


Chapter:	Conditional Release	Classification:	Public Document
Subject:	Suspensions and Revocations		
For:	Adult Correctional Facilities	 Authorized by Executive Director	

1. Policy

1.1 It is the policy of Correctional Services to cancel, suspend and, if required, revoke a conditional release or temporary absence when this course of action is in the best interest of the community, correctional facility or the adult on release.

2. Authority

2.1 Pursuant to the delegations made with respect to section 106(2) of the *Correctional Services Regulations*, the following staff are authorized to suspend a conditional release or temporary absence

- 2.1.1 superintendents
- 2.1.2 deputy superintendents
- 2.1.3 assistant deputy superintendents
- 2.1.4 captain
- 2.1.5 Manager, Policy and Programs
- 2.1.6 Directors, Correctional Services
- 2.1.7 Executive Director, Correctional Services


2.2 Pursuant to the delegations made with respect to section 106(2) of the *Correctional Services Regulations*, the suspension report will be prepared by one of the following employees

- 2.2.1 Superintendent
- 2.2.2 deputy superintendent
- 2.2.3 assistant deputy superintendent
- 2.2.4 captain
- 2.2.5 case management officer
- 2.2.6 correctional officer
- 2.2.7 probation officer

2.3 Pursuant to the designations made with respect to section 106(1) of the *Correctional Services Regulations*, where a suspension has occurred, the following positions have the authority to issue a Warrant of Apprehension and Remittal for adult on conditional release or temporary absence

- 2.3.1 superintendent
- 2.3.2 deputy superintendent
- 2.3.3 assistant deputy superintendent

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2.3.4 captain

2.4 Pursuant to the designations made under section 78 of the *Correctional Service Act*, the following positions have the authority to reinstate under the same or different conditions, or revoke a conditional release or temporary absence for an adult

- 2.4.1 Executive Director, Correctional Services.
- 2.4.2 Director, Correctional Services
- 2.4.3 Manager, Policy and Programs
- 2.4.4 Superintendents, deputy superintendents, assistant deputy superintendents and captains with respect to escorted conditional release or temporary absence

3. Violations and Criteria for Suspensions


3.1 An adult is deemed to be in violation of their conditions and will be suspended when they fail to

- 3.1.1 return to the correctional facility at the time specified
- 3.1.2 report to the correctional facility or other designated place as directed by a supervisor, superintendent or any person with authority to suspend a conditional release or temporary absence

3.2 Conditional releases or temporary absences may also be suspended when

- 3.2.1 it is considered necessary and justified to prevent a breach of a condition of the release, e.g., circumstances in the community have changed to the extent that the adult may be in danger of violating the conditional release or temporary absence, if the release occurs or continues
- 3.2.2 the circumstances present when approving the conditional release or temporary absence have changed or no longer exist, e.g., employment has terminated, approved residence is no longer available, home situation is not conducive to continue the release, transportation arrangements have changed
- 3.2.3 the conduct of the adult in the correctional facility has deteriorated
- 3.2.4 safety of the adult or safety of others is at risk

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- 3.2.5 the release has been reassessed based on information that could not reasonably have been available or provided when the absence was authorized
- 3.2.6 the adult is charged with a new offence
- 3.2.7 the adult fails to comply with any other conditions of release

4. Ordering an Adult to Return to Custody


- 4.1 In the event it becomes necessary to suspend a conditional release or temporary absence for an adult while in the community, the suspending authority may order the adult to return to the correctional facility or other specified location, e.g., police station or sheriffs services office, at a specified time.
- 4.2 Where the designated employee initiating the suspension directs the adult to report to a location other than a correctional facility, e.g., police station or sheriff's services office, the designated employee will notify the officer-in-charge of the details regarding the individual's suspension and expected return to the facility.

5. Action Should the Adult Fail to Surrender

- 5.1 Should the adult, whose conditional release or temporary absence has been suspended, fail to return to the correctional facility by the time specified on the certificate or when directed to do so by a designated specified time, the superintendent or designate will
 - 5.1.1 complete a Disciplinary Report in accordance with established procedures
 - 5.1.2 inform the police that the adult has failed to return to the facility pursuant to the terms of the absence
- 5.2 Further, the superintendent or designate will lay or cause to be laid an information against the adult of being unlawfully at large. A decision to formally charge will be made in consultation with the police.

6. Warrants for Apprehension and Recommitment

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- 6.1 In addition, the designated authority will also issue a warrant of apprehension and recommittal for an adult whose conditional release or temporary absence has been suspended. The designated authority will
- 6.1.1 prepare a warrant in the form specified; ([see form 35.16.00 - A](#)): Warrant of Apprehension & Recommittal
 - 6.1.2 deliver, fax or e-mail a PDF version of the warrant to the police services in Nova Scotia, specifically those police services in the area where the adult is thought to be located
 - 6.1.3 forward a copy of the warrant and other relevant information to the designated staff member at Correctional Services Head Office for inclusion on CPIC; see Policy and Procedures, 3.07.00, [Canadian Police Information Centre \(CPIC\)](#).

7. Suspension Report

- 7.1 In accordance with the requirements of section 106(2) of the *Correctional Services Regulations*, the employee who suspends the adult's conditional release or temporary absence will
- 7.1.1 immediately prepare a Suspension Report; ([see form 35.16.00 - B](#))
 - 7.1.2 forward the report to the person who authorized the temporary absence
- 7.2 The suspension report will include
- 7.2.1 details of the suspension, e.g., time, place, circumstances
 - 7.2.2 reasons for the suspension
 - 7.2.3 any possible resulting criminal charges
 - 7.2.4 comments from the adult regarding noncompliance with conditions
 - 7.2.5 supervisor's recommendation on the future status of the release including reinstatement or revocation
- 7.3 Upon review of the report, the designated employee who authorized the release, will make a decision to reinstate under the same or different conditions, or revoke the conditional release or temporary absence.
- 7.4 The designated employee who authorized the release will communicate the decision in writing to the superintendent, who will
- 7.4.1 inform the adult of the decision

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- 7.4.2 if the decision is to revoke, advise the adult of the appeal process
- 7.4.3 process the Disciplinary Report in accordance with established policies and procedures

8. Standard Operating Procedures

- 8.1 Superintendents will establish local standard operating procedures (SOP) to detail the processes to ensure
 - 8.1.1 suspension reports are completed
 - 8.1.2 violations are reported including
 - 8.1.2.1 documentation on a discipline report where contact cannot be established after the second call
 - 8.1.2.2 completion of suspension reports on JEIN and in writing
 - 8.1.2.3 issuance of warrant of apprehension and recommittal
 - 8.1.3 calls to police by designated correctional facility staff to
 - 8.1.3.1 inform the police that the adult has failed to follow the terms of the absence
 - 8.1.3.2 lay or cause to be laid an information against the adult of being unlawfully at large