


Chapter:	Transfers	Classification:	Public Document
Subject:	Agreements with Federal Government Agencies		
For:	Adult Correctional Facilities	 Authorized by Executive Director	

1. Policy

1.1 Correctional Services, Correctional Service of Canada (CSC), and Canadian Border Services Agency (CBSA) will provide services required by law, or in the best interests of the three jurisdictions, pursuant to the terms and conditions of an Exchange of Services Agreements (ESA).

2. New Federal Sentences

2.1 Adults sentenced to federal terms of custody are normally first admitted to a provincial correctional facility. They cannot be transferred to a federal penitentiary until fifteen clear days has expired, i.e., fifteen days excluding the day of admission to custody with a federal sentence and the day of transfer to the penitentiary, or a CSC Waiver of 15-day Delay Period form has been signed.

3. Federal Sentences and Provincial Remands


3.1 When a federally sentenced adult is subject to a provincial remand for a period that exceeds 30 days, the superintendent may request to transfer them back to a federal penitentiary pending their next court appearance, the superintendent will

3.1.1 make such request by completing the Information Sheet for Provincial to Federal ESA Transfer of Provincially Remanded Federal Inmates, form [27.06.00-A](#)

3.1.2 forward the completed form, as well as associated committal and remand warrants to director or delegate

3.2 The director or delegate will initiate contact with the designated CSC Atlantic Regional Headquarters (RHQ) official responsible for the transfers under the ESA.

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4. Federal Remands

- 4.1 When an adult has been remanded to a federal facility by the court, they are normally first admitted to a provincial correctional facility. These adults may be transferred to a federal penitentiary at any time after their admission to a provincial correctional facility unless they are also being held in the provincial correctional facility on a provincial remand under the authority of a separate committal warrant.


5. Parole Suspension

- 5.1 Adults released from federal penitentiary or a provincial correctional facility on parole may be arrested and placed in a provincial correctional facility pursuant to a parole suspension warrant.
- 5.2 On admission to custody of a parole suspension, the superintendent of the receiving correctional facility will
- 5.2.1 ensure the supervising parole officer is advised that the individual is in custody
 - 5.2.2 obtain copies of the committal warrants and associated sentence calculations, and the Admission Card or equivalent, from the releasing correctional facility or federal penitentiary

6. Transfers of Provincial Sentenced Adults to a Penitentiary

- 6.1 Requests from an individual, or from a superintendent, for a transfer to a federal penitentiary to serve their provincial sentence will be forwarded in writing by the superintendent to the director or delegate. The request will describe the reasons for the requested transfer, e.g., security, program or medical purposes.
- 6.2 The director or delegate will initiate contact with the designated CSC Atlantic RHQ official responsible for the ESA transfers.

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6.3 Should the individual be approved by the designated CSC Atlantic RHQ official for transfer to a federal penitentiary to serve their sentence under the ESA, arrangements will be made by the sending correctional facility for their transport, by either the Sheriffs Services or the sending correctional facility, to the appropriate federal penitentiary.


7. Transfer of Federal Offenders to Provincial Correctional Facility

- 7.1 Requests for the transfer of federally sentenced adults to a provincial correctional facility to serve their federal sentence at a provincial correctional facility will be directed to the director or delegate by the designated CSC Atlantic RHQ official.
- 7.2 The director or delegate will discuss the details of the case and solicit the opinion of the superintendent of the receiving institution.
- 7.3 A decision to approve or deny a transfer request will be forwarded to the designated CSC Atlantic RHQ official.
- 7.4 CSC is responsible for the transportation of the federally sentenced adult to the approved provincial correctional facility. The CSC Atlantic RHQ official may contract with the Sheriffs Services to transport the individual to the provincial correctional facility.

8. Temporary Accommodation of a Federally Sentenced Adults

- 8.1 Correctional Service of Canada may, from time-to-time, request that a provincial facility house a federally sentenced adult who is in the area on an escorted temporary absence (ETA) and requires overnight accommodation.
- 8.2 A designated CSC Atlantic RHQ official will forward such requests to the director or delegate. Wherever possible, and subject to the availability of appropriate bed space, the request for temporary or overnight accommodation will be granted.

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9. Requests to Retain Federally Sentenced Adults in Provincial Custody

- 9.1 Correctional Service of Canada may, from time-to-time, request that Correctional Services house federally sentenced Individuals who are
- 9.1.1 newly sentenced to a federal term of incarceration
 - 9.1.2 federally remanded
 - 9.1.3 subject to a parole suspension or revocation
- 9.2 Such requests will be made in writing by the designated CSC Atlantic RHQ official, and, subject to the availability of appropriate bed space, will normally be approved.
- 9.3 The director or delegate will be informed promptly by the superintendent in the event that an adult sentenced to a federal sentence, may be considered for transfer to a provincial correctional facility in accordance with paragraph 6 above.


10. Immigration Detainee

- 10.1 The Immigration and Refugee Protection Act (IRPA) allows for or requires the detention of persons for administrative purposes
- 10.2 Immigration Detainee is defined as a person who is a permanent resident or a foreign national who has been detained by CBSA under the authority of a warrant issued under section 81 of the IRPA for the arrest and detention of a person subject to a security certificate issued under section 77 of the IRPA.
- 10.3 Billing will be followed as per section 12.3 and will only be interrupted if an individual has been sentenced provincially or federally

11. Documentation

- 11.1 Documents that will accompany the individual to the receiving correctional facility or federal penitentiary include

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- 11.1.1 committal warrants
- 11.1.2 CSC's Waiver of 15-Day Delay Period form, in the case of newly sentenced federal offenders, where applicable
- 11.1.3 CSC's warrant of transfer following suspension of statutory release, where applicable
- 11.1.4 sentence calculation information, including any recalculations due to additional warrants, remission adjustments
- 11.1.5 reports and other documentation reflecting current and previous behaviour, disciplinary history, work record, et cetera
- 11.1.6 Health Information Transfer form as required by the *Health Information Transfer Regulations* made pursuant to the *Correctional Services Act*, and in accordance with Policy and Procedures Subject No. 46.06.00 [Health Information Transfer](#)

- 11.2 Documents that will accompany the individual to the receiving correctional facility from CBSA include
 - 11.2.1 detention order, or
 - 11.2.2 warrant

- 11.3 Additional health information may be transferred directly between Nova Scotia Health and the equivalent unit at the federal penitentiary or CBSA office.

- 11.4 Other CSC documentation required for the management of federally sentenced individuals in provincial correctional facilities include
 - 11.4.1 standard CSC profile
 - 11.4.2 provincial remands in federal custody - original remand warrant
 - 11.4.3 if the individual may be released from a provincial facility via a federal warrant - Warrant Expiry or Reinstatement of Parole and written confirmation detailing the warrant expiry date or reinstatement of parole
 - 11.4.3.1 copy of the Cancellation of Suspension which is to be executed upon release
 - 11.4.3.2 where an individual is under suspension and on remand and reaches the end of the federal sentence, the community parole office will provide confirmation of expiry of sentence


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12. Billing Procedures

- 12.1 Nova Scotia Correctional Services will invoice CSC and CBSA for each type of federally sentenced adult or immigration detainee housed in a provincial correctional facility in accordance with the respective ESA, provided no provincial warrants of committal, e.g., provincial remand, are also in force.
- 12.2 The specific circumstance where invoices will be prepared are
- 12.2.1 newly federally sentenced individuals, after the 15-day delay period has expired or been waived, even when they are transferred out on the same day
 - 12.2.2 individuals who are currently serving a federal sentence who are housed in a provincial correctional facility as a result of a new offence, provided a provincial remand is not in effect, regardless of the signing of the waiver
 - 12.2.3 federally sentenced adults who are in custody subject to a parole suspension where no provincial remands or other provincial sentences are also in force
 - 12.2.4 federally sentenced adults temporarily in a provincial correctional facility, e.g., overnight due to an ETA in the area
 - 12.2.5 federally sentenced adults transferred permanently to a provincial correctional facility under the ESA
 - 12.2.6 Immigration detainee
- 12.3 The invoice for each
- 12.3.1 continues for each day they are included on the end-of-the-day (midnight) count in a provincial correctional facility
 - 12.3.2 ends the day preceding the date of transfer to a federal facility
- 12.4 Correctional Services may also invoice CSC and CBSA for other special services where it is reasonable to provide those services, subject to prior agreement between the designated CSC Atlantic RHQ official, CBSA Regional Office, and the director.
- 12.5 Each correctional facility will forward their invoices, including nil responses, in the approved form and with supporting documentation to the

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director or delegate, no later than the 15th of each month, and in the case of March of each year at a time determined by the director. The required supporting documentation includes

- 12.5.1 copy of the waiver
- 12.5.2 copy of detainee order or warrant
- 12.5.3 copy of the Admission Card from the Justice Enterprise Information Network (JEIN)

- 12.6 The director or delegate will forward the consolidated invoices to the Finance and Administrative Services Division for preparation of the formal invoice that will be sent to CSC and CBSA.