
Chapter: **Transfers**

Classification: **Public Document**

Subject: **Inter-Jurisdictional Transfers of Adult Probation and Conditional Sentence Orders**

For: **All Community**


Authorized by the Executive Director

Policy

- 1 Correctional Services will facilitate the transfer of individuals serving a probation or conditional sentence order, to other provinces or territories, pursuant to section 733 and 742.5 of the Criminal Code (CC).

General Requirements

- 2 In circumstances where the probation or conditional sentence order does not require the individual to remain within the jurisdiction of the court or at a specific address, the individual may relocate outside the province provided the individual reports to the supervising probation officer their intention to relocate, provides address, and travel plans prior to relocation.
- 3 A probation or conditional sentence order that includes a requirement that the individual remain within the jurisdiction of the court, unless written authorization is provided by their supervisor. If approved, the probation officer may provide a letter of permission to relocate. This letter will identify where the individual will be relocating, and any other instructions necessary to satisfy the conditions of the court order. This letter will be reviewed and signed by the individual and probation officer, indicating the letter was reviewed with the individual.
- 4 Conditions of probation or conditional sentence order involving fines, restitution and community service work should be satisfied before transfer proceedings are initiated. In circumstances where the relocation of the individual may facilitate fulfilment of these or other obligations, a transfer may be considered.

Pre-transfer Preparation

- 5 The transferring probation officer will contact the receiving office advising the individual is relocating to their jurisdiction. The probation officer will provide the individual with
 - (a) the address and telephone number of the receiving probation officer
 - (b) a reporting date in the new office
- 6 The transferring probation officer will scan and email to the receiving office the following information

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- (a) a copy of the probation and/or conditional sentence order(s)
- (b) Pre-Sentence Report
- (c) current risk assessment including any information regarding high profile cases where public notification about the individual may have been made

Formal Transfer Processing

- 7 Once the individual has relocated and a reporting schedule has been confirmed by the receiving jurisdiction, the probation officer will initiate transfer proceedings to that province or territory. The transferring probation officer will
 - (a) prepare the Application to Transfer Probation or Conditional Sentence Order section of the probation or conditional sentence order
 - (b) obtain the original or certified true copy of the probation or conditional sentence order from the Clerk of the Court and ensure the court of equivalent jurisdiction is typed on the original order
 - (c) obtain a certified true copy(s) of the information(s) relating to the probation order to be transferred for inclusion in the transfer package
 - (d) prepare a covering letter to the Manager, Correctional Services including
 - i. the reason for the transfer and indicating the name, title and complete office address of the receiving probation officer
 - ii. the status of fulfilment of any restitution and/or fine conditions in the order
 - iii. specific circumstances of the requested relocation including the address of the court of equivalent jurisdiction
 - iv. the original or certified true copy of the probation or conditional sentence order and a certified copy of the information
 - (e) The Manager, Correctional Services, will forward the transfer application and applicable court orders for approval by the Attorney General or the Deputy Attorney General of Nova Scotia or, in the case of federally prosecuted offences, the Attorney General of Canada.
 - (f) The Criminal Code of Canada requires that the Attorney General or the Deputy Attorney General provide authorization for transfer of a probation or conditional sentence order

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prior to the sentencing judge. However, the judge may choose to sign the probation order prior to the Attorney General to expedite the transfer.

- (g) Upon obtaining the approval of the Attorney General, the Manager, Correctional Services will return the signed application and original court documents to the probation officer.
 - (h) The probation officer will file the application with the clerk of the court and prepare a letter for the court with a copy to the Crown Attorney, requesting that the probation order or conditional sentence order be signed by a Judge, giving specific reasons and information regarding the transfer.
 - (i) Upon obtaining judicial approval for the transfer application, the probation officer will
 - i. return the approved application and original documents to the Manager, Correctional Services
 - ii. complete a closing summary and close the individual case management in JEIN, in accordance with Policy and Procedures, Subject No. 14.01.00, [Community Corrections – Community Case Management](#).
- 8 The Manager, Correctional Services will forward the documentation to the probation officer in the receiving jurisdiction requesting it be filed with the local court of equivalent jurisdiction.