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Chapter: **Admitting and Discharge**

Classification: **Public Document**

Subject: **Admission to a Correctional Facility**

For: **Adult Custody**

  
Authorized by the Executive Director

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## Policy

- 1 Admissions to a correctional facility are conducted under the authority of a committal order issued pursuant to federal and provincial legislation including
  - (a) Criminal Code (CC)
  - (b) Youth Criminal Justice Act (YCJA)
  - (c) orders made by the provincial director pursuant to the YCJA
  - (d) Corrections and Conditional Release Act (CCRA)
  - (e) Immigration and Refugee Protection Act (IRPA)
  - (f) Summary Proceedings Act
  - (g) National Defense Act
- 2 Individuals will be admitted or re-admitted in accordance with Policy and Procedures, Subject No.
  - (a) [39.02.00](#), Admission and Discharge Searches
  - (b) [38.02.00](#), Adult Offender Personal Property
  - (c) [38.03.00](#), Young Person's Personal Property
  - (d) [46.06.00](#), Health Information Transfer Form
  - (e) [34.05.00](#), Trans and Gender Variant Offenders
  - (f) this policy
- 3 Superintendents/Youth Custody Manager will ensure staff assigned to conduct admissions are properly oriented and are familiar with admission procedures.
- 4 Public safety will be the primary consideration with respect to warrant interpretation.

## Definitions

- 5 Committal order is defined in the Correctional Services Act, Section 2(c) as
  - (a) a court order, including an order of remand

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- (b) an order issued by a provincial director under the Youth Criminal Justice Act for the committal of a person to a correctional facility or a penitentiary.
- 6 Committal orders also include warrants issued under other legislation including
  - (a) parole suspension warrants pursuant to the CCRA
  - (b) warrant for detention pursuant to the IRPA
- 7 Court order is defined in the Correctional Services Act, Section 2(j) as
  - (a) an order issued by a court for the custody or supervision of an individual by the Correctional Services Division
  - (b) in the case of a committal order, an order for the committal of a person to a correctional facility or penitentiary
- 8 Committal orders also include warrants issued under other legislation including
  - (a) parole suspension warrants pursuant to the CCRA
  - (b) warrant for detention pursuant to the IRPA
- 9 Court order is defined in the Correctional Services Act, Section 2(j) as
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  - (b) in the case of a committal order, an order for the committal of a person to a correctional facility or penitentiary
- 10 Biometrics are biological measurements — or physical characteristics — that can be used to identify individuals. For example, fingerprint mapping, facial recognition, the veins in one's hands, and retina scans are all forms of biometric technology.
- 11 Biometrics scanners are hardware used to capture biometrics for verification of identity.

### **Authority for Admission**

- 12 Admissions to custody will be in accordance with the Correctional Services Act, Section 46 and the Correctional Services Regulations, Section 44.

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- 13 Superintendents/Youth Custody Manager will ensure that a duly authorized committal order authorizing the admission of an individual to custody is produced or exists at the time of admission. Such committal orders include
- (a) warrant of committal
  - (b) custody and supervision order
  - (c) intensive rehabilitative custody and supervision order
  - (d) order – breach of a conditional sentence
  - (e) order of remand or pre-trial detention
  - (f) parole suspension warrant
  - (g) warrant of remand and committal (to a hospital) in accordance with Section 4.4 of this policy
  - (h) court ordered assessment (adult), in accordance with Section 4.5 of this policy
  - (i) warrant of apprehension and remand
  - (j) warrant of suspension and apprehension
  - (k) warrant of suspension and remand
  - (l) court ordered assessment (youth)
  - (m) warrant remanding young person in accordance with Section 30(4) YCJA
  - (n) warrant of remand – render of surety
  - (o) warrant of default
  - (p) order for continuation of custody
  - (q) Canada-wide arrest warrant (six-day remand)
  - (r) a document in accordance with Section 527 CC procuring attendance
  - (s) warrant for detention in accordance with the Immigration and Refugee Protection Act
  - (t) warrant of committal in accordance with the Extradition Act
  - (u) judicial document signed by a competent authority including an order executed by a member of the court
  - (v) pursuant to Section 679 CC – a judicial interim release requiring surrender to a

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- (w) a contempt of court order in accordance with Section 708 (2) CC
  - (x) Warrant for Committal in accordance with the Federal Court
- 14 An individual will not be admitted to a correctional facility on a warrant for arrest, other than a Canada-wide arrest warrant (six-day remand).
- 15 When an individual is transferred from a federal penitentiary and admitted to a provincial correctional facility in accordance with Section 527 CC, designated correctional staff will request a copy of all relevant committal orders from Correctional Service Canada.
- 16 A provincial correctional facility may admit individuals under the authority of a warrant of remand and committal to a hospital where the warrant requires the accused person may be held in a provincial correctional facility while awaiting transfer to a hospital, or while being transferred from a hospital to and/or from court.
- 17 Where a provincial correctional facility is co-located with a forensic hospital, an individual may be admitted into custody under a court-ordered assessment when the warrant of remand directs admission to a
- (a) designated hospital and a provincial correctional facility
  - (b) designated hospital without a specific hospital being identified and the correctional facility has an area designated for this purpose

### Endorsement

- 18 For the purpose of this policy a duly authorized committal order authorizing the admission of an individual into custody will be accepted as properly endorsed when signed by a
- (a) judge, justice or justice of the peace
  - (b) provincial director
  - (c) parole officer
  - (d) immigration official
  - (e) police officer, with respect to a Canada-wide arrest warrant (six-day remand)

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- 19 The endorsed committal order may be original, faxed copy, photocopy, scanned or electronically generated by the Justice Enterprise Information Network (JEIN).
- 20 Admissions will be permitted in the absence of an endorsed committal order when
- (a) upon verbal verification by a judge, justice, clerk of the court, designated justice of the peace or provincial director, that a signed committal order authorizing admission to custody exists and that the order will be faxed or emailed to the correctional facility
  - (b) upon confirmation that a current committal order exists on JEIN
- 21 In the absence of documentation, admissions staff will seek verbal confirmation of the existence of a committal order from the transporting agency, and document on the JEIN-generated admissions checklist
- (a) the order is to follow and has been verified on JEIN, or
  - (b) where an order which is not JEIN-generated and is to follow, details regarding the specifics of the order

### **Committal Order Interpretation**

- 22 When reviewing a committal order, the Superintendent/Youth Custody Manager will respect the intent of the court.
- 23 Committal order(s) that appear irregular with respect to the direction they provide to a Superintendent/ Youth Custody Manager will be deemed valid and upheld unless the document is amended by
- (a) the originating court or other legal authority
  - (b) a higher court
  - (c) provincial director
  - (d) Correctional Service Canada
  - (e) Canadian Border Services Agency
- 24 Incomplete or inaccurate information does not nullify a committal order, e.g., incorrect date, year.

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### **Questionable Committal Orders**

- 25 In all cases where the committal order is in question, the individual will not be released until all questions relating to the order have been resolved.
- 26 If the validity of a committal order is in question, the individual will be placed in administrative close confinement in accordance with Policy and Procedures, [Subject No. 43.00.00](#), Administrative and Disciplinary Close Confinement following admission until the committal order can be verified and the custody status determined.
- 27 The designated manager will contact the Superintendent/Youth Custody Manager or Deputy Superintendent, who in turn will seek permission from a Director, Correctional Services, to authorize the release.

### **Conditional Release, Day Parole and Intermittent Sentences**

- 28 Correctional facility staff will re-admit all individuals, in accordance with the committal order in effect at the time of their original admission, who are
  - (a) returning to the correctional facility after being absent from the correctional facility on
    - i. an unescorted conditional release
    - ii. day parole
  - (b) who are reporting or returning to the correctional facility pursuant to a committal order for an intermittent sentence

### **Identification**

- 29 Admitting staff will ensure that the sheriff, police or other official transporting the individual to the correctional facility, verbally confirms the identity as the person whose admission to custody is authorized by the accompanying committal order.
- 30 Superintendents/Youth Custody Manager will ensure that all admissions are photographed for identification purposes during the admission process.
- 31 Superintendents/Youth Custody Manager will ensure that biometric sampling for all admissions is provided using approved biometric scanners.

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32 The photographs will be uploaded on JEIN.

### **Documentation and Justice Enterprise Information Network (JEIN) Entries**

33 During the admission process, admitting staff will

- (a) complete the Self-Identified Admission Questionnaire, [38.00.00-B \(Adult\)](#) or [38.00.00-C \(Youth\)](#) with all individuals to inform placement, assessment and case management
- (b) complete the biometric scan of the person in custody
- (c) complete the JEIN admission process including the
  - i. personal property form in accordance with Policy and Procedures, [Subject No. 38.02.00](#), Adult Offender Personal Property or [38.03.00](#), Young Person Personal Property
  - ii. admission checklist generated by JEIN which will be completed and forwarded to the ADSO, Captain, Unit Supervisor or OIC for verification
- (d) update pertinent health information on the Health Information Transfer Form, in accordance with Policy and Procedures, [Subject No. 46.06.00](#), Health Information Upon Admission (subsection 4.1)

34 Sentence calculation will be completed in accordance with Policy and Procedures, [Subject No. 25.01.00](#), Sentence Calculation – General.

### **Women**

35 In accordance with Section 41(1) of the Correctional Services Act, Section 77 of the Correctional Services Regulations and [34.05.00](#), *Gender Diverse Persons In Custody*, superintendents will ensure

- (a) that women admitted to a correctional facility are housed separately from men
- (b) that video surveillance of women in custody is viewed only by staff of the same gender in situations where viewing by correctional staff of the opposite gender may cause embarrassment or humiliation to the woman, e.g., surveillance of a woman in a cell while disrobing



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### Temporary Housing Women and Young Persons

36 In accordance with Sections 3(1)(b) of the Correctional Services Act and the regulations regarding the Designations of Correctional Facilities, Sections 10 and 11, the temporary housing of women and young persons in correctional facilities that are not designated for that purpose may only be permitted with the approval of the Executive Director.

### Health Assessment

37 Health assessments on new admissions will be completed by Nova Scotia Health Authority (NSHA) or Isaac Walton Killam Hospital (IWK) staff in accordance with NSHA/IWK policy.

38 Where documentation or information received by admitting staff indicates the individual requires medication or may be experiencing medical or mental illness, admitting staff will consult with health care personnel.

39 Where admitting staff has information that the individual may have an infectious disease, the correctional facility's health care staff, when available, will be contacted for an assessment and appropriate referral. They may be placed in medical isolation in accordance with Policy and Procedures, [Subject No. 46.00.00](#), Access to Health Care

40 Those who have been confirmed by health care to be in distress due to a mental illness but not requiring emergency medical attention will be placed on special watch in accordance with Policy and Procedures, [Subject No. 46.15.00](#), Special and Suicide Watches until assessed by a physician.

41 In the absence of health care staff, the individual will be transported to a local emergency room. See Policy and Procedures, [Subject No. 46.00.00](#), Access to Health Care.

### Intoxication

42 Where, upon admission, the individual appears under the influence of drugs or alcohol or experiencing withdrawal symptoms, admitting staff will monitor them in accordance with Policy and Procedures, [Subjects No. 46.13.00](#), Drug or Alcohol Withdrawal and [46.15.00](#), Special and Suicide Watches.



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### Medication

- 43 Medication in an individual's possession upon admission will
- (a) be processed in accordance with Policy and Procedure, [Subject No. 38.02.00](#), Adult Offender Personal Property or [38.03.00](#), Young Person Personal Property
  - (b) not self-administer upon or after admission
  - (c) be re-ordered by the physician responsible for the facility, following an assessment by health care staff and if determined required
  - (d) be destroyed when the date has expired and/or in accordance with Policy and Procedures, [Subject No. 39.08.00](#), Contraband Disposal

### Electronic Supervision Equipment

- 44 Upon admission, where the individual is observed to be wearing Electronic Supervision (ES) equipment, the ES equipment will be removed as per post orders.
- 45 The admitting officer will contact the on-call Probation Officer to advise of the individual's admission to the correctional facility and to arrange for pick-up of the ES equipment on the next normal business day. The on-call Probation Officer contact information will be posted in the admission and discharge area where it is easily accessible to the admission officer.
- 46 The admitting officer will
- (a) place the ES equipment in an evidence bag
  - (b) sign and date the evidence bag
  - (c) store the evidence bag in a secure location until it is retrieved by the probation officer

### Justice Enterprise Information Network (JEIN)

- 47 For additional information or instruction regarding any of the processes in this policy required to be completed on JEIN, log into JEIN and
- (a) click on the help menu tab
  - (b) select Correction Guide

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- (c) under the Corrections Menu select Custody
- 48 All documentation generated through the admission process will be uploaded to FileNet, for additional information or instruction regarding this process, log into JEIN and
- (a) click on the help menu tab
  - (b) select Correction Guide
  - (c) under the Corrections Menu select Custody
  - (d) under custody select View or Add Documents Through Custody Term Management
- 49 In the case of a provincial director's warrant pursuant to Section 102 of the YCJA, to locate the breach warrant on JEIN
- (a) enter the young person's person number
  - (b) select the young person from list
  - (c) go to custody tab
  - (d) select YCJA breach
  - (e) double click to sequence breaches in order of most recent
  - (f) select most recent breach
  - (g) print warrant

### **Standard Operating Procedures (SOP)**

- 50 The Superintendent/Youth Custody Manager will establish in local SOP processes for
- (a) identifying change of status and ensuring changes are made to the individual's earliest release date as appropriate
  - (b) details regarding staff responsible for completion of Self-Identified Admission Questionnaire, form [38.00.00-B \(Adult\)](#) or [38.00.00-C \(Youth\)](#) forwarding court documentation received through admissions to administrative staff, e.g., time intervals
  - (c) contacting the Superintendent/Youth Custody Manager regarding an admission of an individual where a warrant is in question