

Chapter: **Admitting and Discharge**

Classification: **Public Document**

Subject: **Discharge from a Correctional Facility**

For: **All Custody**

Authorized by the Executive Director

Policy

- 1 Discharges from custody will be based on the authority of appropriate legal documents and conducted in an orderly and efficient manner ensuring the continued security of the individual in custody and the good order of the correctional facility.
- 2 The facility senior manager will ensure staff assigned to discharge individuals from custody are properly trained in discharge procedures.

Authority

- 3 The requirements for discharge from a correctional facility are derived from Section 51 of the [Correctional Services Act](#) and Section 109 of the [Correctional Services Regulations](#).
- 4 Exception, Section 51(2) of the [Correctional Services Act](#) does not apply to young persons in custody pursuant to an order under the [Youth Criminal Justice Act \(YCJA\)](#).

Authority for Discharge

- 5 The facility senior manager will ensure the discharge of an individual from custody is based on the order of a court of competent jurisdiction or other due process of the law. Forms of discharge are
 - (a) termination of sentence
 - (b) end of a custodial portion of a sentence
 - (c) order of court, e.g., judicial interim release (bail) pursuant to Section 679 of the [Criminal Code \(CC\)](#)
 - (d) a document pursuant to Section 527 CC procuring attendance
 - (e) parole, see Policy and Procedures, 34.07.00, [Parole Eligibility](#)
 - (f) parole reinstated, see Policy and Procedures, 25.06.00, [Parole Suspension and Reinstatement](#)
 - (g) review decision (youth)
 - (h) written confirmation from Correctional Services Canada that a federal warrant has been

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satisfied

- (i) conditional release
 - (j) cancellation of a suspension of conditional supervision
 - (k) cancellation of a custody and supervision remand
 - (l) fine paid
 - (m) executive clemency
 - (n) royal prerogative of mercy
 - (o) a judicial document signed by a competent authority including an order executed by a member of the court and include
 - i. appeal
 - ii. release to a hospital
 - iii. release to immigration
 - iv. transfer to a penitentiary
 - v. interjurisdictional transfer
 - vi. release to a responsible person (youth)
- 6 Correctional staff will not add an individual who appears to be eligible for discharge to Custody List by Earliest Release Date generated from JEIN, unless it has been approved by the facility senior manager, e.g., sentence is satisfied, bail, parole continued.
- 7 Correctional staff are permitted to add to the list of individuals going to court generated by JEIN when the facility is in receipt of a new remand order, order to transport or other similar order. See Policy and Procedures, Subject No. 38.01.01, [Transport to Court](#).
- 8 Appeals of sentence may reduce the sentence of an individual. Where the sentence is reduced or varied so that the discharge date has already passed, the individual will, after approval by the facility senior manager in accordance with section 6 above, be immediately released.
- 9 Those who have a sentence expiry date on a weekday will normally be released between the hours of 0700 and 1700 on the date of sentence expiry. Normal processing of individuals

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for court will take precedence, even if this causes a delay in the release of the those who have sentence expiry.

- 10 Pursuant to Section 51(2) of the [Correctional Services Act](#), adults who have a sentence expiry date on a weekend or a holiday when public offices are normally closed will be released on the last business day prior to office closure during the hours identified in section 9.
- 11 Intermittent sentenced adults will be released on the day the warrant expires and at the time designated on the warrant. However, if the sentence expiration date is not the usual discharge date, e.g. sentence expires on a Sunday 0600 hours, but usual intermittent release day is a Monday at 0600 hours then section 10 applies.

Discharge Reconciliation

- 12 As prescribed in SOP, the facility senior manager will confirm who is responsible to ensure
 - (a) JEIN is checked to ensure no new committal orders exist that have not been delivered to the correctional facility
 - (b) every admission document requires a matching authority for release, e.g., if there are six (6) remands there will be six (6) associated bail papers
 - (c) multiple warrants will be scrutinized separately to ensure all warrants are processed
 - (d) paper documents will be matched with JEIN, if there are paper documents in addition to those showing on JEIN, the paper documents take precedence
 - (e) designated administrative staff will prepare release lists
 - (f) designated administrative staff will, within one business day prior to the discharge of an individual, where a custody term is expired, e.g., remand expiries or the sentence is otherwise satisfied
 - i. complete the Discharge Checklist form(s) ([38.01.00-A](#))
 - ii. attach the form(s) to the release listing
 - (g) the Captain or Officer-In-Charge (OIC) will review the form(s) on or before 0200 hours on the day of an individual's discharge. Any incomplete fields will be checked and documented on the form by the captain or OIC

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- (h) the Discharge Checklist will be forwarded to the Deputy Superintendent/ Assistant Deputy Superintendent as applicable or the day OIC following the individual's discharge for auditing purposes

13 Individual administrative files will be placed in accessible location as detailed in local SOP.

Additional Requirements at Time of Discharge

- 14 As prescribed in SOP, the facility senior manager will confirm who is responsible to
- (a) check and comply with all alerts, e.g., High Risk for Domestic Violence, victim notification, in accordance with policy and procedures Subject No. 30.02.00, [HRDV Notification of Individuals Release from Custody](#)
 - (b) confirm the identity of the individual as person whose discharge from custody is authorized by
 - i. comparing their image on JEIN with the individual's appearance
 - ii. comparing the individual's signature on admission with signature on discharge from the personal property declaration form
 - iii. distinguishing characteristics, e.g., scars, tattoos, birth marks
- 15 The discharging staff or Sentence Administration staff, as applicable, will generate a JEIN Live Body Form prior to the discharge of individual's being transported by Sheriff Services, see JEIN: Help Menu/Correction Guide/Custody Menu, Subject, **Facility Admission** for specific instruction.
- 16 In accordance with Policy and Procedures, Subject No. 46.06.00, [Health Information Transfer Form](#), the Health Information Transfer Form will be completed and provided to an officer transferring an individual being discharged.

Discharge of Acutely Ill Persons

- 17 The health care staff will be consulted prior to the discharge of an individual who is found to be acutely ill. The Nova Scotia Health (NSH) or IWK Youth Clinical and Forensic Services will arrange appropriate medical plans prior to release in accordance with NSH or IWK policies.

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Discharge Transportation

- 18 In accordance with the [Correctional Services Regulations](#) Section 113, the facility senior manager will ensure that the individual has the means for acceptable transportation within the Province of Nova Scotia upon discharge.
- 19 The facility senior manager may authorize transportation for individuals be provided at public expense. The travel will be to the individual's home community within the province or another place in the province likely to further their rehabilitation.
- 20 In accordance with Section 51(3) of the [Correctional Services Act](#) and section 109 of the [Correctional Services Regulations](#), where weather conditions may make it unsafe for the individual to travel, the facility senior manager or delegate may make arrangements for them to stay in the correctional facility beyond their sentence expiry date.
- 21 An individual will sign a waiver ([see form 38.01.00-B](#)) when they refuse to
 - (a) accept transportation arrangements made by the facility
 - (b) accept facility accommodations in accordance with section 20 above
- 22 If the individual refuses to complete form [38.01.00-B](#), the Captain or OIC will complete the form.
- 23 The Captain or OIC requesting the individual to complete the form will ensure that the original form is placed on the individual's file.

Reporting Improper Releases

- 24 If an individual is released in error, it will be reported immediately to the facility senior manager who will further report the event in accordance with Policy and Procedure, Subject No. 5.02.00, [Reportable Incidents](#).
- 25 The facility senior manager will notify the Director via email and provide the following information
 - (a) name and person number
 - (b) current offences

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- (c) earliest release date
 - (d) date released
 - (e) when was the error discovered
 - (f) when were police contacted
 - (g) is the individual still at large
 - (h) how long have they been at large
 - (i) are they now in custody, when were they re-admitted
 - (j) what immediate corrective action has been taken to address the error, e.g., procedure change, etc.
- 26 In addition, the Captain or OIC will report the improper release to the local police in accordance with Policy and Procedure, Subject No. 5.08.00, [Contact with Police](#).

Standard Operating Procedures (SOP)

- 27 The facility senior manager will establish such local SOP as may be required to
- (a) ensure the discharge of individuals are processed in accordance with this Policy and Procedure
 - (b) ensure all individuals being discharged from the correctional facility are processed in accordance with Policy and Procedures
 - i. 38.02.00 [Adult Personal Property](#)
 - ii. 38.03.00 [Young Person Personal Property](#)
 - iii. 39.01.00 [Admission and Discharge Searches](#)
 - (c) establish a process for the review of the completed Discharge Checklist form(s) following the individual's discharge, including
 - i. review and sign off of the form by the Deputy Superintendent or day OIC
 - ii. follow up action with respect to errors or omissions
 - iii. process to ensure the form is placed on the individual's administrative file