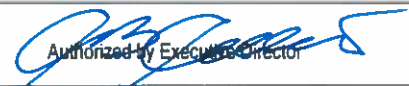


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| Chapter: | Conditional Release | Classification: | Public Document |
| Subject: | General | | |
| For: | Adult Correctional Facilities, Youth Custody Facilities, & Community Corrections |  Authorized by Executive Director | |

1. Policy

1.1 A conditional release is required whenever an adult leaves the secure perimeter of a correctional facility for a specified time, with or without escort, and includes the terms and conditions the individual will follow during the absence.

2. Definitions

2.1 Correctional Services have four categories of a conditional release from custody under the authority outlined in section 3 of this policy

2.1.1 a **conditional release** certificate is an unescorted release of individual from custody as part of a case management plan to support community reintegration, see Policy and Procedures 35.04.00, Conditional Release Application Assessment.

2.1.2 a **temporary absence** certificate is a release of an individual from custody on house arrest conditions or to participate in an escorted community work program, see Policy and Procedures, 35.05.00, Temporary Absence Application Assessment

2.1.3 a **reintegration leave** is a release of a young person from custody either escorted or unescorted for medical, compassionate or humanitarian reasons, rehabilitation, and reintegration of the young person into the community, see Policy and Procedures,


2.1.4 a superintendent's or Youth Custody Manager release certificate, see Policy and Procedures, 35.06.00, Superintendent's Release, is an escorted release to

2.1.4.1 participate in a work program on facility property but outside the secure perimeter

2.1.4.2 an escorted humanitarian release, e.g., attend a funeral

2.1.4.3 unescorted medical release where an individual requires hospitalization due to a significant medical condition, e.g., coma, end of life

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3. Authority

- 3.1 Conditional releases will be granted in accordance with the authority derived from the governing legislation as contained in Section
 - 3.1.1 7 of the *Prisons and Reformatories Act*
 - 3.1.2 77 to 86 of the *Correctional Services Act (CSA)*
 - 3.1.3 100 to 108 of the *Correctional Services Regulations*
 - 3.1.4 91 of the *Youth Criminal Justice Act (YCJA)*

- 3.2 The Minister of Justice, pursuant to Section 78 CSA, has established classes of persons who are authorized to approve conditional releases. Some delegations include limitations on the authority delegated. See Policy and Procedures, Subject No. 1.05.00, Designations and Responsibilities.

- 3.3 Designated classes of persons are not permitted to re-delegate their authority with respect to temporary absences.

4. Guiding Principles

- 4.1 The purpose of the release program is to contribute to the maintenance of a just, peaceful and safe society by facilitating, through decisions on the timing and conditions of release, the reintegration of individuals into the community as law-abiding citizens. Consideration will be given to
 - 4.1.1 **Protection of society** – the risks and needs of the individual that creates an assumable risk
 - 4.1.2 **Reintegration** – to reduce the likelihood of further criminal activity by enhancing the individual's ability to function in society
 - 4.1.3 **Rehabilitation** – access to services within the community to address criminogenic needs

- 4.2 All available information that is relevant to the application is to be considered in deciding to grant the release.

- 4.3 Conditional releases are authorized only for the purpose that is stated on the application and the resulting certificate; only minor changes can be made to an application, e.g., times, dates. Other changes may impact the

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risk assessment for the absence, e.g., purpose of the release, and as such will require a new application be completed.

- 4.4 All applications received will be processed unless they are withdrawn by the applicant in writing.
- 4.5 Individuals in custody will be provided with relevant information, including
 - 4.5.1 information on the types of leaves including the application process and eligibility criteria
 - 4.5.2 reasons for decisions consistent with the *Freedom of Information and Protection of Privacy Act*
 - 4.5.3 access to an appeal processes, pursuant to section 107 of the *Correctional Services Regulations*, to ensure a fair and understandable process

5. Release Reasons

- 5.1 Designated classes of persons may authorize conditional releases that are for reintegration, humanitarian, or medical purposes, and do not exceed the periods set out in this policy.
- 5.2 **Reintegration:** Intended to facilitate the individual's reintegration to the community through participation in meaningful program opportunities that target risks and needs, such as
 - 5.2.1 education
 - 5.2.2 vocational training
 - 5.2.3 employment
 - 5.2.4 volunteer work
 - 5.2.5 treatment for addictions/mental health
 - 5.2.6 events which promote personal growth and reintegration with the family and the community, including religious/spiritual/cultural events or holidays
- 5.3 **Humanitarian:** Intended for
 - 5.3.1 special or emergency situations within the individual's immediate family, e.g., death, serious illness, or other family crisis

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5.3.2 exceptional circumstances which may create undue hardship for an individual in custody such as unnecessary restriction of residual liberties

5.4 **Medical:** Available when it is necessary to release an individual from a correctional facility to maintain their physical or mental health in circumstances where the correctional facility is unable to provide the required intervention or treatment.

6. Duration of Absences

6.1 An adult pursuant to Section 102 of the *Correctional Services Regulations* and paragraph 7.4(1) of the *Prisons and Reformatories Act*, a conditional release for reintegration or humanitarian purposes may be authorized for a maximum of 60 days and may be renewed for one or more 60-day periods on reassessment of the case.

6.2 A young person in accordance with Section 91 (1)(a) of the YCJA may be released on a reintegration leave for a period not exceeding 30 days which may be renewed upon reassessment.

6.3 An absence for medical reasons may be approved for an unlimited period, except when approved as an unescorted superintendent's release then the maximum duration is 72 hours.

7. Eligibility


7.1 To be eligible for conditional release an individual in custody will be sentenced to a term of custody

7.1.1 an adult

7.1.2 a young person transferred from a youth custody facility pursuant to Sections 89, 92 or 93 of the *Youth Criminal Justice Act*, or as a result of an application of Section 743.5 of the *Criminal Code*

7.2 Adults sentenced under the *Immigration Act* are eligible for conditional release.

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7.3 Outstanding charges do not disqualify an individual from applying for conditional release, however, pending charges will be a factor in the final release decision.

8. Timelines

8.1 The delegated authority will provide for the timely exchange of relevant information with other participants in the criminal justice system.

8.2 Applications should normally be made at least three weeks prior to the requested commencement date for the conditional release.

8.3 The Manager, Policy and Programs, Manager, Correctional Services, or other designated person, may shorten these processing deadlines in response to a specific case where exceptional circumstances exist. Staff receiving an application where exceptional circumstances may exist will consult with the Manager, Policy and Programs, Manager, Correctional Services, or other designated person upon receiving the application.

8.4 Where a conditional release is requested for emergency humanitarian purposes, e.g., funeral of an immediate family member, the application and appeal, if required, processing time will be accelerated and a final decision available within 24 hours of the application.