


Chapter:	<b>Youth Sentence Administration</b>	Classification:	<b>Public Document</b>
Subject:	<b>Placement of Youth Serving Adult Sentences</b>		
For:	<b>Community Corrections and Correctional Facilities</b>	 Authorized by Executive Director	

**1. Policy**

1.1 Adult sentences imposed on young persons (YP) will be administered in accordance with the *Youth Criminal Justice Act* (YCJA).


**2. Authority**

- 2.1 When a YP receives an adult sentence in accordance with Section 76(1) YCJA, the youth justice court will, unless it is satisfied that it is not in the best interest of the youth, or that it would jeopardize the safety of others, order the youth to serve the sentence
- 2.1.1 if the YP is under the age eighteen years at the time of sentencing, in a youth custody facility in accordance with Section 76(2)(a) YCJA
  - 2.1.2 if the YP is eighteen years or older, in a provincial correctional facility for adults, or
  - 2.1.3 if the sentence is two years or more, in a penitentiary in accordance with 76(2)(b) YCJA

**3. Adult Placement and Placement Reviews**

- 3.1 Prior to making a placement determination, the youth justice court may provide a representative from Correctional Services, an opportunity to be heard.
- 3.2 In accordance with Section 76(4) YCJA, before making a placement order, the youth justice court may request a report. The report will focus on services and programs available in youth custody facilities and provincial adult correctional facilities, that would benefit the YP.
- 3.3 In accordance with Sections 76(6) and 76 (7) YCJA, the placement of a YP serving an adult sentence may be reviewed by the youth justice court on application of the parent/guardian, YP, Correctional Services, and the Attorney General.

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- 3.4 Applications by Correctional Services for placement review requesting transfer to an adult correctional facility or penitentiary may be initiated by designated youth or adult correctional facility staff.
- 3.5 In accordance with Section 76(9) YCJA, a YP serving an adult sentence in a youth custody facility will be transferred to an adult provincial correctional facility upon reaching 20 years of age unless the court, which made the original placement or reviewed that placement, orders otherwise.

**4. Automatic Conversion of Youth Sentence to Adult Sentence and Placement Rules**

- 4.1 Where a YP is sentenced to an adult term of imprisonment, including an adult sentence imposed under the YCJA with placement in an adult facility, and, at that time, is serving a youth custodial sentence in accordance with Section 184 YCJA and sections 743.5 (1)(2) & (3) of the *Criminal Code* (CC), the remainder of the
  - 4.1.1 youth sentence not yet served, this includes the community portion, will be converted to an adult sentence
  - 4.1.2 youth sentence and the adult sentence will be merged and constitute one sentence of imprisonment to be served in an adult correctional facility in accordance with Sections 92(4) and 184 YCJA and 743.5(3) CC
- 4.2 Where an adult is serving an adult term of imprisonment in a provincial correctional facility and receives a youth custodial sentence, the youth sentence will be
  - 4.2.1 converted to an adult sentence
  - 4.2.2 be merged with any current adult sentence and deemed to constitute one sentence of imprisonment to be served in an adult correctional facility in accordance with section 4.1 of this policy.
- 4.3 When a youth and adult sentence are merged in accordance with Section 7 of the *Prisons and Reformatories Act*, remission will be calculated for
  - 4.3.1 any time the YP has served on the youth sentence, and
  - 4.3.2 the merged sentence

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- 4.4 The remission calculated in accordance with 4.3.1 and 4.3.2 will be credited towards the merged sentence.
- 4.5 If the remaining merged sentence is two years or more, the provisions of Section 743.1 CC regarding rules respecting sentences of two or more years apply, the inmate will be transferred to a penitentiary.
- 4.6 Where a YP is serving an adult sentence in a youth correctional facility and receives a new youth custodial sentence, Correctional Services may in accordance with Section 92(5) YCJA, order the YP serve the sentence, or any portion of the sentence in
  - 4.6.1 a youth custody facility
  - 4.6.2 a provincial adult facility
  - 4.6.3 a penitentiary if the merged sentence is two years or more

**5. Notice to National Parole Board**

- 5.1 When a YP is ordered to serve a portion of an adult sentence in a youth custody facility, designated youth facility staff will inform the National Parole Board of
  - 5.1.1 the YP's name
  - 5.1.2 the facility where the sentence is being served
  - 5.1.3 details of the sentence being served

**6. Standard Operating Procedures**

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