


Chapter:	<b>Youth Sentence Administration</b>	Classification:	<b>Public Document</b>
Subject:	<b>Conversion of an IRCS Sentence to a Youth Sentence</b>		
For:	<b>Entire Division</b>	 Authorized by Executive Director	

**1. Policy**

- 1.1 Correctional Services may, as appropriate, may apply to the Youth Justice Court to convert an IRCS sentence to a Custody and Supervision Order.


**2. Procedures**

- 2.1 When a Youth Justice Court reviews an IRCS sentence in accordance with Section 94 YCJA, it may, upon the recommendation of the Provincial Director convert an IRCS sentence to a youth sentence under section
- 2.1.1 42(2)(q) YCJA if the offence was murder, or
- 2.1.2 42(2)(n) or (o) if the offence was not murder
- 2.2 The Executive Director will approve any application to convert the IRCS sentence, see Policy and Procedures, 21.07.00, [Automatic and Optional reviews of Youth Custodial Sentences](#).
- 2.3 Prior to requesting permission to convert the IRCS sentence to a Custody and Supervision Order, designated Correctional Services staff will consider reducing or altering the level of intensity of IRCS services, particularly toward the end of the sentence.
- 2.4 When the young person (YP) or parent/guardian wishes to initiate a review to convert an IRCS Order, they will be advised
- 2.4.1 required therapeutic programs and rehabilitative services may not be available in the absence of IRCS funding
- 2.4.2 the Provincial Director may oppose an application to convert and
- 2.4.3 encouraged to seek a variation of the conditions of the order

**3. Transfer to An Adult Provincial Correctional Facility**

- 3.1 Sections 92 and 93 YCJA provide for the transfer of the custody portion of an IRCS sentence, to an adult facility, see Policy and Procedures, 21.05.00, [Youth Sentences Served in Adult Correctional Facilities](#).
- 3.2 Transfer of a YP serving an IRCS sentence to an adult correctional facility will only be initiated with the approval of the Executive Director.

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- 3.3 The provisions of the Federal/Provincial IRCS Cost Sharing Agreement will continue to apply while the YP is serving the IRCS sentence in a provincial adult correctional facility and upon release to Conditional Supervision.
- 3.4 The Director will ensure upon transfer to a provincial adult correctional facility, arrangements are made for the following operational and treatment requirements
  - 3.4.1 annual and optional reviews of sentence
  - 3.4.2 reviews for setting Conditional Supervision conditions
  - 3.4.3 scheduling of case conferences
  - 3.4.4 provision of treatment services as required under the IRCS Joint Treatment Plan
  - 3.4.5 other IRCS related operational requirements

**4. Conversion of an IRCS Sentence to an Adult Sentence**

- 4.1 Where a YP is sentenced to an adult term of imprisonment and is also serving an IRCS sentence, the youth sentence will be converted to an adult sentence, both sentences are merged, and deemed to constitute one adult sentence.
- 4.2 While therapeutic services continue to be provided by the province, in a provincial adult correctional facility, federal funding for eligible services will be maintained for as the period of the original IRCS sentence would have remained in force if not for the conversion to an adult sentence.
- 4.3 If the new merged adult sentence results in the immediate release of the YP from adult custody, Correctional Services will discontinue all IRCS funding related treatment.
- 4.4 If therapeutic services are continued, the Manager, Correctional Services will ensure administrative procedures are implemented to maintain records and documents to support eligible cost recoveries.

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**5. Early Release to Conditional Supervision**

- 5.1 In accordance with Section 96 YCJA, designated Correctional Services staff may apply to the youth justice court recommending that a YP serving the custody portion of an IRCS sentence be released on conditional supervision in accordance with Policy and Procedures, 20.02.00, [Release to Conditional Supervision](#).
- 5.2 Prior to making an application, designated Correctional Services staff will consult with the IRCS the Manager, Correctional Services and the case management team to ensure the proposed early release is consistent with the IRCS Joint Treatment Plan.