


Chapter:	Admission and Discharge	Classification:	Public Document
Subject:	Release Orders Administered in Custody		
For:	Correctional Facilities	 Authorized by Executive Director	


1. Policy

- 1.1 Correctional Services will facilitate the discharge of individuals remanded to custody who appear via video court facilitated by the correctional facility in accordance with the conditions set out by the justice in pursuant to section 515(2) of the *Criminal Code* (CC).
- 1.2 Correctional Services will maintain custody of the individual ordered to be released where
 - 1.2.1 the individual is being detained on another court order
 - 1.2.2 the release order explicitly requires the individual to remain in custody until a condition of release is met
- 1.3 Individuals will be released from custody when a release order has been issued in accordance with this policy and policy and procedures
 - 1.3.1 21.01.00, Custody Term (Youth)
 - 1.3.2 25.00.00, Custody Term
 - 1.3.3 38.01.00, Discharge from a Correctional Facility
 - 1.3.4 38.02.00, Adult Offender Personal Property
 - 1.3.5 38.03.00, Young Person's Personal Property

2. Procedure

- 2.1 Individuals in custody will attend video court in accordance with Policy and Procedure, 37.14.02 *Court Proceedings – Video Conferencing*.
- 2.2 Following video court appearance designated correctional services staff will advise sentence administrative staff when there is a pending release.
- 2.3 Sentence administration or other designated staff will
 - 2.3.1 review court documents
 - 2.3.2 review the JEIN and manual file to ensure there are no other active orders that would hold the individual in custody
 - 2.3.3 identify and communicate to the designated manager any outstanding conditions that need to be met prior to the inmate's discharge, for example
 - 2.3.3.1 surety

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- 2.3.3.2 transport by sheriff's or correctional services staff to another jurisdiction
- 2.3.3.3 electronic supervision
- 2.3.4 arrange for required signatures
- 2.3.5 forward signed copy of required documents to the appropriate court
- 2.3.6 advise designated correctional services staff and healthcare staff so that discharge process can be initiated, e.g., money, prescriptions, personal property
- 2.3.7 provide a copy of the signed order to be issued to the inmate
- 2.3.8 place a copy of the order on the inmate's manual file and upload to JEIN "custody documents"
- 2.3.9 forward the original order to the court
- 2.3.10 add comments to the custody term referencing the release order
- 2.3.11 update the JEIN custody term information to reflect the new custody term end date

3. Conditions to be Met Before Release

- 3.1 Where the condition to be met before the individual can be released from custody is required to be arranged by Correctional Services, this should be done as soon as possible using best efforts to facilitate compliance with the condition. The sentence administration staff will notify the designated manager. The designated manager will in the case of
 - 3.1.1 surety, arrange for the
 - 3.1.1.1 person providing the surety to access the facility
 - 3.1.1.2 arrange for the presence of the commissioner of oath
 - 3.1.2 transport to another jurisdiction, arrange with the Sheriff Services to facilitate the transfer as soon as operationally possible
 - 3.1.3 requiring electronic monitoring, arrange with Community Corrections to have the monitoring facilitated as soon as operationally possible

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4. Delays in Meeting Conditions

- 4.1 Correctional Services staff will make best efforts to facilitate the requirements of the release conditions, on the day the release order was generated or at a maximum within twenty-four hours, including
 - 4.1.1 where there may be a significant delay in Sheriff Services ability to transport the inmate to another jurisdiction, arrange for correctional services staff to facilitate the transport
 - 4.1.2 where the individual providing the surety is available but there is no commissioner of oath on site, arrange for one to attend the facility
 - 4.1.3 where there is a requirement of electronic supervision after normal business hours contact the on-call probation officer

5. Unable to Meet Conditions

- 5.1 Where the conditions cannot be met in accordance with 4.1, designated Correctional Services staff will immediately contact the crown to consider
 - 5.1.1 varying the order in accordance with section 519.1 CC
 - 5.1.2 scheduling an immediate judicial review

6. Standard Operating Procedures (SOP)

- 6.1 The Superintendent will establish local SOP to identify Correctional Services staff responsible to
 - 6.1.1 confirm, process and document details regarding the release order
 - 6.1.2 immediately address outstanding conditions that need to be met prior to the inmate's discharge
 - 6.1.3 initiate discharge process e.g., money, personal property, notify healthcare
 - 6.1.4 address delays in meeting outstanding conditions
 - 6.1.5 contact the crown when unable to meet conditions

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