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Chapter: **YCJA Orders**

Classification: **Public Document**

Subject: **Special Post – Sentence Part C Funding Option for Non-IRCS Cases**



For: **Correctional Services Division**

Authorized by the Executive Director

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## Policy

- 1 In accordance with the Agreement Respecting Federal Contributions for the Intensive Rehabilitative Custody and Supervision (IRCS) Program between Canada and Nova Scotia, eligible young person's subject to a sentence made under Section 42(2) of the Youth Criminal Justice Act (YCJA), other than an IRCS sentence may, upon Justice Canada approval, be designated as an eligible person for funding recoveries available under Part C of the IRCS agreement.

## Offence Eligibility

- 2 The young person has been found guilty of an offence during the commission of which they have caused or attempted to cause serious bodily harm and for which offence an adult would be liable to imprisonment for a term of 14 years or more.
- 3 The sentence for the qualifying offence, as referred to in number 2 of this policy, is for a total length of at least one year after deduction of any credit for time spent in detention prior to sentencing.

## Other Eligibility Conditions

- 4 For a young person to be considered an eligible person under Part C of the IRCS agreement, the following additional conditions will be met
  - (a) a medical or psychological assessment of the young person has been completed in accordance with section 34(14) of the YCJA and concluded that they are suffering from a mental illness or disorder, a psychological disorder or an emotional disturbance
  - (b) a plan of treatment and intensive supervision has been developed for the young person, and there are reasonable grounds to believe the plan would reduce their likelihood of repeating the offence or committing a serious violent offence
  - (c) the Manager, Correctional Services has determined that the services and programs required for the implementation of the plan of treatment and intensive supervision are available
  - (d) the Manager, Correctional Services has determined that the young person's

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participation in the services and programs required for the implementation of the plan of treatment is appropriate

- (e) the young person has knowingly and freely consented to the treatment plan
- (f) the young person has not withdrawn their consent to the treatment plan

### **Referral and Assessment Process**

- 5 Where a Youth Worker or Probation Officer determines the young person may meet the offence eligibility requirements for Part C funding, the case will be presented to the Youth Custody Manager, NSYC.
- 6 The Youth Custody Manager will
  - (a) review the young person's circumstances, verify eligibility, and the requirement for extensive treatment services not readily available without Part C funding.
  - (b) consult with the young person and parents and/or guardians regarding the Part C funding requirements
  - (c) refer to the IRCS Referral and Assessment Process Flow Chart – [Form 20.03.03 – A](#) on an as needed basis throughout the referral and assessment process
- 7 After establishing the young person's eligibility, the Youth Custody Manager will refer the case to the Manager, Correctional Services, indicating in writing the reasons for the referral along with the following documentation
  - (a) sentence order(s)/warrant of committal
  - (b) presentence report
  - (c) YLS/CMI
  - (d) copy of psychological/psychiatric report, if available
  - (e) any additional supporting documentation
- 8 The Manager, Correctional Services will confirm the young person's eligibility and, if appropriate, make arrangements for preparation of a psychological assessment including a clinical treatment plan for the purpose of determining eligibility for Part C funding.

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### **Non-IRCS Treatment Plan**

- 9 Once the clinical treatment plan is available, the Youth Custody Manager, or Senior Probation Officer, will arrange a case conference for the purpose of developing a Part C - Non-IRCS Treatment Plan. The case conference will include
- (a) the Youth Custody Manager and other required NSYC staff
  - (b) designated Community Corrections staff
  - (c) Forensic Social Worker

### **Consent to Treatment**

- 10 When determining the appropriateness of the Part C – Treatment Plan the young person must consent to participation in the Treatment Plan.
- (a) In the absence of the young person's consent to participation, an application for Part C funding will not proceed.
- 11 Where an application for Part C funding is approved and the young person later withdraws consent, they stop being an eligible person under the terms of the IRCS funding agreement.

### **Divisional Approval and Submission of Funding Application**

- 12 Once Correctional Services staff have prepared the Treatment Plan, the Youth Custody Manager or Senior Probation Officer will submit the plan to the Manager, Correctional Services for approval.
- 13 The Manager, Correctional Services may seek additional information concerning the proposed sentence plan including detailed cost estimates and eligibility for Part C funding.
- 14 The Manager, Correctional Services will submit the approved treatment plan to Justice Canada while adhering to the confidentiality requirements of the YCJA including
- (a) copy of the court order indicating the qualifying offence
  - (b) summary of the facts indicating the young person, in the commission of the offence, has caused or attempted to cause serious bodily harm
  - (c) letter, signed by the Manager, Correctional Services confirming the

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- i. young person meets all the criteria described in section 2 and 3 above and, should any of those conditions cease to be met, Justice Canada will be advised within five working days
- ii. cost estimate for the first fiscal year of the young person's participation in the services and programs required for the implementation of the Part C – Non-IRCS Treatment Plan

### **Funding Approval**

- 15 The Manager, Correctional Services will notify the Youth Custody Manager, Senior Probation Officer, and Forensic Social Worker, in writing, within two working days of receipt of the Part C funding application decision from Justice Canada.
- 16 Upon approval of Part C funding, the province may request approval to claim for programs and services commencing 30 days prior to the date the application was submitted.

### **Case Management**

- 17 Where an application for Part C funding has been approved, all case management activities and responsibilities will be in compliance with Policy and Procedures, Subject No. 20.30.01, [Intensive Rehabilitative Custody and Supervision – Case Management](#).

### **Federal Reporting Requirements**

- 18 Once a young person has been accepted as an eligible person under the terms of the IRCS agreement, the Manager, Correctional Services will notify Justice Canada within 30 days of the following occurrences
  - (a) a court order modifying or terminating the sentence of the eligible
  - (b) a change in the placement of the eligible young person involving a modification in the level of custody, a transfer to a federal or provincial adult facility, or release to the community
  - (c) any material change in the conditions described in sections 2 and 3 above

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### **Cost Recoveries**

- 19 Procedures for Part C funding cost recoveries under the terms of the IRCS agreement are outlined in Policy and Procedures, Subject No. 20.03.02, [Intensive Rehabilitative Custody and Supervision Sentence - Cost Recovery](#).