


Chapter:	Transfers	Classification:	Public Document
Subject:	Inter-jurisdictional Transfers of Youth Custody Sentences, Including Deferred Custody		
For:	Community Corrections & Youth Correctional Facilities	 Authorized by Executive Director	


1. Policy

- 1.1 It is the policy of Correctional Services that young persons (YP) sentenced to custody, serving the community portion of a custodial sentence, or sentenced to deferred custody and supervision in Nova Scotia may, subject to judicial approval and the consent of the Attorney General, be transferred to another province or territory in accordance with Section 58 of the *Youth Criminal Justice Act* (YCJA).
- 1.2 Further, it is the policy of Correctional Services that inter-jurisdictional transfers may only be approved when there are no or minimal costs to Correctional Services.
- 1.3 The Executive Director, Director, Manager, Correctional Services, and Manager, Policy & Programs are designated as delegates of the Attorney General in accordance with Policy and Procedures, Section 1.05.00, [Designations and Responsibilities](#) for the purposes of consenting to transfers under Section 57 YCJA.

2. Eligibility

- 2.1 A YP serving a custodial sentence is eligible for an inter-jurisdictional transfer when the YP
 - 2.1.1 is sentenced
 - 2.1.2 has no outstanding appeals of sentences in progress within the jurisdiction of Nova Scotia courts
 - 2.1.3 has no outstanding charges before the courts in Nova Scotia, or, where there are outstanding charges, there is written confirmation from the YP that they intend to plead guilty to the charges, and there is consent from the Attorney General of Nova Scotia to waive the charges to the other province or territory
 - 2.1.4 the YP is not subject to a review of sentence in accordance with Section 94 of the YCJA within two months from the date the transfer is requested

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- 2.2 Additionally, the following criteria, as appropriate, will be considered
 - 2.2.1 the transfer will help to reunite the YP with family members, or ensure continued family contact, or
 - 2.2.2 return of the YP to their home community in cases where the YP normally resides outside Nova Scotia

3. Application Process

- 3.1 In accordance with Section 58 of the YCJA, the transfer of a custody sentence to another jurisdiction requires a Waiver of Jurisdiction by the Youth Justice Court in Nova Scotia to the receiving jurisdiction.
- 3.2 The Waiver of Jurisdiction of Youth Custody Sentence form ([see form 27.07.00 - A](#)) is a multiple use consent/court order form which ensures compliance with the provisions of Section 58 of the YCJA as follows
 - 3.2.1 Part I: notice of application
 - 3.2.2 Part II: the consent of the YP for the youth justice court to waive its jurisdiction
 - 3.2.3 Part III: the consent of the Attorney General or delegate for the youth justice court to waive its jurisdiction
 - 3.2.4 Part IV: the waiver of jurisdiction by the youth justice court to permit the youth justice court of the receiving jurisdiction to conduct proceedings under the applicable legislation with respect to the YP's sentence
- 3.3 A request for interjurisdictional transfer will only be considered following receipt of a written request by the YP to the Youth Custody Manager or supervising probation officer as appropriate.
- 3.4 The YP's written request will be accompanied by a supporting letter from the YP's parent(s) or guardian.
- 3.5 Upon receipt of a written request for transfer, the Youth Custody Manager or probation officer will complete Part I of the Waiver of Jurisdiction of Youth Custody Sentence form ([see form 27.07.00 - A](#)).

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- 3.6 The YP is required to give consent to the waiver by completing Part II of the Waiver of Jurisdiction of Youth Custody Sentence form ([see form 27.07.00 - A](#))
- 3.7 The Youth Custody Manager or probation officer will forward the Waiver of Jurisdiction form (with Part I & II completed) to the Manager, Correctional Services. The following documentation, as appropriate, will be included with the application
 - 3.7.1 any supporting letters or documents from family members
 - 3.7.2 custody or community progress report
 - 3.7.3 presentence report
 - 3.7.4 reintegration plan
 - 3.7.5 copy of the sentence order
 - 3.7.6 additional conditions set by the Provincial Director
 - 3.7.7 copy of all warrants of committal
 - 3.7.8 copy of any active probation order or other similar order
 - 3.7.9 report from the youth custody manager/probation officer
- 3.8 For YPs in custody, the submission to the Manager, Correctional Services will also address the following
 - 3.8.1 a community investigation to determine whether a parent, guardian, close relative or a responsible adult
 - 3.8.1.1 is, or will shortly be, living near the receiving jurisdiction,
 - 3.8.1.2 will visit the YP regularly
 - 3.8.1.3 will render assistance upon release
 - 3.8.2 the cost of the transportation and escort
 - 3.8.3 the name and location of the receiving youth facility or, the name and location of the receiving probation officer if the YP is serving the sentence in community

4. Approval Process


- 4.1 Upon receipt of all required documentation, the Manager, Correctional Services will determine whether the application can proceed and
 - 4.1.1 advise the receiving jurisdiction in accordance with the inter-jurisdictional transfer agreements between Nova Scotia and the

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- other jurisdiction made in accordance with Sections 18 of the *Corrections Act* or 58 (1) YCJA, or
- 4.1.2 seek the approval of the receiving jurisdiction where such agreements do not exist
 - 4.1.3 consent to the waiver on behalf of the Attorney General by completing Part III of the Waiver of Jurisdiction of Youth Custody Sentence Order form ([see form 27.07.00 - A](#))
- 4.2 Where a probation order or other similar non-custodial order also exists, the Manager, Correctional Services will ensure the order(s) is transferred in accordance with Policy and Procedures, Subject No. 27.04.00, [Interjurisdictional Transfer of Non-Custodial Youth Sentences](#).
 - 4.3 The Manager, Correctional Services, will forward the original signed copies of the Waiver of Jurisdiction of Youth Sentence Order form and the Waiver Order - Waiver of Jurisdiction form ([see form 27.07.00 - A](#) Waiver of Jurisdiction of Youth Custody Sentence) to the Youth Custody Manager or probation officer as appropriate for approval and endorsement (Part IV) by the youth justice court judge.
 - 4.4 The endorsed waiver application and the original sentence order(s) will be forwarded to the Manager, Correctional Services, who will inform all parties, and forward all documentation to the receiving jurisdiction.
 - 4.5 For YPs in custody, the transportation of the YP will be provided either by the Sheriff's Services, or the sending correctional facility as determined by the Director, or by such other means as may be appropriate, e.g., escorted or unescorted temporary absence or reintegration leave.
 - 4.6 The copies of the original warrants and other transfer information will be
 - 4.6.1 sent with the staff member or sheriffs accompanying the YP
 - 4.6.2 provided to the YP if they are travelling to the new jurisdiction independently
 - 4.7 Upon receipt of correspondence from the Manager, Policy and Programs to the receiving jurisdiction, the Youth Custody Manager or probation officer will record the custody term as closed on JEIN.

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5. Requests for Transfer from Other Provinces or Territories

- 5.1 All requests for transfers of YPs in custody from other provinces or territories will be referred to the Manager, Correctional Services for approval.
- 5.2 Where the YP is in custody, the Manager, Correctional Services will
 - 5.2.1 consult with the Youth Custody Manager of the receiving correctional facility and the Director, and
 - 5.2.2 make the decision based on the same criteria used for processing requests for inter-jurisdictional transfers out of Nova Scotia
- 5.3 Where the YP is serving a deferred custody sentence or the community portion of a custodial sentence, the Manager, Correctional Services will, after giving consent to the transfer, direct the approved request to the receiving probation office for processing.
- 5.4 Final arrangements for coordinating the YP's transfer will be coordinated between the sending and receiving youth centres/offices.
- 5.5 The Youth Custody Manager or probation officer will request the sending jurisdiction to forward, as appropriate, the following documents
 - 5.5.1 original warrants of committal
 - 5.5.2 custody and supervision or conditional supervision order
 - 5.5.3 deferred custody and supervision order
 - 5.5.4 additional conditions set by Provincial Director
 - 5.5.5 waivers of jurisdiction where applicable
 - 5.5.6 presentence report
 - 5.5.7 medical history
 - 5.5.8 social history
 - 5.5.9 previous criminal record, and
 - 5.5.10 custody or community progress report