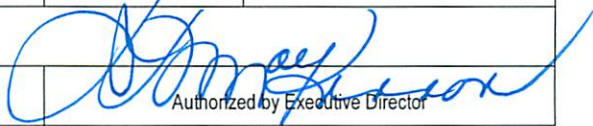


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 Authorized by Executive Director

1. Policy

1.1 The Executive Director, Correctional Services is responsible for the administration of Sections 672.67 through 672.71 of the *Criminal Code of Canada* (CCC) and Section 141 of the *Youth Criminal Justice Act* (YCJA).

2. Delegated Authority

2.1 For the purposes of Section 672.68 CCC, in Nova Scotia the Minister responsible for Correctional Services is the Minister of Justice. In matters related to Sections 672.67 through 672.71 CCC, the Minister of Justice has designated the Executive Director, Correctional Services to act on the Minister's behalf.

3. Authority

3.1 Section 672.67 through 672.71 CCC regarding dual status offenders

3.1.1 provides that offenders may be held in an adult or youth correctional facility, as applicable, pursuant to a warrant of committal, and at the same time be held under the authority of the Criminal Code Review Board (CCRB) with respect to an offence for which they have been found not criminally responsible (NCR) or unfit pursuant to Section 672 CCC

3.1.2 sets out processes that will be followed with respect to offenders held pursuant to warrants of committal and under the authority of the CCRB

3.2 Section 141 YJCA regarding applicable sections of the CCC, specifies that the provisions of the CCC for mental disorders apply to the extent that they may be inconsistent with the YCJA.

4. Definition

4.1 **Dual Status Offender:** a person who is found

4.1.1 not criminally responsible (NCR), pursuant to Section 672.34 CCC or unfit, pursuant to Section 672.22 CCC, and is subject to a custodial disposition under 672.54 (c) CCC in respect of one offence, and

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4.1.2 sentenced on a warrant of committal to a correctional facility in respect of another offence

5. Designate Forensic Facilities

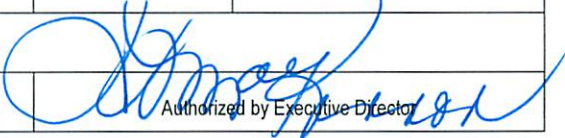
- 5.1 For purposes of Sections 672.67 through 672.71 CCC and Section 141(11) YCJA, the following forensic facilities are designated facilities
 - 5.1.1 East Coast Forensic Hospital (ECFH) for offender's age 18 and older
 - 5.1.2 IWK Secure Care Unit (IWK SCU) for young person's over age 12 but less than age 18, found guilty of an offence under the YCJA

6. New Sentences or Dispositions

- 6.1 Pursuant to Section 672.67(1) CCC, where the court imposes a sentence on an offender, who at the time of the conviction is also NCR or unfit for a previous offence and, who has not received an absolute discharge by the CCRB, the new sentence takes precedence over the NCR or unfit status. In these cases, the offender will normally be held in an adult or youth correctional facility, as applicable, pending any placement decision by the CCRB.
- 6.2 Pursuant to Section 672.67(2) CCC, where an accused is also serving a sentence pursuant to a warrant of committal, and the court makes a finding, with respect to a new offence of NCR or unfit, and makes a custodial disposition ordering that the accused is normally to be held at a designated forensic facility, the new custodial disposition to a forensic facility takes precedence over the warrant of committal to the correctional facility pending any placement decision by the CCRB.

7. Notice


- 7.1 When an offender is admitted to a correctional facility pursuant to any court order and that offender also has a previous NCR or unfit designation, the superintendent will advise in writing the
 - 7.1.1 designated Manager, Policy and Programs
 - 7.1.2 director of the appropriate forensic facility, i.e., ECFH or IWK SCU

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- 7.2 The designated manager, policy and programs will advise the
 - 7.2.1 Executive Director, Correctional Services, or designate
 - 7.2.2 Legal Services Division, Nova Scotia Department of Justice

8. Request for CCRB Review

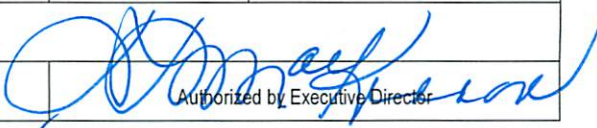
- 8.1 Upon the new admission of the dual status offender to a correctional facility the superintendent will complete a dual status offender report for the Executive Director, Correctional Services, or designate. The superintendent's report will include
 - 8.1.1 reasons why it may be in the best interest of the dual status offender to be held in custody in a designated forensic facility
 - 8.1.2 whether the mental health needs of the offender can be met in a correctional facility
 - 8.1.3 any concerns safety concerns that may impact the well-being of other persons
 - 8.1.4 a summary of criminal charges for which the offender is serving a custody sentence
 - 8.1.5 any program plan that might be implemented should the CCRB determine the offender should be housed in a correctional facility during the period of dual status
 - 8.1.6 any disciplinary/offender incident reports
 - 8.1.7 admission form
 - 8.1.8 admission summary card
 - 8.1.9 LSCMI
 - 8.1.10 the warrant of committal authorizing detention at the correctional facility
- 8.2 If a community sentence is also identified, a Manager, Community Corrections will be notified and a community corrections summary will be prepared.
- 8.3 Following receipt of the report from the superintendent and community corrections, the Executive Director or designate, may make application to the CCRB for a review of the placement of a dual status offender who is held in a correctional facility.

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- 8.4 Upon application to the CCRB, the designated manager, policy and programs will notify Legal Services Division, Nova Scotia Department of Justice of the review and ensure Legal Services receives the following supporting documentation
 - 8.4.1 superintendents report
 - 8.4.2 community corrections report (if applicable)
 - 8.4.3 applicable warrant of committal
 - 8.4.4 most recent "JEIN" report
 - 8.4.5 admission card summary
 - 8.4.6 location within the facility that the dual status offender is being housed (MIOU or general population or forensic hospital)
 - 8.4.7 any reports or assessments carried out by a psychiatrist at the East Coast Forensic Hospital or other hospital within the province, which has been disclosed or made available to Correctional Services
 - 8.4.8 all dual status offender file documents and material in the possession of Correctional Services (i.e. Sentence Management Plan, disciplinary reports, incidents reports)

9. Review by the CCRB

- 9.1 When, in accordance, with Section 672.68 CCC, the CCRB determines a placement review of a dual status offender is warranted, the CCRB will provide notice of the review to the
 - 9.1.1 offender
 - 9.1.2 Executive Director, Correctional Services
- 9.2 Where the offender is an adult and is not being held at the Central Nova Scotia Correctional Facility (CNSCF), the superintendent will arrange for the offender to be transferred to CNSCF pending the outcome of the CCRB placement review.
- 9.3 When a CCRB review is conducted regarding the placement of a dual status offender, the Department of Justice will be represented to provide input in determining the placement as follows
 - 9.3.1 legal services solicitor
 - 9.3.2 superintendent or designate
 - 9.3.3 manager, policy and programs

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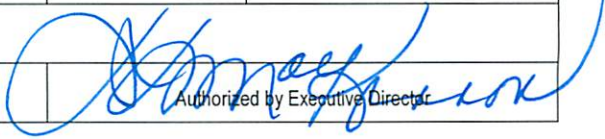
- 9.4 At the request of Legal Services, when possible, the offender’s case management officer (CMO) will attend the CCRB review. The CMO is well acquainted with the case and, if required, the CMO can speak to the history of the dual status offender while in custody and can provide information relevant to the CCRB’s decision, i.e.,
 - 9.4.1 opinion as to whether the offender should be housed in a hospital or in a correctional facility
 - 9.4.2 what privileges the offender should receive (if any)
 - 9.4.3 the level of security required if placed in a hospital

10. Placement Decision

- 10.1 When it is determined that the offender will be held in a designated forensic facility, any outside privileges awarded to the offender during the duration of the warrant of committal will require a conditional release in accordance with
 - 10.1.1 Sections 79 and 80 of the *Correctional Services Act*
 - 10.1.2 Sections 100 to 105 of the *Correctional Services Regulations*
 - 10.1.3 any associated policies
- 10.2 When it is determined the offender be held in a correctional facility as a result of a placement decision by the CCRB, the offender is the responsibility of Correctional Services pursuant to Section 672.68(5) CCC.

11. Sentence Calculations and Count Status

- 11.1 Dual status offenders housed in forensic facilities will have their custodial sentences calculated as if they were in the correctional facility, in accordance policy and procedures, for
 - 11.1.1 adult, Subject No. 25.01.00, [Sentence Calculation – General](#)
 - 11.1.2 youth, Subject No. 21.02.00, [Sentence Calculations](#)
- 11.2 Dual status offenders housed in a forensic facility will
 - 11.2.1 not be taken off the correctional facility on-register count
 - 11.2.2 have an “in-hospital” status
 - 11.2.3 not be included in the in-house count until they return to a correctional facility or reach their release date

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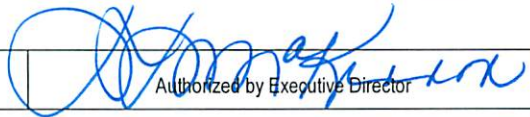
- 11.3 The custody term of dual status offenders housed in a forensic facility will remain active on the Justice Enterprise Information Network (JEIN). The location assignment in JEIN will be “in-hospital” until the offenders return to the correctional facility or the satisfaction of their sentence, see the following policy and procedures regarding custody terms
 - 11.3.1 Subject No. 25.00.00, [Adult Custody Sentence Administration, Custody Term](#)
 - 11.3.2 Subject No. 21.01.00, [Youth Sentence Administration, Custody Terms](#)

12. Case Management

- 12.1 When the CCRB determines the offender is to be held in a correctional facility, the offender is the responsibility of Correctional Services. The facility’s Case Management Team is responsible for case management oversight. Case management will
 - 12.1.1 address criminogenic risk and needs and strengths as determined by the offender’s LS/CMI or YLS/CMI
 - 12.1.2 include an individualized case management plan that sets specific, measurable, attainable, realistic and timely goals for the offender’s time in custody
 - 12.1.3 be developed in consultation with the offender

- 12.2 When the CCRB determines that the offender will be held in a designated forensic facility, the offender is primarily the responsibility of the forensic facility. In such cases
 - 12.2.1 a case management officer from the facility is responsible for coordinating case management between Correctional Services and the forensic facility including
 - 12.2.1.1 maintaining ongoing communication with the Forensics Case Coordinator at minimum once a month, or as needed, to obtain a status update on the case
 - 12.2.1.2 supporting case management of the offender specifically with respect to CCRB decisions regarding outside privileges and discharge planning
 - 12.2.2 the role of the facility’s Case Management Team in each case is an individualized process and will be determined in collaboration with the forensic facility based on the individual risks and needs of the offender


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- 12.2.3 a case management officer will be assigned to every dual status offender
- 12.2.4 the case management officer will be responsible for completing the LS/CMI or YLS/CMI and case plan for offenders applying for Parole or a Conditional Release
- 12.2.5 detailed documentation will be maintained in Justice Enterprise Information Network (JEIN)

13. Discharge of a Dual Status Offender from a Correctional Facility

- 13.1 Not later than six weeks prior to the date that a dual status offender will complete a custodial sentence and would normally be discharged, the superintendent will advise, in writing, the designated manager, policy and programs.
- 13.2 The designated manager, policy and programs will prepare a formal written notice to the CCRB, pursuant to Section 672.7(1) CCC, indicating the time, place and any conditions of discharge. The notice to the CCRB be signed by the Executive Director, Correctional Services.
- 13.3 The designated manager, policy and programs will notify Legal Services Division, Nova Scotia Department of Justice, of the time, place and any conditions of the offender's discharge.
- 13.4 Notice to the CCRB will be provided in sufficient time for the CCRB to make a determination of placement upon discharge from a correctional facility prior to the satisfaction of the custodial sentence.
- 13.5 The designated manager, policy and programs, superintendent or designate, case management officer and legal services solicitor staff may, as required, attend the CCRB hearing to provide input in determining placement upon discharge from the custodial sentence.
- 13.6 When the CCRB makes its determination on placement of a dual status offender upon discharge from a correctional facility, the notice will be sent to the Executive Director, Correctional Services.
- 13.7 Where the CCRB placement decision


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- 13.7.1 does not order the dual status offender to be housed in a forensic facility, the superintendent will release the offender from custody on the offender's scheduled earliest release date
- 13.7.2 orders the placement of the individual in a forensic facility upon release from a correctional facility, the superintendent will arrange for the transfer of the offender to the appropriate adult or youth forensic facility no later than the date of discharge from the custodial sentence, or such earlier date as may be indicated by the CCRB
- 13.7.3 has not been made by the date of the dual status offender's discharge from the custodial sentence, the superintendent will not release the dual status offender to the community but rather will arrange for the admission of the offender to the appropriate adult or youth forensic facility

13.8 Where the dual status offender is an adult and is not in custody at CNSCF, the superintendent may have the dual status offender transferred to CNSCF to facilitate the return of the offender to ECFH on their release date.

14. Probation and Probation to Follow

- 14.1 In accordance with Section 672.71(2) CCC when a dual status offender receives a conditional discharge or a suspended sentence under Section 730 CCC, any associated probation order does not come into force until the CCRB has given the offender a conditional or absolute discharge.
- 14.2 Where an offender remains held in a forensics facility under the authority of the CCRB and is no longer a dual status offender (the warrant of committal to a correctional facility has expired) but has a pending probation order, the Probation Officer is responsible for monitoring the case. In such cases the probation officer will
 - 14.2.1 maintain ongoing communication with the Forensics Case Coordinator at minimum once a month, or as needed, to obtain a status update on the potential release of the offender
 - 14.2.2 remain involved as a support and resource to the forensic facility to assist with discharge planning and/or for other case management functions where appropriate

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- 14.2.3 Determine their role in the case in collaboration with the forensic facility based on the individual risks and needs of the offender
- 14.2.4 maintain detailed documentation in Justice Enterprise Information Network (JEIN)

- 14.3 When the CCRB discharges an accused either conditionally or absolutely as noted above in paragraph 14.1, the CCRB will give notice to the Executive Director or designate.

- 14.4 The designated manager, policy and program will advise the probation officer that the offender's probation order will now come into force.