice of Additional Conditions

8.1 Once the additional conditions are approved, designated NSYC staff will

- 8.1.1 print a paper copy of the additional conditions
- 8.1.2 read and explain the new conditions to the YP prior to release
- 8.1.3 confirm that the YP understands the additional conditions including the consequences for failure to comply
- 8.1.4 have the YP sign the additional conditions document
- 8.1.5 provide a copy of the signed additional conditions document to the YP, the YP's parent or guardian, and the probation officer

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8.2 In accordance with Section 56 YCJA, failure to sign the additional conditions does not affect the validity of the conditions.

9. Level of Supervision

9.1 Unless it has been determined the YP should be supervised at the intensive support and supervision level, all YPs released from custody to serve the community portion of their sentence will be supervised under the reintegration standards for a period of 90 days or until the end of the sentence, whichever comes first in accordance with Policy and Procedures, 20.06.00, *Reintegration Supervision* and 20.07.00, *Intensive Support and Supervision*.