


Chapter: **Youth Sentence Administration**

Classification: **Public Document**

Subject: **Automatic and Optional Reviews of Youth Custodial Sentences**

For: **All Community & Youth Custody**


Authorized by the Executive Director

Policy

- 1 The Manager, Correctional Services, or designate responsible for the Nova Scotia Youth Centre will ensure reviews of custody sentences are conducted by the youth justice court in accordance with Sections 94 of the *Youth Criminal Justice Act* (YCJA).

Eligibility for an Automatic Annual Review of a Custodial Sentence

- 2 The designated Provincial Director, in accordance with Sections 94(1) and (2) YCJA, will ensure the automatic review of any custodial sentences that exceed one (1) year, without delay at the end of one year and at the end of every subsequent year from that date, as follows
 - (a) the date of the most recent sentence in the case of a single sentence, including a new sentence on review
 - (b) the date of the first sentence in the case of multiple sentences equalling more than one year

Eligibility for an Optional Review of a Custodial Sentence


- 3 The designated Provincial Director, in accordance with Sections 94(3) YCJA, may, of its own initiative, and will, on the request of a Young Persons (YP), YP's parent or the Attorney General, ensure an optional review of a custodial sentence
 - (a) when the custodial sentence is for a period not exceeding one year, once at any time after the expiration of the greater of
 - i. thirty (30) days after the date of the youth sentence
 - ii. one third of the period of the youth sentence
 - (b) when the custodial sentence is for a period exceeding one year
 - i. at any time after six months after the date of the most recent youth sentence made in respect to the offence
 - (c) with leave of a youth justice court, at any other time where the court is satisfied that there are grounds for the review in accordance with Section 94(6) YCJA

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Responsibilities


- 4 The Sentence Administrator will
 - (a) obtain a court date for the youth justice court review hearing from the court clerk, to be set no earlier than four (4) weeks from the date of the notice of review
 - (b) prepare the notice of the review in the appropriate form ([see form 20.02.00 - A](#))
- 5 The Sentence Administrator will distribute the notice to the YP, the YP's parent(s) or guardian, the Probation Officer (PO), the Crown Attorney and the court.
- 6 Designated youth custody staff will
 - (a) complete a custodial progress report ([see form 21.07.00 - A](#))
 - (b) ensure the custodial progress report is delivered to the designated PO at least fourteen (14) clear working days in advance of the court date for the review hearing
 - (c) arrange for the transportation of the YP to attend court
- 7 The designated Probation Officer will coordinate the preparation of a community assessment ([see form 20.02.00 - B](#)).
- 8 The Probation Officer will complete the community report, as a supplement to the custodial progress report and
 - (a) where the community progress report will be forwarded to another Community Corrections Office for submission to the court, forward the custody progress report to that office at least ten (10) clear working days in advance of the court date for the review hearing
 - (b) submit the community and custodial progress reports and a copy of the presentence report to the youth justice court in accordance with Section 40(5) YCJA at least five (5) clear working days in advance of the court date for the review hearing
 - (c) forward a copy of the community progress report to the NSYC

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Standard Operating Procedures

- 9 The Youth Custody Manager will establish local standard operating procedures (SOP) as required to ensure automatic and optional reviews of sentences occur in accordance with applicable legislation, Policy, and Procedures