


Chapter:	Youth Sentence Administration	Classification:	Public Document
Subject:	Youth Sentences Served in Adult Facilities		
For:	Community Corrections and Correctional Facilities	 Authorized by Executive Director	

1. Policy

- 1.1 Young persons (YP) serving youth sentences in adult correctional facilities in accordance with to Sections 89, 92 or 93 of the *Youth Criminal Justice Act* (YCJA) are subject to the
- 1.1.1 *Prisons and Reformatories Act* (PRA)
 - 1.1.2 *Corrections and Conditional Release Act* (CCRA)
 - 1.1.3 any other statute, regulation or rule applicable in respect of inmates or YPs


2. Twenty Years Old at Time of Youth Sentence

- 2.1 YPs who are 20 years of age or older at the time a youth sentence is imposed, will be committed to a provincial correctional facility for adults in accordance with to section 89(1) YCJA.

3. Transfer to an Adult Facility Upon Reaching Eighteen Years of Age

- 3.1 A YP serving a youth sentence in a youth custody facility may be transferred to an adult correctional facility upon reaching eighteen years of age in accordance with Section 92(1) of the YCJA.
- 3.2 A request for transfer may be made by the YP or the YP's assigned unit supervisor and will forwarded to the Manager, Correctional Services for review.
- 3.3 The Manager, Correctional Services will consider the following factors in determining whether to proceed with the request
- 3.3.1 if the YP remaining in the youth facility poses safety concerns for other YPs and staff
 - 3.3.2 the YP's participation and commitment to the goals identified in the Reintegration Plan
 - 3.3.3 any specialized programming the YP is currently involved in, i.e., Intensive Rehabilitative Custody and Supervision (IRCS) or Non-Intensive Rehabilitative Custody and Supervision (NIRCS)

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- 3.3.4 if the YP has been diagnosed with emotional, developmental and/or behavioural challenges or level of physical and emotional maturity could hinder the YP's rehabilitation and functioning within an adult provincial correctional facility
- 3.3.5 input from the YP and parents or guardian
- 3.3.6 the principles respecting subsections 83(2) and 84 of the YCJA
- 3.3.7 the length of time remaining in the sentence
- 3.3.8 consultation with the adult provincial correctional facility regarding suitability for transfer
- 3.3.9 any other information that may relevant

- 3.4 If determined the request for transfer is appropriate, the Manager, Correctional Services or delegate will document the request in a memorandum outlining the reasons for request to the Director, Correctional Services and attach the following documentation
 - 3.4.1 custodial report
 - 3.4.2 IWK risk assessment
 - 3.4.3 pre sentence report


- 3.5 The Director, Correctional Services will
 - 3.5.1 review documentation associated with the request
 - 3.5.2 present the request to the Executive Director, Correctional Services.

- 3.6 The Executive Director, Correctional Services will, where appropriate, provide authorization to proceed with the transfer.

- 3.7 Where the Executive Director, Correctional Services has authorized the transfer request, the Manager, Correctional Services or delegate will contact Legal Services for assistance with the court application requesting the transfer of the YP to an adult provincial correctional facility in accordance with to section 92(1) YCJA.

- 3.8 Applications to the youth justice court will be in the approved form ([see form 21.03.00 - A](#)) with the following requirements
 - 3.8.1 forward copies of the form to the YP, parent or guardian, crown attorney and youth justice court

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3.8.2 submit an updated custodial report and a copy of the presentence report


4. Youth Who Reach 20 Years of Age While Serving a Youth Sentence

- 4.1 YPs serving a youth sentence in a youth custody facility who reach 20 years of age will be transferred to a provincial correctional facility for adults to serve the remainder of the youth sentence in accordance with Section 93(1) of the YCJA unless the Manager, Correctional Services orders the YP to continue to serve the sentence in the youth custody facility after taking into consideration the YP's current program and education involvement, reintegration plan, and maturity.
- 4.2 If the Manager, Correctional Services orders the YP to remain in the youth custody facility, the YP will be notified in writing and a copy provided to the parent or guardian.

5. Prisons and Reformatories Act and Corrections and Conditional Release Rules that Apply to Young Persons Transferred to an Adult Facility


- 5.1 The following PRA and CCRA rules apply to YPs serving youth sentences in a provincial adult correctional facility in accordance with Sections 89(1), 92(1) or 93(1) YCJA:
- 5.1.1 The YP is eligible to apply for parole, in accordance with Sections 89(3), 92(3), and 93(3) YCJA.
- 5.1.2 The YP is eligible for earned remission in accordance with Section 197 YCJA.
- 5.1.3 The YP will be credited with remission for the portion of the sentence served in the youth custody facility in accordance with Sections 197 YCJA and 7.1 PRA.
- 5.1.4 The YP is entitled to apply for release on temporary absence.
- 5.1.5 The YP is not entitled to mandatory or optional reviews in accordance with Section 94 YCJA.
- 5.1.6 If a YP is released on parole or transferred to a penitentiary in accordance with to the CCRA, the sentence will be managed as an adult sentence and the YP will not be subject to community and conditional supervision in accordance with the YCJA.

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6. Youth Criminal Justice Act Rules that Apply to Youth Transferred to an Adult Facility

- 6.1 The following YCJA rules apply to YPs serving youth sentences in a provincial adult correctional facility in accordance with Sections 89(1), 92(1) and 93(1) YCJA
- 6.1.1 YCJA restrictions on disclosure of records, publications and information
 - 6.1.2 upon release, the YP is either on community or conditional supervision in accordance with Section 197 YCJA and or parole in accordance with Section 7.3 PRA
 - 6.1.3 the provisions for continuation of custody in accordance with Sections 98, 99, 100, 101 and 104 YCJA continue to apply
 - 6.1.4 if the sentence is under Section. 42 (2) (o), (q) or (r) YCJA, designated youth facility staff will arrange for the YP to be brought before the youth justice court at least one month before the release date to set conditions for conditional supervision in accordance with Section 105 (9)(1) YCJA and Policy and Procedures Subject No. 20.02.00, [YCJA Orders, Release to Conditional Supervision](#)
 - 6.1.5 if the sentence is under sec. 42 (2) (n) YCJA, the provincial director will set conditions for community supervision in accordance with to section 97 (2) YCJA and Policy and Procedures, Subject No. 20.01.00, [YCJA Orders, Custody and Supervision Orders – Setting Additional Conditions.](#)
 - 6.1.6 in accordance with section 197 YCJA, a YP serving a youth custody sentence in an adult facility under section 89, 92 or 93 YCJA is eligible to be released on the earliest of either
 - 6.1.6.1 the date they are entitled to be released with remission
 - 6.1.6.2 the date on which the custodial portion of their youth sentence expires if the custodial portion is set by the court with respect to a sentence made under sections 42 (2) (o), (q) or (r) YCJA

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7. Transfer of Custody to a Penitentiary

- 7.1 If a YP is serving a youth sentence in a provincial correctional facility for adults in accordance with Sections 89(2), 92(2) and 93(2) YCJA, and the remainder of the sentence is two years or more, the Manager, Correctional Services may apply to the youth justice court for the YP to serve the balance of the youth sentence in a penitentiary.
- 7.2 The application will be based on the belief that a transfer is in the best interest of the YP and the public.
- 7.3 The application process will consist of
 - 7.3.1 submission of the approved form ([see form 21.03.00 - A](#)): Notice of Review, as well as a letter of support of the application along with a copy of the pre sentence report and other relevant supporting documentation
 - 7.3.2 copies of the Notice of Review form and report will be copied to the YP, parent or guardian, crown attorney and probation officer.
- 7.4 The YP will not be subject to community and conditional supervision upon release from a penitentiary.

8. Standard Operating Procedures

- 8.1 The Manager, Correctional Services or delegate will establish local standard operating procedures (SOP) to ensure transfer applications to the youth justice court and releases from custody are processed in accordance policy and procedures.