


Chapter:	Youth Sentence Administration	Classification:	Public Document
Subject:	Application for Continuation of Custody		
For:	Community Corrections and Correctional Facilities	 Authorized by Executive Director	


1. Policies

- 1.1 When a young person (YP) serving a youth sentence in an adult or a youth correctional facility in Nova Scotia, has a background that suggests a pattern of persistent violent behaviour, the Manager, Correctional Services will consult with the Director regarding the appropriateness of initiating an application under Section 98(1) of the *Youth Criminal Justice Act* (YCJA) to the youth justice court for the YP to remain in custody for a period not exceeding the remainder of the youth sentence.
- 1.2 If a YP is serving a youth sentence imposed under Sections 42(2)(o), (q), or (r) YCJA and there are grounds to believe the YP is likely to commit an offence causing the death or serious harm to another person before the expiry of the youth sentence, the Manager, Correctional Services or delegate will advise the crown attorney, as the agent of the Attorney General, for the crown attorney to determine whether an application should be sought for continuation of custody in accordance with Section 104(1) YCJA.
- 1.3 When an application is made by the Executive Director or by the crown attorney on behalf of the Attorney General, Correctional Services staff will prepare reports with respect to the factors set out in Sections 98(4) and 104(3) YCJA, as appropriate.

2. Criteria for Application

- 2.1 If, at any time during the custody portion of the youth sentence, including youth sentences served in adult facilities Correctional Services staff has information or other reasonable grounds to believe that the YP is likely to commit either
 - 2.1.1 a serious violent offence as outlined in Section 98 YCJA
 - 2.1.2 an offence causing the death or serious harm to another person in accordance with Section 104(1) YCJA before the expiry of the youth sentence, they will notify in writing, the nature of the concern to the Manager, Correctional Services or the superintendent of the facility where the YP is serving the sentence

Page 1 of 2	Dated Issued: March 1, 2008 Date of Last Revision: July 27, 2009 Current Revision Date: June 30, 2021	Subject No. 21.08.00
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- 2.2 Where, upon consideration of the information provided, the YP is deemed to be a serious risk to the community, the Manager, Correctional Services or the superintendent will consult the crown attorney and the Executive Director, to determine whether an application should be made for a continuation of custody hearing.
- 2.3 Where the Executive Director, or the crown attorney decides to apply for a continuation of custody hearing or requires further information in order to make the decision, the Youth Custody Manager or the superintendent will direct the youth worker or case management officer to prepare Part I of the continuation of custody report ([see form 21.08.00 - A](#))
- 2.4 The designated probation officer will complete the community assessment portion of the continuation of custody report.
- 2.5 Where the Executive Director, or crown attorney makes an application for a continuation of custody hearing, written notice of the hearing will be given to the YP and the YP's parent or guardian, at least five clear business days prior to the hearing. ([See form 21.08.00 - B](#)) The Notice of Review For Continuation of Custody form will contain a statement that the YP has a right to counsel.
- 2.6 Copies of the reports supporting continuation of custody will be provided to the YP, the YP's parent or guardian, the YP's counsel, and the crown attorney.

3. Standard Operating Procedures

- 3.1 Standard operating procedures (SOP) will be established as may be required to ensure applications are made and processed in accordance with applicable legislation, Policies, and Procedures.

Page 2 of 2	Dated Issued: March 1, 2008 Date of Last Revision: July 27, 2009 Current Revision Date: June 30, 2021	Subject No. 21.08.00
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