


Chapter:	Youth Sentence Administration	Classification:	Public Document
Subject:	Custody Terms		
For:	Youth Facilities	 Authorized by Executive Director	

1. Policy

- 1.1 A custody term begins when the youth justice court sentences a young person (YP) to a
- 1.1.1 custody and supervision order
 - 1.1.2 deferred custody and supervision order


2. Custody Term

- 2.1 The custody term continues
- 2.1.1 during the period, a YP is released from a correctional facility on a conditional release
 - 2.1.2 when a YP is transferred from one correctional facility to another within Nova Scotia
- 2.2 Custody sentences for YPs will be administered in accordance with the applicable legislation, including
- 2.2.1 *Criminal Code of Canada (CC)*
 - 2.2.2 *Youth Criminal Justice Act (YCJA)*
 - 2.2.3 *Corrections and Conditional Release Act (CCRA)*
 - 2.2.4 *Correctional Services Act (CSA)*
 - 2.2.5 *Summary Proceedings Act*
 - 2.2.6 other relevant enactments
 - 2.2.7 case law
- 2.3 Custody sentences may continue to run when a custody term is closed, e.g., out of province for court appearance, apprehended and placed in custody in another province.

3. Justice Information Enterprise Network

- 3.1 When a YP is admitted to a youth correctional facility, a custody term will be created by the Justice Information Enterprise Network (JEIN) during the admissions process.

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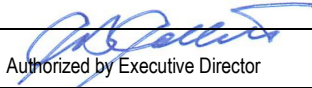
4. Closing and Re-opening Community Custody Terms

- 4.1 The custody term on JEIN will close when a YP
- 4.1.1 is transferred to another jurisdiction, e.g., another province, federal penitentiary, either permanently or temporarily
 - 4.1.2 is released on bail or on appeal
 - 4.1.3 completes the entirety of their sentence in a correctional facility
- 4.2 Intermittent sentences in accordance with section 47(3) of the YCJA are currently not available in Nova Scotia. If the youth justice court orders a YP to serve a custody and supervision order intermittently in accordance with the YCJA section 47 (2), the custody term for an intermittent sentenced YP remains open during the days the YP is not required to be in custody.
- 4.3 The custody term is re-opened in JEIN when a YP had been returned to custody following
- 4.3.1 a breach of community supervision
 - 4.3.2 a transfer back from another jurisdiction
 - 4.3.3 surrendering from appeal bail during an appeal hearing
 - 4.3.4 having been released on bail, following a trial
- 4.4 A custody term is continued in the community as a community supervision sentence (CSS) term in accordance with Policy and Procedures, Subject No. 21.00.00, [Community Supervision Sentence \(CSS\) Terms](#), when
- 4.4.1 the community portion of a custody and supervision order begins
 - 4.4.2 a YP is released from custody on a conditional supervision order, see Policy and Procedures, Subject No. 20.02.00, [Release to Conditional Supervision](#)

5. Unlawfully at Large or Escape

- 5.1 When a YP is unlawfully at large (UAL) or has escaped from custody, the custody term will remain open for a period of one year. It may be re-opened after one year if the YP is subsequently apprehended.

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5.2 The custodial sentence remaining on original warrants at the time of UAL recommences upon the YP's re-admission, see Policy and Procedures, Subject No. 21.02.00, [Sentence Calculations](#).

6. One Day Deemed Served

- 6.1 When a YP is sentenced to one day deemed served by their attendance in court and subsequently released to the community, the facility will
- 6.1.1 not link the one day deemed served warrant of committal to the custody term
 - 6.1.2 terminate the custody term as "released at court"

7. Standard Operating Procedures

- 7.1 The Manager, Correctional Services or delegate will develop standard operating orders (SOP) to identify staff responsible for the maintenance of custody terms including
- 7.1.1 updates to the YP's custody status, e.g., new orders, remands
 - 7.1.2 changes to custody status
 - 7.1.3 remission loss adjustment, if applicable
 - 7.1.4 creating, opening, or updating offender case management (OCM)