

Chapter: **YCJA Orders**

Classification: **Public Document**

Subject: **Intensive Rehabilitative Custody and Supervision Orders (IRCS)**

For: **Correctional Services Division**


Authorized by the Executive Director

Policy

- 1 Assessments completed in accordance with section 34 of the Youth Criminal Justice Act (YCJA) will be utilized by Correctional Services to develop and implement a treatment plan and supervision services necessary for the administration and enforcement of an Intensive Rehabilitative Custody and Supervision Order (IRCS).
- 2 Correctional Services approval of the IRCS Treatment Plan is contingent upon the commitment of case-specific funding available through a funding agreement between the Province of Nova Scotia and Justice Canada.
- 3 The Executive Director, Correctional Services is designated, by Order in Council, 2003-131, as the Provincial Director under the YCJA for the purpose of determining, in accordance with Section 42(7)(d) YCJA,
 - (a) that an intensive rehabilitative custody and supervision program is available,
 - (b) the young person's participation in the program is appropriate and voluntary, and
 - (c) advising the court that the young person is or is not an appropriate candidate for this sentence

Definitions

- 4 **IRCS Treatment Plan:** A treatment plan for a young person prepared by Correctional Services, in consultation with involved service providers, for approval by the Executive Director.
- 5 **Forensic Social Worker:** The correctional services forensic social worker who has been assigned to the IRCS case by the Manager, Case Management and Social Work Services or their designate.

Responsibilities


- 6 **Manager, Correctional Services:** Individual designated to oversee the preparation of the IRCS Treatment plan, its implementation and the administration of the activities related to IRCS processes.

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- 7 As part of the IRCS Referral and Assessment Process, to ensure all parties are clear on the IRCS process, the nature of the IRCS sentence, roles and expectations, the youth custody manager, Nova Scotia Youth Centre (NSYC) will schedule a presentence case conference with
- (a) the young person
 - (b) parents/guardians
 - (c) forensic social worker
- 8 The Youth Custody Manager will refer to the IRCS Referral and Assessment Process Flow [Chart – Form 20.03.00 – A](#) on an as needed basis.

IRCS Treatment Plan


- 9 The Youth Custody Manager in consultation with the Manager, Correctional Services and the Senior Probation Officer will
- (a) request a copy of the completed section 34 assessment from the Youth Justice Court
 - (b) lead the preparation of the IRCS Treatment Plan for submission to the Executive Director, Correctional Services
 - i. The author of the section 34 assessment will be contacted and be provided with an opportunity to contribute to the creation of the IRCS Treatment Plan.
- 10 The IRCS Treatment Plan will
- (a) be comprised of an agreement between Correctional Services, and stakeholders on the recommended treatment, programs, services, and reintegration plans
 - (b) include treatment and program interventions which
 - i. may reduce the risk of the young person committing another serious violent offence
 - ii. would be administered during the custody and community portion of the IRCS sentence
 - (c) be prepared in the approved format (see form [20.03.00 – A](#))
- 11 In addition, the IRCS Treatment Plan may include information regarding the amount of time

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required/recommended to accomplish the goals of the proposed plan.

Consent to Treatment

- 12 In accordance with Section 42 (8) of the YCJA, the young person must consent to participation in the IRCS Treatment Plan.
- 13 When the young person does not consent, the Executive Director is not able, in accordance with section 42(7)(d) of the YCJA, to conclude that the young person's participation in the program is appropriate and will advise the Youth Justice Court.
- 14 The young person may withdraw consent after an IRCS sentence is imposed. In such cases, the Youth Custody Manager or Probation Officer will, after confirming with the young person's consent has been withdrawn and consulting with the Manager, Correctional Services submit an application to the Youth Justice Court to convert the IRCS sentence to a custody and supervision order in accordance with Policy and Procedures, subject no. 21.06.00, [Conversion of an IRCS Sentence to Youth Sentence](#).

Consent by Executive Director

- 15 Correctional Services will submit the IRCS Treatment Plan to the Manager, Correctional services, at least 10 working days prior to the Youth Justice Court due date, for review by the Executive Director, Correctional Services.
- 16 In accordance with section 42(7) of the YCJA, the Executive Director will determine if an intensive rehabilitative custody and supervision program is available and the YP's participation in the program is appropriate.
- 17 The Executive Director's decision will be communicated, as an addendum to the IRCS Treatment Plan, to the Youth Justice Court and copied to the crown attorney, defense counsel, and Nova Scotia Youth Centre.