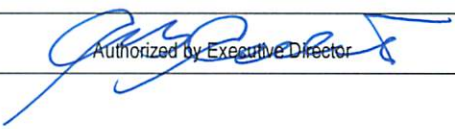


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1. Policy

- 1.1 It is the policy of Correctional Services to ensure that every accused individual in custody, who is entitled to a review of detention, is provided with a court hearing date in accordance with Section 525(1) of the *Criminal Code* (CC) and Section 142 of the *Youth Criminal Justice Act*, as applicable.
- 1.2 The purpose of the detention review is to have a Judge review whether the continued detention of an accused/young person is justified.
- 1.3 The Superintendent of a correctional facility will maintain a system to identify and notify court of jurisdiction of pending applications.

2. Statutory Requirements and Limitations

- 2.1 An accused/young person who is being detained in custody pending trial is entitled to have the detention reviewed by a Judge unless they are detained for an offence listed in section 469 CC.
- 2.2 **Indictable Offence:** If the accused/young person is charged with an indictable offence, the Superintendent will make an application for review of detention prior to the expiration of 90 days,
 - 2.2.1 from the accused's/young person's first appearance before a judge
 - 2.2.2 from the day the accused/young person was taken into custody under an order of detention made upon application by a Crown Attorney for review of an order made by a judge
 - 2.2.3 from the day on which the accused/young person was taken into custody for a breach on a promise to appear, undertaking or recognizance
- 2.3 **Summary Offence:** If the accused/young person, is charged with an offence punishable on summary conviction, then the application will be made prior to the expiration of 30 days.

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3. Procedures

- 3.1 Superintendents or delegate will implement and maintain a bring forward (BF) system, utilizing the JEIN Bail Review Report, to
 - 3.1.1 identify accused's/young person's currently in custody who are entitled to a statutory detention review in accordance with Section 525 (1) CC and Section 142 YCJA, as applicable
 - 3.1.2 record and update review dates
 - 3.1.3 document outcomes, including whether a review is completed or not and the rationale, e.g. court determined the accused/young person was not eligible for a review, inmate waived the review, etc.

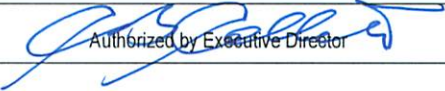
- 3.2 When an accused/young person is entitled to a review of detention, the Superintendent or designate will ensure that the application for a s.525 review is directed to the supreme court where the offence is pending for preliminary hearing/trial.

- 3.3 The Superintendent or designate will ensure that the following documentation is completed and forwarded to the court
 - 3.3.1 Notice of Application to Fix a Date for Review Hearing (see form [23.00.00-A](#))
 - 3.3.2 Affidavit (see form [23.00.00-B](#))
 - 3.3.3 Order (see form [23.00.00-C](#))

- 3.4 It is necessary to prepare an original and three copies of the documentation
 - 3.4.1 the original and one copy for the court of jurisdiction
 - 3.4.2 one copy for the accused/young person
 - 3.4.3 one copy to be retained on the accused's/young person's correctional facility file

- 3.5 It is necessary that the affidavit documentation be sworn in front of a Commissioner of the Supreme Court or a Justice. Superintendents and Deputy Superintendents who have been appointed Commissioners of the Supreme Court of Nova Scotia for the purpose of administering oaths, may take the oath of the staff member preparing the documentation for the purpose of filing the application with the court.

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- 3.6 Upon receipt of the application, the court will review the application to determine whether the accused/young person is eligible for a section 525 review.
- 3.7 Once the superintendent or delegate receives notice from the court of jurisdiction that the application has been scheduled for a bail review, the superintendent or designate will arrange for the documentation to be served on the accused/young person.

4. Standard Operating Procedures (SOP)

- 4.1 Superintendents are responsible to develop SOP to identify the process for
 - 4.1.1 tracking and bringing forward bail review applications in accordance with 3.1 above
 - 4.1.2 communicating with the court of jurisdiction regarding eligible bail review applications for advising offenders of their earliest release date
 - 4.1.3 consulting with court personnel regarding schedule and method of communication