

2019

CHAPTER Y-3

An Act respecting the Administration of Youth Justice Services and making consequential amendments to other Acts

TABLE OF CONTENTS

<p>PART 1 Preliminary Matters</p> <p>1-1 Short title</p> <p>1-2 Definitions and interpretation</p> <p>1-3 Application of federal legislation</p> <p>1-4 Principles</p>	<p>DIVISION 3 Rules and Regulations for Custody Facilities</p> <p>3-12 Directors to establish rules for custody facilities</p> <p>3-13 Rules and regulations not to be contravened</p> <p>3-14 Non-compliance with rules or regulations</p>
<p>PART 2 Administration</p> <p>2-1 Minister's responsibilities</p> <p>2-2 Agreements re exercise of powers</p> <p>2-3 Grants</p> <p>2-4 Provincial director</p> <p>2-5 Directors of custody facilities</p> <p>2-6 Youth workers</p> <p>2-7 Code of professional conduct</p> <p>2-8 Volunteers</p> <p>2-9 Custodial or supervisory authority</p> <p>2-10 Powers of persons who are peace officers</p> <p>2-11 Prohibitions on contracting with custody facilities and young persons</p>	<p>DIVISION 4 Risk Assessment</p> <p>3-15 Risk assessment</p>
<p>PART 3 Custody of Young Persons</p> <p>DIVISION 1 Custody Facilities</p> <p>3-1 Designation of custody facility</p> <p>3-2 Boundaries of custody facility</p>	<p>DIVISION 5 Young Person Visits</p> <p>3-16 Young person visits</p>
<p>DIVISION 2 Admission and Transfer of Young Persons</p> <p>3-3 Designation of custody facilities by provincial director</p> <p>3-4 Warrant of committal ineffective to specify custody facility</p> <p>3-5 Certificate of health on receipt at custody facility</p> <p>3-6 Care of young person admitted to custody facility</p> <p>3-7 Transfer of young persons</p> <p>3-8 Transfer other than at the request of a young person</p> <p>3-9 Transfer at the request of a young person</p> <p>3-10 Conveyance of young person</p> <p>3-11 Assumption of supervision by another jurisdiction</p>	<p>DIVISION 6 Young Person Communication</p> <p>3-17 Young person communication</p>
	<p>DIVISION 7 Young Person Health Examinations and Treatment</p> <p>3-18 Definitions for Division</p> <p>3-19 Health examination</p> <p>3-20 Removal to health care facilities</p> <p>3-21 Removal from assigned unit re risk of contagion</p>
	<p>DIVISION 8 Use of Force and Restraining</p> <p>3-22 Use of force</p> <p>3-23 Use of physical restraint devices</p>
	<p>PART 4 Search and Seizure</p> <p>DIVISION 1 Interpretation</p> <p>4-1 Definitions for Part</p>
	<p>DIVISION 2 Strip Searches Generally</p> <p>4-2 Strip search – general</p> <p>4-3 Strip searches requiring written reports</p>
	<p>DIVISION 3 Searches of Young Persons</p> <p>4-4 Non-intrusive, pat down search or strip search of a young person</p> <p>4-5 Non-intrusive or pat down search of a young person on reasonable grounds</p> <p>4-6 Strip search of a young person on reasonable grounds</p>

- 4-7 Body cavity search
- 4-8 Periodic searches
- 4-9 Search of rooms on reasonable grounds
- 4-10 Exceptional power of search

DIVISION 4
Searches of Visitors

- 4-11 Search and detention of visitors

DIVISION 5
Searches of Vehicles

- 4-12 Search of vehicles

DIVISION 6
Warnings to be Posted

- 4-13 Warnings about searches

DIVISION 7
**Searches of Youth Workers or Other Persons
Employed in Custody Facility**

- 4-14 Search and detention of youth workers,
other persons employed in custody facility

DIVISION 8
Urinalysis and Bodily Substances

- 4-15 Urinalysis and bodily substance test –
young persons and youth workers

DIVISION 9
Contraband and Trespassing Offences

- 4-16 Contraband and trespassing offences

DIVISION 10
Power to Seize

- 4-17 Power of seizure and disposition
of items seized

PART 5
Seclusion

- 5-1 Definitions for, and application of, Part
- 5-2 Secluded room time
- 5-3 Review by supervisor
- 5-4 Appeal to provincial director
- 5-5 Appeal adjudicators
- 5-6 Appeal to appeal adjudicator

PART 6
Reintegration Leave

- 6-1 Reintegration leave for provincial offences
- 6-2 When a young person is unlawfully at large

PART 7
**Young Person Complaints and Providing
Assistance to Young Persons**

- 7-1 Complaints by young persons
- 7-2 Appeals by young persons
- 7-3 Providing assistance to young persons

PART 8
Informal Discipline

- 8-1 Disciplinary infractions
- 8-2 Steps to be taken by youth worker

- 8-3 Behaviour management consequences
- 8-4 Review by supervisor
- 8-5 Appeal to director
- 8-6 Appeal to provincial director

PART 9
Release Options

- 9-1 Assistance to young persons when released

PART 10
Remote Monitoring Systems

- 10-1 Use of remote monitoring systems

PART 11
Community Youth Justice Services

- 11-1 Definition for Part
- 11-2 Establishment of community
youth justice services
- 11-3 Judicial interim release
- 11-4 Investigation and report

PART 12
Standards and Inspections

- 12-1 System of standards
- 12-2 Standards for facilities, etc.
- 12-3 Inspections and investigations
- 12-4 Power to inspect and investigate

PART 13
General

- 13-1 Detention re *The Summary Offences
Procedure Act, 1990*
- 13-2 Gifts and donations
- 13-3 Accounts
- 13-4 Management of information
- 13-5 Confidentiality
- 13-6 Immunity
- 13-7 Offences and penalties

PART 14
Regulations

- 14-1 Regulations

PART 15
**Repeal, Transitional, Consequential and
Coming into Force**

- 15-1 SS 2003, c Y-2 repealed
- 15-2 Transitional
- 15-3 SS 2012, c A-5.4, section 2 amended
- 15-4 SS 1999, c C-38.01, section 8 amended
- 15-5 SS 2012, c C-39.2, section 82 amended
- 15-6 RSS 1978, c S-52.01, section 14 amended
- 15-7 SS 1990-91, c S-63.1, section 2 amended
- 15-8 SS 2013, c W-17.11, section 100 amended
- 15-9 Coming into force

(Assented to May 15, 2019)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1 Preliminary Matters

Short title

1-1 This Act may be cited as *The Youth Justice Administration Act, 2019*.

Definitions and interpretation

1-2(1) In this Act:

“Advocate” means the Advocate for Children and Youth within the meaning of *The Advocate for Children and Youth Act*;

“business day” means a day other than a Saturday, Sunday or holiday;

“contraband” means any of the following:

- (a) an intoxicant;
- (b) a weapon, any component of a weapon or ammunition for a weapon, or anything that is designed to kill, injure or disable or is altered in such a way that it, if used for the altered purposes, could kill, injure or disable;
- (c) an explosive or bomb, or any component of an explosive or bomb;
- (d) any currency, if possessed without prior authorization;
- (e) tobacco leaves or any products produced from tobacco in any form or for any use, if possessed without prior authorization;
- (f) any other object or substance that may jeopardize the security of the custody facility or the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public, if possessed without prior authorization;
- (g) any other object or substance in the possession of a person contrary to the rules of the custody facility or the regulations;

“contractor” means a person, agency, organization, association, institution or body that enters into an agreement pursuant to section 2-2 to provide youth justice services, and includes any person engaged by the contractor to provide any of the services;

“correctional centre” means a correctional centre as defined in *The Correctional Services Act, 2012*;

“Crown” means the Crown in right of Saskatchewan;

“custody facility” means:

- (a) a place of open custody;
- (b) a place of secure custody;
- (c) a place of temporary detention;

“director” means the director of a custody facility appointed pursuant to section 2-5;

“federal Act” means the *Youth Criminal Justice Act* (Canada);

“federal Regulations” means any regulations made pursuant to the federal Act;

“intoxicant” means a substance that, if taken into the body, has the potential to impair or alter judgment, behaviour or the capacity to recognize reality or meet the ordinary demands of life, but does not include caffeine, nicotine or any authorized medication used in accordance with directions given by a youth worker, a duly qualified medical practitioner, a dentist entitled to practise pursuant to *The Dental Disciplines Act*, a nurse practitioner or any other prescribed person;

“minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“ministry” means the ministry over which the minister presides;

“nurse practitioner” means a registered nurse pursuant to *The Registered Nurses Act, 1988* who is entitled to practise in the nurse practitioner category;

“offence” means an offence against an Act, the *Criminal Code* or any other Act of the Parliament of Canada, an Act of another province or territory of Canada or any regulation or bylaw made pursuant to any of those Acts;

“place of open custody” means a centre, home, institution, camp or other place or facility designated pursuant to section 24.1 of the *Young Offenders Act* (Canada), as it applies for the purposes of section 88 of the federal Act, as a place of open custody, and includes a place or facility within a class of places or facilities so designated;

“place of secure custody” means a place or facility designated pursuant to section 24.1 of the *Young Offenders Act* (Canada), as it applies for the purposes of section 88 of the federal Act, as a place of secure custody, and includes a place or facility within a class of places or facilities so designated;

“place of temporary detention” means a place designated pursuant to section 30 of the federal Act as a place of temporary detention;

“prescribed” means prescribed in the regulations;

“provincial director” means a provincial director appointed pursuant to section 2-4;

“reintegration leave” means the early release of a young person from a custody facility to serve a portion of the sentence outside the custody facility in order to facilitate access to opportunities or programs that have been identified as necessary or useful in enhancing the young person’s ability to reach the goals of the community safety plan;

“supervisor” means a youth worker whose primary responsibility is to exercise authority and perform functions that are supervisory in nature, but who is not a director or the provincial director;

“young person” means a person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or older but less than 18 years of age and, if the context requires, includes a person who, while a young person, is charged with having committed an offence or is found guilty of an offence;

“young person communication” means communication made or intended to be made in any manner, including by oral, written or electronic means between a young person and any other person, including another young person;

“youth justice services” means services provided to young persons pursuant to:

- (a) this Act or under a program established pursuant to this Act and that are related to the assessment, supervision, treatment, training, control, custody, rehabilitation or reintegration of young persons; or
- (b) the federal Act;

and includes:

- (c) similar services provided to young persons pursuant to *The Correctional Services Act, 2012* or *The Summary Offences Procedure Act, 1990*; and
- (d) similar services designated pursuant to clause 14-1(zz) and provided to young persons who have completed a youth sentence or an adult sentence within the meaning of the federal Act;

“youth worker” means a youth worker appointed pursuant to subsection 2-6(1).

- (2) Except where a contrary intention is expressed in this Act, words and expressions used in this Act have the meaning given to them in the federal Act or *The Summary Offences Procedure Act, 1990*.

Application of federal legislation

1-3(1) Unless otherwise provided in this Act or the regulations, the provisions of the federal Act and the federal Regulations apply, with any necessary modification, to youth justice services provided pursuant to *The Correctional Services Act, 2012* or *The Summary Offences Procedure Act, 1990*.

(2) If the Lieutenant Governor in Council makes an order pursuant to section 88 of the federal Act, the following provisions of the *Young Offenders Act* (Canada), as these provisions read the day before the day on which that Act was repealed, apply, with any necessary modification, to youth justice services provided pursuant to *The Correctional Services Act, 2012* or *The Summary Offences Procedure Act, 1990*:

- (a) the definitions of “review board” and “progress report” in subsection 2(1);
- (b) section 11;
- (c) sections 24.1 to 24.3;
- (d) sections 28 to 31.

Principles

1-4 This Act and the regulations made pursuant to this Act must be interpreted and administered in accordance with the following guiding principles:

- (a) youth justice services are intended to protect the public by:
 - (i) holding young persons accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the young person;
 - (ii) promoting the rehabilitation and reintegration of young persons who have committed offences;
 - (iii) supporting the prevention of crime by referring young persons to programs or agencies to address the circumstances underlying their offending behaviour;
 - (iv) reinforcing respect for societal values; and
 - (v) encouraging the repair of harm done to victims and the community;
- (b) youth justice services must be separate from those of adults, must be based on the principle of diminished moral blameworthiness or culpability and must emphasize the following:
 - (i) rehabilitation and reintegration;
 - (ii) fair and proportionate accountability that is consistent with the greater dependency of young persons and their reduced level of maturity;
 - (iii) enhanced procedural protection to ensure that young persons are treated fairly and that their rights, including their right to privacy, are protected;
 - (iv) timely intervention that reinforces the link between the offending behaviour and its consequences;
 - (v) the promptness and speed with which persons responsible for enforcing this Act must act, given young persons’ perception of time;

- (c) within the limits of fair and proportionate accountability, the measures taken against young persons who commit disciplinary infractions mentioned in section 8-1 should be meaningful for the individual young person given the young person's particular needs and level of development and, if appropriate, involve the parents, legal guardian, the community and social or other agencies in the young person's rehabilitation and reintegration;
- (d) young persons sentenced to custody retain the rights of other young persons, except the rights that are necessarily removed or restricted as a consequence of a sentence;
- (e) the custody facility facilitates the involvement of the families of young persons and members of the public;
- (f) decisions respecting a young person will be made in a forthright, fair and timely manner, and young persons will have access to an effective review process;
- (g) youth justice services will respect gender, ethnic, cultural and linguistic differences and respond to the needs of indigenous young persons and of young persons with special requirements;
- (h) the least restrictive measures consistent with the protection of the public, youth workers and young persons will be used;
- (i) the health, well-being and safety of young persons will be considered in the provision of youth justice services;
- (j) youth workers will conduct themselves according to any applicable code of professional conduct established pursuant to section 2-7;
- (k) the ministry will provide opportunities for the public and other organizations to participate in the development and delivery of youth justice services.

PART 2 Administration

Minister's responsibilities

- 2-1(1)** The minister is responsible for all matters not by law assigned to any other minister, ministry or agency of the Government of Saskatchewan relating to youth justice services.
- (2) The minister may establish and provide youth justice services in accordance with this Act and the regulations.
- (3) Without limiting the generality of subsection (2), the minister is responsible for:
 - (a) the establishment, administration, maintenance and operation of custody facilities that the minister considers advisable to provide for the necessary custody, detention, support and education of persons to whom youth justice services are provided;

- (b) the coordination, development, implementation and promotion of policies and programs with respect to custody facilities and youth justice services;
 - (c) the provision of assistance to the courts;
 - (d) the provision of youth justice services, including the assessment, supervision, treatment, training, control, custody, rehabilitation or reintegration of young persons;
 - (e) the establishment of youth justice services to prevent and reduce crime; and
 - (f) the establishment, implementation and promotion of programs for public education respecting the criminal justice system.
- (4) The minister may enter into arrangements with any person, agency, organization, association, institution or body for the provision of youth justice services, including arrangements by which the minister is obliged to make payments for the provision of those services.

Agreements re exercise of powers

2-2 Subject to sections 18 and 19 and Part IV of *The Executive Government Administration Act*, the minister may enter into agreements with the Government of Canada, the government of any province or territory of Canada or any person, agency, organization, association, institution or body inside or outside Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties or functions:

- (a) delegated to Saskatchewan by or pursuant to the federal Act or the federal Regulations; or
- (b) assigned to the minister by or pursuant to this Act.

Grants

2-3 The minister may:

- (a) make grants, subject to any terms and conditions the minister considers appropriate, to any person, agency, organization, association, institution or body within or outside Saskatchewan:
 - (i) for the benefit of young persons; or
 - (ii) to assist in the research, development, expansion or maintenance of youth justice services; and
- (b) subject to *The Purchasing Act, 2004*, authorize the purchase of goods and services required for the efficient administration of youth justice services and custody facilities established pursuant to this Act.

Provincial director

2-4(1) The minister may appoint a provincial director to exercise the powers and carry out the duties and functions, generally or in specific cases, conferred or imposed on the provincial director by this Act, the federal Act, *The Summary Offences Procedure Act, 1990* or *The Correctional Services Act, 2012*.

(2) The minister may appoint a person as acting provincial director to act during the absence or inability to act of a provincial director.

(3) The provincial director may delegate to any employee of the ministry the performance of any responsibility imposed on the provincial director or the exercise of any power conferred on the provincial director, other than the power of delegation pursuant to this section.

(4) The provincial director may set any limit or condition on a delegation pursuant to subsection (3) that the provincial director considers reasonable.

(5) The carrying out of any of the responsibilities of the provincial director or the exercise of any of the powers of the provincial director by the acting provincial director or an employee of the ministry to whom the responsibility or power is delegated pursuant to subsection (3) is deemed to be a carrying out of the responsibility or an exercise of the power by the provincial director.

Directors of custody facilities

2-5(1) The provincial director may appoint a director for each custody facility.

(2) Each director is responsible, under the supervision of the provincial director and within the custody facility for which the director has been appointed, for:

- (a) the safe, secure and efficient operation of that custody facility through the overall management and administration of the custody facility;
- (b) the provision of youth justice services to assist in the rehabilitation and reintegration of young persons in that custody facility; and
- (c) the administration of this Act and the regulations within that custody facility.

(3) If there is no director or if the director is absent, the provincial director may appoint a youth worker as acting director to perform the duties and responsibilities of the director for that custody facility.

(4) A director may delegate to any youth worker the performance of any responsibility imposed on the director or the exercise of any power conferred on the director, other than the power of delegation pursuant to this section.

(5) A director may set any limit or condition on a delegation pursuant to subsection (4) that the director considers reasonable.

(6) The carrying out of any of the responsibilities of a director or the exercise of any of the powers of a director by an acting director or by a youth worker to whom the responsibility or power is delegated pursuant to subsection (4) is deemed to be a carrying out of the responsibility or an exercise of the power by that director.

Youth workers

2-6(1) A provincial director may appoint as youth workers, generally or in specific cases, one or more persons who are employed in or assist in the administration of this Act.

(2) Youth workers:

- (a) may exercise the powers conferred on youth workers pursuant to this Act and the federal Act; and
- (b) shall carry out the duties and functions imposed on youth workers pursuant to this Act and the federal Act.

Code of professional conduct

2-7(1) The provincial director may establish:

- (a) a code of professional conduct for all youth workers; or
- (b) one or more codes of professional conduct for different classes of youth workers.

(2) Every youth worker shall comply with the code of professional conduct that is applicable to that youth worker.

Volunteers

2-8(1) The provincial director may appoint any person, with that person's consent, as a volunteer to provide youth justice services for young persons.

(2) The powers and duties of a volunteer are those specified by the terms of the volunteer's appointment.

(3) The provincial director may determine the manner of screening, the qualifications and the training required of volunteers.

(4) Every volunteer who provides youth justice services is subject to the direction of the provincial director.

Custodial or supervisory authority

2-9 Every person who has the power and responsibility to provide a youth justice service has custodial or supervisory authority over any young person to whom that youth justice service relates.

Powers of persons who are peace officers

2-10(1) The minister may appoint any of the following, either by name or class, as a peace officer, and a person so appointed has all of the powers, authority, responsibility, protection and privileges that a peace officer has by law while carrying out the peace officer's duties pursuant to this Act or the regulations:

- (a) the provincial director;
- (b) a director;
- (c) youth workers;
- (d) employees of custody facilities, other than youth workers who are designated by the minister to be persons or categories of persons to whom section 12-3 applies;
- (e) a person whose home has been designated as a place of open custody.

(2) Every peace officer, while acting in the performance of the duties of a peace officer for the purposes of this Act or the regulations, may arrest without warrant any person who has committed an offence in any custody facility or who the peace officer believes, on reasonable grounds, has committed or is about to commit an offence in any custody facility.

(3) A person detained by a peace officer must:

- (a) be informed promptly of the reasons for the detention and the person's right to retain and instruct a lawyer;
- (b) be given a reasonable opportunity to retain and instruct a lawyer; and
- (c) be given any other prescribed information.

Prohibitions on contracting with custody facilities and young persons

2-11(1) No person providing a youth justice service within a custody facility, including any employee of the ministry, volunteer, contractor or employee of a contractor, shall, on the person's own behalf or on behalf of any other person, without the approval of the provincial director:

- (a) provide, supply or transport any materials, goods or provisions for the use of a custody facility; or
- (b) have an interest, directly or indirectly, in providing, supplying or transporting any materials, goods or provisions for the use of a custody facility.

(2) No person providing a youth justice service, including any employee of the ministry, volunteer, contractor or employee of a contractor, shall, without the approval of the provincial director:

- (a) buy anything from or sell anything to a young person;
- (b) employ a young person to provide services for the personal gain of the person; or
- (c) take or receive for personal use or for the personal use of another person any fee or gratuity from a young person, a visitor to a custody facility or any other person with respect to a young person.

PART 3**Custody of Young Persons****DIVISION 1****Custody Facilities****Designation of custody facility**

3-1 Subject to the regulations, the minister may designate any place as a custody facility.

Boundaries of custody facility

3-2 If a young person is participating in youth justice services according to the terms and conditions of participation, the following are deemed, for the purposes of this Act, to be part of the custody facility in which the young person is admitted:

- (a) every street, highway or public thoroughfare that the young person uses while participating in the youth justice services;
- (b) every place of employment, educational institution or public place of any kind that the young person attends while participating in the youth justice services.

DIVISION 2**Admission and Transfer of Young Persons****Designation of custody facilities by provincial director**

3-3 The provincial director may designate the custody facility to which a young person or a category of young persons may be admitted.

Warrant of committal ineffective to specify custody facility

3-4 A young person who is sentenced, committed or transferred to a custody facility may be received into any custody facility, as directed by the provincial director, and any designation of a particular custody facility in a warrant of committal is of no force or effect.

Certificate of health on receipt at custody facility

3-5(1) Subject to the regulations, the director may, before accepting a young person into custody under a warrant of committal, require a certificate of a duly qualified medical practitioner or a nurse practitioner that certifies for that young person all of the following:

- (a) the state of health of the young person;
- (b) that the young person is fit for transfer;
- (c) any other prescribed circumstances or matter.

(2) A young person sentenced to, or ordered by a youth justice court to be conveyed to, a custody facility from any other place to which the young person was sentenced or from which the young person is ordered to be conveyed may remain and be kept in lawful custody at that place until the certificate of health required by this section has been provided.

Care of young person admitted to custody facility

3-6 The minister has all the rights and responsibilities of a parent or legal guardian of a young person admitted to a custody facility until that young person is released on completion of the term of custody under the youth sentence.

Transfer of young persons

3-7 Subject to section 3-8, the provincial director may authorize the transfer of a young person confined or detained in a custody facility to:

- (a) another custody facility; or
- (b) a correctional centre, if ordered by a youth justice court.

Transfer other than at the request of a young person

3-8(1) A young person may be transferred if the director of the custody facility in which the young person is being confined or detained determines that it is necessary to transfer the young person immediately for:

- (a) the security of that custody facility;
- (b) the safety of the young person or of any other person; or
- (c) any other prescribed reason.

(2) If the director of the custody facility in which the young person is being confined or detained determines that it is necessary to transfer the young person immediately for any of the reasons mentioned in subsection (1), the director of the custody facility to which the young person is transferred must:

- (a) meet with the young person not more than 2 business days after the transfer to explain the reasons for the transfer and give the young person an opportunity to make representations with respect to the transfer in person verbally or, if the young person prefers, in writing;

- (b) forward the young person's representations to the director of the custody facility from which the young person was transferred; and
 - (c) give, in accordance with the regulations, the young person written notice of the final decision with respect to the transfer, including the reasons for the decision.
- (3) If a young person is transferred pursuant to subsection (1), the director of the custody facility in which the young person is being confined or detained shall advise the parent or legal guardian of the young person of the transfer within 12 hours after the young person leaves the facility.
- (4) A young person may appeal any decision affecting the young person that was made by a director pursuant to this section by providing the provincial director with a notice of appeal in the form provided by the provincial director.
- (5) The notice of appeal must set out:
- (a) the circumstances and any other relevant particulars of the matter being appealed; and
 - (b) the reasons why the young person believes the decision should be set aside or varied.
- (6) An appeal pursuant to this section must be dealt with and determined in accordance with the regulations.
- (7) The provincial director shall uphold, amend or overturn the decision on appeal.
- (8) The decision of the provincial director on appeal is final.

Transfer at the request of a young person

- 3-9(1)** A young person may make a request in writing to the director of the custody facility in which the young person is being confined or detained for a transfer to:
- (a) another custody facility;
 - (b) a correctional centre; or
 - (c) an institution for the custody of young persons in another province or territory of Canada.
- (2) On receipt of a written request for a transfer pursuant to subsection (1), the director must consider the request and give, in accordance with the regulations, written notice to the young person of the director's decision with respect to the transfer.
- (3) A young person may appeal any decision affecting the young person that was made by the director pursuant to this section by providing the provincial director with a notice of appeal in the form provided by the provincial director.
- (4) Subsections 3-8(4) to (8) apply, with any necessary modification, to an appeal made pursuant to this section.

Conveyance of young person

3-10(1) The provincial director may authorize any person to convey a young person in custody at a custody facility to:

- (a) another custody facility;
- (b) a correctional centre, if ordered by a youth justice court; or
- (c) an institution for the custody of young persons in another province or territory of Canada.

(2) Any young person who is transferred pursuant to this Act is, during the conveyance, subject to the rules established pursuant to section 3-12 applicable to the discipline of the custody facility to which the young person is being transferred and the regulations.

(3) A copy of an authorization made pursuant to section 3-7 is sufficient authority for a peace officer or any other person carrying out the intent of this Act to comply with the authorization and to deliver, convey or receive the young person named in it.

Assumption of supervision by another jurisdiction

3-11 If an agreement has been made between Saskatchewan and another province or territory of Canada, the provincial director may arrange for appropriate authorities in the other jurisdiction to assume supervision of a young person who is subject to an order of the youth justice court, including an order committing the young person to custody.

DIVISION 3**Rules and Regulations for Custody Facilities****Directors to establish rules for custody facilities**

3-12(1) Subject to the approval of the provincial director, the director shall establish rules that are consistent with this Act and the regulations with respect to matters mentioned in subsection 2-5(2).

(2) Without limiting the generality of subsection (1), the director shall establish rules with respect to:

- (a) the conduct of young persons detained in the custody facility;
- (b) the activities of young persons detained in the custody facility; and
- (c) any other matters necessary or advisable for the security of the custody facility and the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors and the public.

(3) The director shall, in the prescribed manner, inform young persons detained in the custody facility of:

- (a) the rules of the facility;
- (b) information with respect to how to commence an appeal pursuant to section 3-8, 3-9, 5-4, 5-6, 7-2, 8-5 or 8-6; and
- (c) any other prescribed information.

Rules and regulations not to be contravened

3-13 No person shall contravene any rules established pursuant to section 3-12 or the regulations.

Non-compliance with rules or regulations

3-14 If a young person fails to comply with a rule established pursuant to section 3-12 or the regulations, the young person is subject to discipline in accordance with Part 8 and the regulations.

DIVISION 4

Risk Assessment

Risk assessment

3-15(1) The provincial director may establish a program for the purposes of assessing a young person's risk to reoffend and providing appropriate services and programs to:

- (a) support young persons in developing accountability for their own actions and in being rehabilitated and reintegrated into the community; and
 - (b) prevent and reduce offending behaviour.
- (2) Subject to the regulations, the director may conduct and administer assessments of young persons for the purposes of the program mentioned in subsection (1).
- (3) Without limiting the generality of subsection (2), the director may:
- (a) design an assessment to assess the young person's risk to reoffend in the community;
 - (b) use a young person's assessment as a guide to determine appropriate youth justice services;
 - (c) use a young person's assessment to guide and develop the young person's reintegration plan; and
 - (d) use a young person's assessment for any other purpose that the director considers appropriate with respect to the supervision, treatment, training, control, custody, rehabilitation or reintegration of the young person.

DIVISION 5

Young Person Visits

Young person visits

3-16(1) Subject to the regulations and to subsections (2) and (3), the director may permit visitors to enter the custody facility for the purposes of:

- (a) allowing the young persons of the custody facility to maintain positive relationships with family, friends and the community;
- (b) allowing persons to provide necessary services to the custody facility and young persons of the custody facility; or
- (c) allowing the public to be aware of the conditions and programs carried on in the custody facility.

- (2) Subject to subsection (3), a young person at a custody facility is permitted to have physical contact with a visitor.
- (3) In the prescribed circumstances, the director may prohibit a young person from having physical contact with a visitor.
- (4) Subject to subsections (5) and (6) and subject to the approval of the provincial director, the director may establish rules to ensure, to the extent that is reasonably possible, that the presence of visitors does not:
 - (a) endanger the safety of the visitors; or
 - (b) adversely affect the security of the custody facility or the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public.
- (5) Notwithstanding subsection (4) but subject to the regulations, the director shall allow a young person to have reasonable access to the young person's parent or legal guardian, lawyer, the Advocate and to any other prescribed person or member of a prescribed class of persons.
- (6) Every visitor who is permitted pursuant to subsection (1) to be within the custody facility shall comply with:
 - (a) prescribed terms, conditions and restrictions;
 - (b) terms and conditions imposed under the rules established pursuant to section 3-12 or the regulations or subsection (4) for the custody facility that relate to visitors or visiting privileges; and
 - (c) terms and conditions specified by the director at the time the permission was granted.
- (7) Subject to subsection (5), a young person's visit may be supervised if the director of a custody facility believes on reasonable grounds that the supervision is necessary:
 - (a) for the purposes of rehabilitation of a young person; or
 - (b) to ensure the security of the custody facility or the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public.

DIVISION 6

Young Person Communication

Young person communication

3-17(1) In this section, "**privileged communication**" means a young person's communication between a young person and any of the following persons, officers or entities:

- (a) the young person's lawyer;
- (b) the Advocate;
- (c) any other prescribed person, officer or entity.

- (2) The provincial director may establish communication systems for use in custody facilities that provide young persons with means to communicate with other persons, including other young persons.
- (3) Subject to subsection (4) and in accordance with the regulations, for the security of the facility or safety of a person in the facility, young person communication:
 - (a) may be recorded by electronic or other means;
 - (b) may be intercepted, monitored, censored or restricted; and
 - (c) may be prohibited or blocked.
- (4) Nothing in subsection (3) applies to a privileged communication.

DIVISION 7

Young Person Health Examinations and Treatment

Definitions for Division

3-18 In this Division and in Part 14:

“health care facility” means:

- (a) a facility designated as a hospital or a health care centre pursuant to *The Provincial Health Authority Act*; or
- (b) any other prescribed facility;

“health care professional” means any of the following persons:

- (a) a duly qualified medical practitioner;
- (b) a dentist who is entitled to practise dentistry pursuant to *The Dental Disciplines Act*;
- (c) a practising member as defined in *The Psychologists Act, 1997*;
- (d) a nurse practitioner;
- (e) a registered nurse as defined in *The Registered Nurses Act, 1988*;
- (f) a registered psychiatric nurse as defined in *The Registered Psychiatric Nurses Act*;
- (g) an individual who holds a valid licence, other than a conditional licence, pursuant to *The Licensed Practical Nurses Act, 2000*;
- (h) a member as defined in *The Paramedics Act*;
- (i) any other prescribed person or member of a prescribed class of persons.

Health examination

3-19(1) Subject to the regulations, the director may require a young person of the facility to undergo an examination by a health care professional to determine whether the young person is suffering from any condition with respect to the physical or mental health of the young person that:

- (a) may require special treatment, care or medication; or
 - (b) may endanger the health or safety of other young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public.
- (2) Subject to the regulations, if appropriate the director shall advise the parent or legal guardian of the young person as soon as is reasonably possible after a young person undergoes an examination pursuant to subsection (1).

Removal to health care facilities

3-20(1) The director may cause a young person detained in the custody facility to be transferred to a health care facility for the purposes of:

- (a) an examination required pursuant to section 3-19;
 - (b) the proper treatment, care or medication of the young person with respect to any condition relating to the physical or mental health of the young person; or
 - (c) an examination required pursuant to section 34 of the federal Act.
- (2) When a young person is moved to a health care facility for examination or treatment, the young person is not discharged from custody and, during the time the young person is in the health care facility, the young person is deemed to be in the custody of the director of the custody facility in which the young person was detained before being moved to the health care facility.
- (3) The time spent by a young person in a health care facility is, with respect to the determination of the date for the discharge of the young person, deemed the same as if the young person had spent that time in the custody facility in which the young person was detained before being moved to the health care facility.
- (4) When the date for the discharge of a young person arises while the young person is in a health care facility, the young person shall be discharged from custody on that date, and the director of the custody facility in which the young person was detained before moving to the health care facility shall take the necessary steps to remove the young person from custody at that time.
- (5) Subject to the regulations, the director shall advise the parent or legal guardian of the young person as soon as is reasonably possible after a young person has been transferred to a health care facility pursuant to subsection (1), except where not advising the parent or legal guardian is necessary to ensure the safety of the young person, youth worker or any other person in the health care facility.

Removal from assigned unit re risk of contagion

3-21 If a duly qualified medical practitioner or any other prescribed person determines that a young person is contagious and needs to be kept separate and apart from other young persons in the custody facility to minimize the risk of contagion, the director shall remove the young person from the assigned unit until the duly qualified medical practitioner or other prescribed person determines that the young person is no longer contagious.

DIVISION 8**Use of Force and Restraining Devices****Use of force**

3-22(1) Subject to the regulations, if all other means of dealing with the young person have been exhausted or are not reasonable in the circumstances, a youth worker may use a reasonable degree and means of force to:

- (a) prevent or discontinue harm to another person;
- (b) prevent the commission or continuation of an offence, including the apprehension of a young person at large without lawful excuse;
- (c) overcome resistance or compel compliance necessary for the security of the custody facility;
- (d) prevent a young person from escaping;
- (e) maintain custody and control of a young person; or
- (f) deal with any other prescribed circumstances.

(2) A young person must not be physically restrained for a period longer than is necessary for the reasons set out in subsection (1).

Use of physical restraint devices

3-23(1) In this section, “**physical restraint device**” means a device approved by the provincial director.

(2) Subject to the regulations, if all other means of dealing with the young person have been exhausted or are not reasonable in the circumstances, a youth worker may use a physical restraint device to restrain a young person if circumstances require the use of the physical restraint device for the purposes mentioned in subsection 3-22(1).

(3) A physical restraint device must not be used to restrain a young person for more than 1 continuous hour unless:

- (a) authorized by the director pursuant to subsection (4) or (5); or
- (b) the young person is on an escorted absence from the custody facility.

- (4) The director may authorize the use of a physical restraint device to restrain a young person for more than 1 continuous hour but, subject to subsection (5), for not more than 4 continuous hours, if:
- (a) the director believes on reasonable grounds that the use of the physical restraint device is necessary to ensure the safety of the young person or of another person, or for the security of the custody facility; and
 - (b) other means of dealing with the young person have been exhausted or are not reasonable in the circumstances.
- (5) The director may authorize the use of a physical restraint device to restrain a young person for more than 4 continuous hours with the approval of the provincial director.
- (6) A director who authorizes the use of a physical restraint device pursuant to subsection (5) must review the condition of the young person with the provincial director every 4 hours following the approval of the provincial director while the physical restraint device is being used.
- (7) The provincial director may, at any time, revoke the approval that was provided pursuant to subsection (5).

PART 4 Search and Seizure

DIVISION 1 Interpretation

Definitions for Part

4-1 In this Part:

“non-intrusive search” means a search by the prescribed means in the prescribed manner and includes a canine search;

“pat down search” means a search by hand conducted by a youth worker in the prescribed manner;

“strip search” means a visual search by a youth worker in the prescribed manner.

DIVISION 2 Strip Searches Generally

Strip search – general

4-2(1) If the circumstances allow, a youth worker must, before conducting a strip search:

- (a) inform the person to be strip searched of the reasons for the strip search; and
- (b) explain how the strip search is to be conducted.

- (2) A strip search that is conducted by a youth worker must be:
 - (a) conducted by a youth worker of the same gender as the person who is the subject of the strip search;
 - (b) observed by one other youth worker;
 - (c) carried out in as private an area as the circumstances allow; and
 - (d) carried out as quickly as the circumstances allow.
- (3) The youth worker mentioned in clause (2)(b) must be the same gender as the person who is the subject of the strip search unless the director believes on reasonable grounds that the delay that would be necessary in order to comply with this requirement would result in danger to human life or safety.
- (4) Notwithstanding clause (2)(a) and subsection (3), in the case of a young person, visitor or youth worker whose gender identity differs from the sex the person had or was identified as having at birth, the youth worker may, after consulting the person who is the subject of the strip search, allow the person to be searched by a male or female youth worker.

Strip searches requiring written reports

4-3(1) A youth worker conducting a strip search must complete a written report of the search in the form provided by the provincial director and submit the report to the director as soon as is practicable after the search.

- (2) The written report mentioned in subsection (1) must include:
 - (a) the reasons for the search;
 - (b) the identity of the person who conducted the search;
 - (c) the date, time and location of the search;
 - (d) the results of the search; and
 - (e) any other prescribed information.

DIVISION 3 Searches of Young Persons

Non-intrusive, pat down search or strip search of a young person

4-4 A youth worker may conduct a non-intrusive search, pat down search or strip search of a young person without individualized suspicion:

- (a) when the young person enters, leaves or returns to a custody facility;
- (b) when the young person enters or leaves secluded room time pursuant to section 5-2;
- (c) when the young person returns from reintegration leave authorized pursuant to the federal Act or section 6-1; or
- (d) in the prescribed circumstances.

Non-intrusive or pat down search of a young person on reasonable grounds

4-5 If a youth worker suspects on reasonable grounds that a young person is carrying contraband or carrying evidence with respect to an offence, the youth worker may conduct a non-intrusive search or a pat down search of the young person.

Strip search of a young person on reasonable grounds

4-6 A youth worker may conduct a strip search of a young person if the youth worker:

- (a) believes on reasonable grounds that:
 - (i) the young person is carrying contraband or carrying evidence with respect to an offence; and
 - (ii) a strip search is necessary to find the contraband or evidence; and
- (b) satisfies the provincial director that there are reasonable grounds to believe that the circumstances mentioned in clause (a) exist.

Body cavity search

4-7(1) In this section:

“body cavity” means the rectum or the vagina;

“body cavity search” means the physical probing of a body cavity in the manner set out in subsection (4).

- (2) If a youth worker believes on reasonable grounds that a young person has ingested contraband or is carrying contraband in a body cavity, the youth worker shall not seize or attempt to seize that contraband, but shall inform the director.
- (3) If the director is satisfied that there are reasonable grounds to believe that a young person has ingested contraband or is carrying contraband in a body cavity, the director may restrict the young person’s activities in accordance with the regulations.
- (4) If the director is satisfied that there are reasonable grounds to believe that a young person is carrying contraband in a body cavity and that a body cavity search is necessary in order to find or seize the contraband, the director may authorize a body cavity search to be conducted by a duly qualified medical practitioner in a health care facility, if the consent of the young person and of a duly qualified medical practitioner is obtained.
- (5) Subject to the regulations, if appropriate the director shall advise the parent or legal guardian of the young person as soon as is reasonably possible after a young person undergoes a body cavity search pursuant to subsection (4).

Periodic searches

4-8 For the purposes of detecting contraband or evidence with respect to an offence, a youth worker may, without individualized suspicion, conduct periodic searches in accordance with the regulations.

Search of rooms on reasonable grounds

4-9(1) Subject to subsection (2), if a youth worker believes on reasonable grounds that a young person may be in possession of contraband or evidence with respect to an offence, the youth worker may, with the prior authorization of the director, conduct a search of the young person's room and its contents.

(2) A youth worker is not required to obtain an authorization in accordance with subsection (1), if the youth worker believes on reasonable grounds that delaying a search in order to comply with that subsection would result in danger to the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public or the loss or destruction of the contraband or evidence.

Exceptional power of search

4-10 The director may authorize a non-intrusive search, pat down search or strip search of all of the young persons in the custody facility or any part of the custody facility, if the director is satisfied that there are reasonable grounds to believe that:

- (a) there exists, because of contraband, a clear and substantial danger to the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public or to the security of the custody facility; and
- (b) a non-intrusive search, pat down search or strip search of all of the young persons in the custody facility or any part of the custody facility is necessary in order to seize the contraband and avert the danger.

DIVISION 4**Searches of Visitors****Search and detention of visitors**

4-11(1) A youth worker may, after giving the visitor the option of voluntarily leaving the custody facility, conduct a non-intrusive search or pat down search of a visitor, without individualized suspicion, when the visitor enters a custody facility.

(2) If a visitor refuses to undergo a search pursuant to subsection (1), the youth worker may:

- (a) notwithstanding subsection 3-16(3), prohibit a contact visit with the young person and authorize a non-contact visit; or
- (b) request the visitor to leave the custody facility immediately.

(3) If a youth worker suspects on reasonable grounds that a visitor is carrying contraband or evidence with respect to an offence, the youth worker shall give the visitor the option of voluntarily leaving the custody facility.

(4) If the visitor mentioned in subsection (3) advises the youth worker that the visitor does not wish to leave the custody facility, the youth worker may conduct a pat down search of the visitor.

- (5) If a visitor advises the youth worker pursuant to subsection (4) that the visitor does not wish to leave the custody facility, then refuses to undergo a search pursuant to that subsection, the youth worker may authorize the detention of the visitor in order to obtain the services of the police.
- (6) With the visitor's consent, a search pursuant to subsection (4) may include a strip search in accordance with this Act and the regulations.
- (7) If contraband or evidence with respect to an offence is found in a search conducted in accordance with this section, the director may authorize the further detention of the visitor in order to obtain the services of the police.
- (8) A person detained pursuant to this section must:
- (a) be informed promptly of the reasons for the detention and of the person's right to retain and instruct a lawyer;
 - (b) be given a reasonable opportunity to retain and instruct a lawyer; and
 - (c) be given any other prescribed information.

DIVISION 5

Searches of Vehicles

Search of vehicles

- 4-12(1)** A youth worker may, after giving the driver of a vehicle entering a custody facility the option of voluntarily leaving the custody facility, conduct a search of that vehicle in the prescribed manner, without individualized suspicion.
- (2) Subject to subsection (3), a youth worker who believes on reasonable grounds that contraband or evidence with respect to an offence is located in a vehicle at a custody facility in circumstances constituting an offence pursuant to subsection 4-16(1) may, with prior authorization from the director, search the vehicle.
- (3) If the youth worker mentioned in subsection (2) believes on reasonable grounds that the delay that would be necessary to obtain prior authorization in accordance with that subsection would result in danger to the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public or the loss or destruction of the contraband or evidence with respect to an offence, the youth worker may search the vehicle without that prior authorization.

DIVISION 6

Warnings to be Posted

Warnings about searches

- 4-13** At each custody facility a warning must be posted stating that all visitors and vehicles at the custody facility are subject to being searched in accordance with this Act and the regulations.

DIVISION 7

Searches of Youth Workers or Other Persons Employed in Custody Facility

Search and detention of youth workers, other persons employed in custody facility

4-14(1) A non-intrusive or pat down search of a youth worker or other person employed in a custody facility may be conducted, without individualized suspicion, when the youth worker or other person enters a custody facility.

(2) A youth worker may, with the prior authorization of the director, without individualized suspicion, conduct a search of another youth worker's locker, or the locker of another person employed in a custody facility, for the purpose of ensuring the security of the custody facility or the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public.

(3) If a youth worker believes on reasonable grounds that another youth worker or another person employed in a custody facility is carrying contraband or evidence with respect to an offence and that a pat down search or strip search is necessary to find the contraband or evidence, the youth worker may detain the other youth worker or the other person employed in the custody facility in order to:

- (a) obtain the authorization of the director to conduct a pat down search or strip search; or
- (b) obtain the services of the police.

(4) If the director is satisfied on reasonable grounds by the youth worker mentioned in subsection (3) that another youth worker or another person employed in a custody facility is carrying contraband or evidence with respect to an offence and that a pat down search or strip search is necessary to find the contraband or evidence, the director may authorize the youth worker to conduct a pat down search or strip search of the other youth worker or the other person employed in the custody facility.

(5) A youth worker or other person employed in a custody facility detained pursuant this section must:

- (a) be informed promptly of the reasons for the detention and of the person's right to retain and instruct a lawyer;
- (b) be given a reasonable opportunity to retain and instruct a lawyer; and
- (c) be given any other prescribed information.

DIVISION 8

Urinalysis and Bodily Substances

Urinalysis and bodily substance test – young persons and youth workers

4-15(1) The director may request that a young person provide a sample for a urinalysis or a bodily substance test:

- (a) at any time, if the director believes on reasonable grounds that the young person has taken an intoxicant into the young person's body; or
- (b) if abstention from an intoxicant is a condition of a reintegration leave, and urinalysis or bodily substance testing is required to monitor a young person's compliance with the condition:

- (i) at regular intervals; or
 - (ii) at any time, if the director suspects on reasonable grounds that the young person has breached the condition.
- (2) If a request is made pursuant to subsection (1), the director must, before carrying out the request, inform the young person of the basis of the request and the consequences of failure to comply with the request.
- (3) The director shall carry out the request and take the sample in accordance with the regulations.
- (4) In the case of a young person whose gender identity differs from the sex the young person had or was identified as having at birth, the director may, after consulting the young person, allow the supervision of the taking of the sample by a male or female.
- (5) If a young person fails to comply with a request made pursuant to subsection (1), the director may take one or more of the following actions:
- (a) impose a behaviour management consequence pursuant to section 8-3;
 - (b) recommend that the provincial director revoke a reintegration leave;
 - (c) impose any other loss of privileges that the director considers appropriate.
- (6) The director may request that a youth worker or any other person employed in a custody facility, while acting in the performance of that person's duties within the custody facility, provide a sample for a urinalysis or a bodily substance test if the director believes on reasonable grounds that the person has taken an intoxicant into the person's body.
- (7) Subsections (2), (3) and (4) apply, with any necessary modification, to the making of the request for a sample from a youth worker or any other person employed in a custody facility, the carrying out of the request and the taking of the sample from the youth worker or other person.

DIVISION 9

Contraband and Trespassing Offences

Contraband and trespassing offences

4-16(1) No person shall deliver contraband to, send contraband to or receive contraband from a young person.

(2) No person shall trespass on the grounds, buildings or other premises belonging or related to a custody facility.

DIVISION 10

Power to Seize

Power of seizure and disposition of items seized

4-17(1) A youth worker may seize an object or substance if the youth worker believes on reasonable grounds that the object or substance is contraband or evidence with respect to an offence.

(2) As soon as is practicable after an object or a substance is seized pursuant to subsection (1), the youth worker shall:

(a) submit a report to the director in a form and manner approved by the provincial director describing the object or substance and the circumstances in which it was seized; and

(b) deposit the object or substance in a secure place at the custody facility.

(3) The director shall return an object or substance seized pursuant to subsection (1) to its owner if:

(a) it is in the possession or control of the director;

(b) it is not contraband or evidence with respect to an offence; and

(c) there is no dispute about who owns it.

(4) If the director, after making reasonable efforts to return an object or substance to its owner pursuant to subsection (3), still has possession of that substance or object 3 months after the director's initial attempt to return the substance or object:

(a) it is forfeited to the Crown in accordance with the regulations; and

(b) the director may direct that the substance or object be destroyed.

(5) If an object or substance is seized from a young person pursuant to subsection (1) and the object or substance is contraband, but its possession outside the custody facility would be lawful, the director may direct that:

(a) the object or substance be kept in a secure place at the custody facility and returned to the young person on release from custody;

(b) the young person be given 20 business days to make arrangements for the disposal or safekeeping of the object or substance outside the custody facility; or

(c) the object or substance be disposed of if, in the director's opinion:

(i) it is of a perishable nature and subject to spoilage;

(ii) it will lose all value if kept;

(iii) its possession involves unreasonable expense or inconvenience; or

(iv) keeping it is unsafe.

(6) An object or substance that is the subject of a direction pursuant to clause (5)(b) is forfeited to the Crown in accordance with the regulations if:

(a) within 20 business days after being notified of its seizure, the owner does not request its return;

(b) the owner cannot be located and 3 months have passed since the seizure;

- (c) the object or substance is determined to be contraband and the director, after making further inquiry, is of the opinion that the possession of it outside the custody facility would be unlawful; or
- (d) in the case of an owner who is a young person:
 - (i) possession of it by the young person would constitute possession of contraband; and
 - (ii) the young person has not arranged for the disposal or safekeeping of the object or substance outside the custody facility within 20 business days after being given the opportunity to do so in accordance with clause (5)(b).

PART 5 Seclusion

Definitions for, and application of, Part

5-1(1) In this Part:

“meaningful human contact” means interaction with the young person that is significant, relevant, purposeful and individualized, and that goes beyond the daily operational routine of the custody facility to contribute to the young person’s rehabilitation and successful reintegration into the general facility population or the community;

“secluded room time” means a circumstance in which a young person is placed in the young person’s room or removed from the young person’s assigned unit for more than 2 hours but less than 20 continuous hours in a 24-hour period while maintaining meaningful human contact.

- (2) This Part does not apply to a lockdown of the custody facility or to time out pursuant to clause 8-3(1)(f).

Secluded room time

5-2(1) Subject to subsections (2) to (5), a youth worker may order that a young person be placed in secluded room time if the youth worker believes on reasonable grounds that:

- (a) the young person:
 - (i) is endangering, or is likely to endanger, the young person, other young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors and the public; or
 - (ii) is threatening, or is likely to threaten, the management, operation or security of the custody facility; and
- (b) all other means of dealing with the young person have been exhausted or are not reasonable in the circumstances.

- (2) Subject to subsection (4), a young person must not be placed in secluded room time for a period longer than is necessary to address the concerns set out in clause (1)(a).

- (3) If a young person is placed in secluded room time, the circumstances of that placement must be reviewed by the director every 20 hours.
- (4) The director may authorize a young person to remain in secluded room time for more than 72 hours with the approval of the provincial director.
- (5) A director who authorizes a young person to remain in secluded room time pursuant to subsection (4) must review the condition of the young person with the provincial director every 72 hours following the approval of the provincial director if the young person remains in secluded room time.
- (6) The provincial director may revoke the provincial director's approval given pursuant to subsection (4) or (5) at any time.
- (7) As soon as is practicable after a young person is placed in secluded room time and, in any event, not more than 4 hours into that secluded room time, a youth worker must explain to, and provide written notice of, the reasons for the secluded room time to the young person.
- (8) If a young person is in secluded room time for more than 20 hours, the young person must be given a reasonable opportunity to seek advice from a lawyer and contact the Advocate without delay.

Review by supervisor

- 5-3(1)** A supervisor shall conduct a review of the circumstances surrounding the placement of a young person in secluded room time pursuant to section 5-2 as soon as is reasonably possible after the young person's first 2 hours in secluded room time.
- (2) The supervisor shall uphold or overturn the order of the youth worker pursuant to subsection 5-2(1).
 - (3) The supervisor has a duty to act fairly and must conduct a full and unbiased review, including:
 - (a) reviewing the relevant information; and
 - (b) interviewing the young person and any other relevant persons.
 - (4) The supervisor shall notify the young person and the youth worker mentioned in subsection 5-2(1) in writing of the review decision and include reference to applicable legislation, provincial policies, local procedural directives and the rules of the custody facility.
 - (5) The review decision mentioned in subsection (4) must be provided:
 - (a) no earlier than 2 hours after the making of the order mentioned in subsection 5-2(1); and
 - (b) no later than 4 hours after the young person has been in secluded room time.

Appeal to provincial director

5-4(1) If the young person accepts the decision of the supervisor made pursuant to subsection 5-3(2), the young person shall sign the review form, which is to be placed on the young person's file.

(2) If the young person disagrees with the decision of the supervisor made pursuant to subsection 5-3(2), the young person may appeal the decision by providing the provincial director with a notice of appeal in the form provided by the provincial director.

(3) The provincial director shall:

- (a) review the decision made pursuant to subsection 5-3(2), the materials that were part of the review and any submissions made by the young person;
- (b) uphold, amend or overturn the decision of the supervisor; and
- (c) notify the young person and the supervisor within 2 business days after receiving the appeal mentioned in subsection (2).

(4) If the provincial director is unable to provide the decision within 2 business days, the provincial director shall provide the young person with an update with respect to the status of the appeal in writing.

Appeal adjudicators

5-5(1) The Lieutenant Governor in Council may appoint persons as appeal adjudicators to conduct appeals with respect to secluded room time.

(2) A person appointed pursuant to subsection (1):

- (a) holds office at pleasure for a period not exceeding 4 years and, notwithstanding the expiry of the person's term, continues to hold office until the person's successor is appointed; and
- (b) is eligible for reappointment.

(3) If the office of a person appointed pursuant to subsection (1) becomes vacant, the Lieutenant Governor in Council may:

- (a) appoint a person for the remainder of the term of the person who vacated the office; or
- (b) appoint a person for the term mentioned in subsection (2).

(4) Appeal adjudicators are entitled to:

- (a) remuneration for their services at the rates approved by the Lieutenant Governor in Council; and
- (b) reimbursement for their expenses incurred in the performance of their responsibilities at rates established for members of the public service.

Appeal to appeal adjudicator

5-6(1) A young person who is in secluded room time for more than 72 hours pursuant to subsection 5-2(4) may appeal the decision to an appeal adjudicator by providing the provincial director with a notice of appeal in the form provided by the provincial director.

- (2) The notice of appeal must set out:
 - (a) the circumstances and any other relevant particulars of the matter being appealed;
 - (b) the reasons why the young person believes the decision should be set aside or varied; and
 - (c) the relief being requested.
- (3) An appeal pursuant to this section must be dealt with and determined in accordance with the regulations.
- (4) On an appeal, the appeal adjudicator shall uphold, amend or overturn the authorization pursuant to subsection 5-2(4).
- (5) The decision of the appeal adjudicator on appeal is final.

PART 6

Reintegration Leave

Reintegration leave for provincial offences

6-1(1) This section applies with respect to young persons who are:

- (a) convicted of an offence pursuant to an Act; or
 - (b) placed in a place of open custody pursuant to *The Summary Offences Procedure Act, 1990*.
- (2) The provincial director may authorize a reintegration leave for a young person described in subsection (1) for any of the purposes set out in paragraphs 91(1)(a) and (b) of the federal Act.
 - (3) In an authorization pursuant to subsection (2), the provincial director may impose any terms and conditions that the provincial director considers desirable.
 - (4) The provincial director may, at any time, revoke an authorization made pursuant to subsection (2).
 - (5) A young person released from custody pursuant to a reintegration leave may be arrested without a warrant and returned to custody if:
 - (a) the provincial director revokes the authorization pursuant to subsection (4); or
 - (b) the young person fails to comply with a term or condition imposed pursuant to subsection (3).

When a young person is unlawfully at large

6-2(1) A peace officer may arrest a young person without a warrant and return the young person, or arrange for the young person to be returned, to custody if the peace officer believes on reasonable grounds that a young person admitted to custody:

- (a) has left or is away from the custody facility without the consent of the provincial director and fails or refuses to return there;
 - (b) fails or refuses to return to the custody facility on:
 - (i) completion of a reintegration leave pursuant to subsection 6-1(2) of this Act or subsection 91(1) of the federal Act; or
 - (ii) revocation of a reintegration leave pursuant to subsection 6-1(4) of this Act or subsection 91(3) of the federal Act; or
 - (c) fails or refuses to comply with any term or condition of a reintegration leave pursuant to subsection 6-1(3) of this Act or subsection 91(1) of the federal Act.
- (2) A young person described in clause (1)(a) or (b) is deemed to be at large without lawful excuse.

PART 7**Young Person Complaints and Providing Assistance to Young Persons****Complaints by young persons**

7-1 A young person in a custody facility or the parent or legal guardian of a young person in a custody facility may complain in writing to the director of the custody facility in which the young person is confined or detained about the administration of the custody facility, and the complaint must be dealt with in accordance with the regulations.

Appeals by young persons

7-2(1) A young person who makes a complaint pursuant to section 7-1 may appeal the decision with respect to the complaint to the provincial director by providing the provincial director with a notice of appeal in the form provided by the provincial director within 5 business days after the decision.

- (2) An appeal pursuant to this section must be dealt with and determined in accordance with the regulations.
- (3) The provincial director shall uphold, amend or overturn the decision on appeal.
- (4) The provincial director shall notify the young person of the decision as soon as is reasonably possible after the decision is made.
- (5) The decision of the provincial director on appeal is final.

Providing assistance to young persons

7-3(1) A young person may request the assistance of a youth worker in preparing or completing any written materials with respect to a complaint mentioned in section 7-1 or an appeal brought pursuant to section 3-8, 3-9, 5-4, 5-6, 7-2, 8-5 or 8-6.

- (2) If a young person requires additional assistance to the assistance provided by the youth worker mentioned in subsection (1), including, without limitation, the services of an interpreter, the youth worker shall make reasonable attempts to facilitate the provision of that assistance.

PART 8

Informal Discipline

Disciplinary infractions

8-1 A young person commits a disciplinary infraction if the young person does any thing prohibited in the regulations.

Steps to be taken by youth worker

8-2(1) If a youth worker believes on reasonable grounds that a young person is committing or has committed a disciplinary infraction, the youth worker must do all of the following, if the circumstances allow:

- (a) either:
 - (i) give the young person an opportunity:
 - (A) to discontinue the disciplinary infraction; or
 - (B) to correct the young person's behaviour; or
 - (ii) stop the disciplinary infraction from continuing;
- (b) inform the young person:
 - (i) of the disciplinary infraction committed; and
 - (ii) what the disciplinary infraction consists of;
- (c) take steps to resolve the matter informally.

(2) If, in the opinion of the youth worker mentioned in subsection (1), the disciplinary infraction has not been or cannot be satisfactorily resolved by the actions described in that subsection, the youth worker must, as soon as is reasonably possible, file a written report with the director that includes the prescribed information.

(3) A youth worker shall advise the young person that the young person may provide a written statement of the circumstances surrounding the disciplinary infraction.

(4) If the young person provides a written statement pursuant to subsection (3), the written statement must be included in the report mentioned in subsection (2).

(5) A written statement of a young person mentioned in subsection (4) is to be provided in the form provided by the provincial director.

Behaviour management consequences

8-3(1) If a young person commits a disciplinary infraction that cannot be satisfactorily resolved by the actions described in subsection 8-2(1), the youth worker mentioned in subsection 8-2(1) may order one or more of the following consequences:

- (a) a warning or reprimand;
- (b) an oral or written apology;
- (c) a reduction in the monetary allowance to which the young person would otherwise be entitled;
- (d) full or partial monetary compensation for damage to or loss of property;

- (e) temporary or permanent loss of one or more privileges or activities normally available to the young person;
 - (f) time out in a locked or unlocked room, for a specified period not longer than 2 hours;
 - (g) transfer of the young person to a different room or assigned unit in the custody facility;
 - (h) any prescribed consequence.
- (2) In addition to any consequences ordered pursuant to subsection (1), the youth worker may recommend to the provincial director the revocation of a reintegration leave authorized pursuant to subsection 6-1(2) or the federal Act with respect to the young person.
- (3) In determining appropriate consequences pursuant to subsection (1) and in making a recommendation pursuant to subsection (2), the youth worker must consider:
- (a) the minimum level of intervention required to correct the behaviour of the young person;
 - (b) the need to ensure the security of the custody facility and the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors and the public; and
 - (c) the need for the consequences to be:
 - (i) meaningful to the particular young person;
 - (ii) fair in the circumstances; and
 - (iii) proportionate to the harm done.

Review by supervisor

- 8-4(1) Subject to subsection (2), a supervisor may conduct a review of an order made pursuant to section 8-3.
- (2) A supervisor shall conduct a review of an order made pursuant to clause 8-3(1)(g) or a recommendation to revoke a reintegration leave made pursuant to subsection 8-3(2).
- (3) The supervisor has a duty to act fairly and must conduct a full and unbiased review, including reviewing the relevant information.
- (4) The supervisor may interview the young person and any other relevant persons.
- (5) The supervisor shall, as soon as is reasonably possible, notify the young person and the youth worker mentioned in subsection 8-2(1) in writing of the review decision and include reference to applicable legislation, provincial policies, local procedural directives and the rules of the custody facility.

Appeal to director

8-5(1) If the young person accepts the decision of the supervisor made pursuant to subsection 8-4(5), the young person shall sign the review form, which is to be placed on the young person's file.

(2) If the young person disagrees with the order of the youth worker pursuant to clause 8-3(1)(c), (d), (e) or (g) or the review decision made pursuant to subsection 8-4(5), the young person may appeal the order or decision to the director, in the form provided by the provincial director.

(3) The director shall:

- (a) review the order made pursuant to subsection 8-3(1), or the decision made pursuant to subsection 8-4(5), and any submissions made by the young person;
- (b) uphold, amend or overturn the order or decision; and
- (c) notify the young person, the youth worker mentioned in section 8-3 and the supervisor of the director's decision within 2 business days after receiving the appeal mentioned in subsection (2).

(4) If the director is unable to provide a decision within 2 business days, the director shall provide the young person with an update with respect to the status of the appeal in writing.

Appeal to provincial director

8-6(1) If the young person disagrees with the decision of the director in relation to an order made pursuant to clause 8-3(1)(g) or a recommendation made pursuant to subsection 8-3(2), the young person may appeal that decision to the provincial director in the form provided by the provincial director.

(2) The provincial director shall:

- (a) review the decision made pursuant to section 8-5 and any submissions made by the young person;
- (b) uphold, amend or overturn the decision; and
- (c) notify the young person, the youth worker mentioned in section 8-3, the supervisor and the director of the provincial director's decision within 2 business days after receiving the appeal mentioned in subsection (1).

(3) If the provincial director is unable to provide a decision within 2 business days, the provincial director shall provide the young person with an update with respect to the status of the appeal in writing.

(4) The decision of the provincial director on appeal is final.

PART 9 Release Options

Assistance to young persons when released

9-1 The minister may, after consulting with the young person's parent or legal guardian regarding the young person's release, provide an allowance to a young person and facilitate transportation for the young person to the young person's home or to any other appropriate destination when the young person is released from custody.

PART 10 Remote Monitoring Systems

Use of remote monitoring systems

10-1(1) In this section, "**remote monitoring system**" means a system of monitoring the location, movements, activities or communications of a young person by means other than direct observation or listening by an individual, whether that monitoring is achieved by cameras, projectors, electronic equipment, mechanical equipment or other means.

(2) The provincial director may, in accordance with the regulations, authorize the use of a remote monitoring system to monitor any of a young person's location, movements, activities and communications.

PART 11 Community Youth Justice Services

Definition for Part

11-1 In this Part, "**community youth worker**" means a youth worker who:

- (a) prepares reports as required by the provincial director or a youth justice court judge;
- (b) supervises a young person as ordered by a youth justice court judge in accordance with the federal Act; and
- (c) performs any other duties as directed by the provincial director.

Establishment of community youth justice services

11-2(1) Subject to the regulations, the provincial director may develop, provide and operate community youth justice services, including programs and services offered in the community, that provide a youth justice court with options for the supervision of young persons who are charged with or convicted of an offence.

(2) The programs and services provided pursuant to this Part may be provided by community youth workers or by:

- (a) a contractor or employee of a contractor;
- (b) a volunteer; or
- (c) the Government of Canada, the government of any other province or territory of Canada or any municipality of Canada.

(3) The provincial director may establish a program for the purposes of assessing the risk of a young person to reoffend and providing appropriate community youth justice services to:

- (a) support young persons in developing accountability for their own actions and in being rehabilitated and reintegrated into the community; and
- (b) prevent and reduce offending behaviour.

(4) For the purposes of the program mentioned in subsection (3):

- (a) subject to the regulations, the provincial director may conduct and administer assessments of young persons; and
- (b) subsection 3-15(3) applies, with any necessary modification, to the program.

Judicial interim release

11-3 Before releasing a young person on judicial interim release, the youth justice court judge may request a community youth worker to conduct an investigation with respect to the young person and to file a judicial interim release report with the youth justice court judge for the purpose of assisting the youth justice court judge in determining whether to order a judicial interim release.

Investigation and report

11-4(1) An investigation for the purpose of preparing a judicial interim release report pursuant to section 11-3 or a pre-sentence report pursuant to section 40 of the federal Act shall not be conducted or carried out for the sole purpose of determining the guilt or innocence of any young person.

(2) If a youth justice court judge receives a judicial interim release report pursuant to section 11-3 or a pre-sentence report pursuant to section 40 of the federal Act, the report shall be entered as an exhibit.

PART 12 Standards and Inspections

System of standards

12-1 The minister may:

- (a) establish a system of standards and inspections for custody facilities and youth justice services in Saskatchewan; and
- (b) by order, designate those custody facilities and youth justice services that are subject to the standards mentioned in clause (a), in whole or in part.

Standards for facilities, etc.

12-2 The minister may:

- (a) develop and establish standards for the construction, leasing, maintenance, operation and remodelling of custody facilities;
- (b) develop and establish standards for the custody and management of young persons and the management of youth justice services.

Inspections and investigations

12-3(1) The minister may appoint any person to:

- (a) review, audit and make recommendations with respect to youth justice services and custody facilities to ensure compliance with any standards established pursuant to section 12-1 or 12-2 and to submit a written report of the review, audit and recommendations to the provincial director;
- (b) make an inquiry into any matter to which this Act applies as may be specified by the minister and to submit a written report of the results of the inquiry to the minister.

(2) A person appointed by the minister has the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013* for the purpose of an inquiry pursuant to clause (1)(b).

Power to inspect and investigate

12-4(1) Subject to the regulations, the provincial director may:

- (a) enter and inspect or investigate any custody facility;
- (b) inspect or investigate any youth justice services;
- (c) investigate any young person; and
- (d) investigate any incident or matter to which this Act applies.

(2) For the purposes of any inspection or investigation carried out pursuant to subsection (1), the provincial director is entitled to have access to all records, documents and other file material under the possession and control of the custody facility, youth justice services, youth workers or young person being investigated.

PART 13

General

Detention re *The Summary Offences Procedure Act, 1990*

13-1(1) Wherever practicable, if a young person is taken into custody pursuant to section 52 of *The Summary Offences Procedure Act, 1990*, the young person shall be held separate and apart from any adult who is held in custody.

(2) Section 99 of *The Correctional Services Act, 2012* applies, with any necessary modification, to young persons placed in a place of open custody pursuant to subsection 36(3) of *The Summary Offences Procedure Act, 1990*.

Gifts and donations

13-2(1) A custody facility may receive any gift, donation, grant, bequest or devise that is to be used for the benefit of young persons from a person, agency, organization, association, institution or body within or outside Saskatchewan.

(2) The minister shall administer any gift, donation, grant or devise received pursuant to subsection (1) in accordance with section 13-3, if that gift donation, grant or devise is in the form of moneys.

Accounts

13-3(1) Any moneys received from any source by the minister on behalf of, for the benefit of or in trust for a young person in a custody facility may be administered and invested by the minister for the general benefit of the young person.

(2) Any moneys received from any source by the minister on behalf of or in trust for young persons generally or for the collective benefit of young persons may be administered and invested by the minister for the general benefit of young persons.

(3) Without limiting the generality of subsections (1) and (2), the minister may:

(a) administer and invest moneys held at the time of a young person's death until the moneys can be turned over to the person who is responsible for the deceased young person's estate;

(b) establish and administer trust accounts in accordance with the regulations.

(4) The minister shall invest moneys authorized to be invested pursuant to this section that are not immediately required for the use for which the moneys were received in any security or class of securities authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*.

(5) The minister may provide for the payment of interest on the accounts of individual young persons to be made to an account for the collective benefit of young persons.

Management of information

13-4(1) In this section and in section 13-5, "**information**" means information of any kind and in any form, including personal information, personal health information, photographs and other identification materials.

(2) The provincial director may collect information about or relating to young persons that is required:

(a) for the administration of this Act or the regulations;

(b) to comply with or carry out any orders of a court; or

(c) to carry out youth justice services established pursuant to this Act.

Confidentiality

13-5(1) Subject to subsection (2), no person shall disclose any information that comes to that person's knowledge in the course of carrying out that person's powers or duties pursuant to this Act, except in accordance with this Act and the regulations.

(2) Subject to Part 6 of the federal Act, subsection (1) does not apply to a disclosure of information that:

(a) is required for the administration of this Act or the regulations;

(b) is required to carry out a duty imposed or to exercise a power conferred by this Act or the regulations;

- (c) is permitted or required by law, including by an Act or regulation, Act of the Parliament of Canada, any regulation made pursuant to those enactments, or any order or demand issued by a person with authority to compel production of information;
- (d) is determined by the provincial director to be appropriate for the purposes of:
 - (i) protecting the security of the custody facility or the safety of young persons, youth workers, employees of the ministry, volunteers, contractors, employees of contractors or the public;
 - (ii) the investigation of or prevention of the commission of an offence;
 - (iii) any investigation being conducted pursuant to the Act; or
 - (iv) assisting with law enforcement; or
- (e) is made in prescribed circumstances.

Immunity

- 13-6(1)** No action or proceeding lies or shall be commenced against the Crown, the minister, the ministry, the provincial director, a director, a supervisor, a youth worker, any other employee or agent of the ministry, a peace officer, a contractor, an employee of a contractor, a volunteer, or a person making an inspection, investigation or inquiry pursuant to this Act or other person where that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order or decision made pursuant to this Act or any duty imposed by this Act or the regulations.
- (2) No action lies or shall be commenced against an employee of the ministry or a volunteer for an act of a young person while under that employee's or volunteer's custody or supervision.
- (3) Subsection (1) does not, by reason of subsection 5(2) of *The Proceedings against the Crown Act*, relieve the Crown of liability with respect to a tort committed by an employee of the ministry to which it would otherwise be subject.
- (4) No action lies or shall be commenced against the minister, the minister's delegate or a community justice committee for:
- (a) an act done in the execution in good faith of the obligations or functions of the community justice committee in delivering or administering an extrajudicial sanctions program;
 - (b) neglect or default in the execution in good faith of the obligations or functions of the community justice committee in delivering or administering an extrajudicial sanctions program; or
 - (c) an act or default of a person who is alleged to have committed an offence or who is an offender if the act or default occurs while that person is being dealt with in an extrajudicial sanctions program.

(5) In subsection (4):

“community justice committee” means an individual, group of individuals, organization, corporation or any other entity with which the minister contracts for the delivery or administration of an extrajudicial sanctions program, and includes the members of any of those groups, organizations, corporations or entities;

“extrajudicial sanctions program” means a program of pre-charge screening authorized pursuant to section 10 of the federal Act.

Offences and penalties

13-7(1) No person shall fail to comply with any provision of this Act or the regulations.

(2) A person who fails to comply with a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$10,000, to imprisonment for not more than 6 months or to both.

PART 14 Regulations

Regulations

14-1 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting objects or substances in the possession of a person that are included in the definition of “contraband” in section 1-2;
- (c) for the purposes of subsection 1-3(1), respecting the circumstances in which the provisions of the federal Act and the federal Regulations do not apply to youth justice services;
- (d) for the purposes of subsection 2-1(2), respecting the establishment and provision of youth justice services by the minister;
- (e) for the purposes of subsection 2-10(3), prescribing other information that a person detained by a peace officer must be given;
- (f) for the purposes of section 3-1, respecting the designation of a place as a custody facility by the minister;
- (g) for the purposes of subsection 3-5(1):
 - (i) respecting the requirements with respect to the acceptance of a young person into custody under a warrant of committal; and
 - (ii) prescribing other circumstances with respect to a young person that is to be certified by a duly qualified medical practitioner or a nurse practitioner;

- (h) for the purposes of subsection 3-8(1), prescribing other reasons for which the director may determine that it is necessary to immediately transfer a young person;
- (i) for the purposes of clause 3-8(2)(c), respecting the giving of the written notice to the young person by the director of the custody facility to which the young person has been transferred;
- (j) for the purposes of subsection 3-8(6), governing an appeal;
- (k) for the purposes of subsection 3-9(2), respecting the giving of written notice by the director of the director's decision to a young person concerning the young person's request for a transfer;
- (l) for the purposes of subsection 3-12(3):
 - (i) prescribing the manner in which the director is to inform young persons; and
 - (ii) prescribing any other information of which the director is to inform young persons;
- (m) for the purposes of subsection 3-15(2), respecting the conduct and administration of assessments of young persons;
- (n) for the purposes of subsection 3-16(1), respecting the permission of visitors to enter or be within a custody facility;
- (o) for the purposes of subsection 3-16(3), prescribing the circumstances in which a director may prohibit a young person from having physical contact with a visitor;
- (p) for the purposes of subsection 3-16(5):
 - (i) respecting a young person's access to the persons mentioned in that subsection; and
 - (ii) prescribing other persons or classes of persons to whom a young person is to be allowed reasonable access;
- (q) for the purposes of subsection 3-16(6), prescribing terms, conditions and restrictions with which every visitor shall comply;
- (r) for the purposes of section 3-17:
 - (i) respecting young person communication; and
 - (ii) prescribing persons, officers or entities for the purposes of the definition of "privileged communication";
- (s) for the purposes of section 3-18:
 - (i) prescribing other facilities for the purposes of the definition of "health care facility" in that section;
 - (ii) prescribing other persons or classes of persons for the purposes of the definition of "health care professional" in that section;

- (t) for the purposes of subsection 3-19(1), respecting the requirement of a young person of a facility to undergo an examination by a health care professional;
- (u) for the purposes of subsection 3-19(2), respecting the advising of the parent or legal guardian of a young person after the young person undergoes an examination;
- (v) for the purposes of subsection 3-20(5), respecting the advising of the parent or legal guardian of a young person after the young person has been transferred to a health care facility;
- (w) for the purposes of subsection 3-22(1), prescribing the circumstances in which a youth worker may use a reasonable degree and means of force in dealing with a young person;
- (x) for the purposes of subsection 3-23(2), respecting the use of physical restraint devices by youth workers to restrain a young person if circumstances require the use of a physical restraint device;
- (y) prescribing the means and manner of a search for the purposes of the definition of “non-intrusive search” in section 4-1;
- (z) prescribing the manner in which a search may be conducted for the purposes of the definition of “pat down search” in section 4-1;
- (aa) prescribing the manner in which a visual search may be conducted by a youth worker for the purposes of the definition of “strip search” in section 4-1;
- (bb) for the purposes of section 4-3, prescribing other information that must be included in a written report prepared by a youth worker who has conducted a strip search;
- (cc) for the purposes of section 4-4, prescribing the circumstances in which a non-intrusive search, pat down search or strip search of a young person may be conducted without individualized suspicion;
- (dd) for the purposes of subsection 4-7(3), respecting a search of a young person and the restriction of the young person’s activities in the circumstances set out in that subsection;
- (ee) for the purposes of subsection 4-7(5), respecting the director’s advising the parent or legal guardian of a young person after the young person undergoes a body cavity search;
- (ff) for the purposes of section 4-8, respecting the conducting of periodic searches by youth workers for the purpose of detecting contraband or evidence with respect to an offence;
- (gg) for the purposes of subsection 4-11(6), respecting the conducting of a strip search of visitor;
- (hh) for the purposes of subsection 4-11(8), prescribing any other information that must be given to a person detained pursuant to section 4-12;

- (ii) for the purpose of subsection 4-12(1), prescribing the manner in which a youth worker may conduct a search of a vehicle entering a custody facility;
- (jj) for the purposes of subsection 4-14(5), prescribing other information that a youth worker or other person detained pursuant to section 4-15 must be given;
- (kk) for the purposes of subsection 4-15(3), respecting the carrying out of the demand for and the taking of a sample for a urinalysis or bodily substance test;
- (ll) for the purposes of subsection 4-17(4), respecting the forfeiture to the Crown of an object or substance that the director still has possession of 3 months after the director's initial attempt to return the object or substance;
- (mm) for the purposes of subsection 4-17(6), respecting the forfeiture of an object or substance that is the subject of a direction pursuant to subsection 4-17(5);
- (nn) for the purposes of subsection 5-6(3), respecting how an appeal pursuant to section 5-6 must be dealt with and determined;
- (oo) for the purposes of section 7-1, respecting how a complaint made pursuant to that section must be dealt with;
- (pp) for the purposes of subsection 7-2(2), respecting how an appeal pursuant to section 7-2 must be dealt with and determined;
- (qq) for the purposes of section 8-1, setting out things that, if done by a young person, are disciplinary infractions;
- (rr) for the purposes of subsection 8-2(2), prescribing the information that is to be included by a youth worker in a written report to the director;
- (ss) for the purposes of subsection 8-3(1), prescribing other consequences that may be ordered by a youth worker if a young person commits a disciplinary infraction;
- (tt) for the purposes of subsection 10-1(2), respecting the authorization by the provincial director of the use of a remote monitoring system;
- (uu) for the purposes of subsection 11-2(1), respecting the programs and services that provide a youth justice court with options for the supervision of young persons charged with or convicted of an offence;
- (vv) for the purposes of clause 11-2(4)(a), respecting the assessments of young persons;
- (ww) respecting the provincial director's power to inspect and investigate for the purposes of subsection 12-4(1);

- (xx) for the purposes of section 13-3:
 - (i) respecting the establishment and administration of trust funds for young persons resident in custody facilities;
 - (ii) subject to the terms of any trust pursuant to which the moneys are received:
 - (A) designating and governing moneys that may be deposited in a trust fund;
 - (B) designating the purposes for which moneys in a trust fund may be used, governing the use of those moneys and prescribing circumstances in which deductions from a trust fund may be made;
 - (iii) designating the fiscal year of a trust fund;
 - (iv) respecting any other matters that the Lieutenant Governor in Council considers necessary for the administration of trust funds;
- (yy) for the purposes of subsection 13-5(2), prescribing the circumstances in which subsection 13-5(1) does not apply to a disclosure of information;
- (zz) designating services that may be provided to young persons who have completed a youth sentence or an adult sentence within the meaning of the federal Act;
- (aaa) with respect to any matter governed by this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any code, standard or guideline;
 - (ii) amending for the purposes of this Act or the regulations any code, standard or guideline adopted pursuant to subclause (i); and
 - (iii) requiring compliance with a code, standard or guideline adopted pursuant to subclause (i);
- (bbb) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (ccc) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART 15

Repeal, Transitional, Consequential and Coming into Force

SS 2003, c Y-2 repealed

15-1 *The Youth Justice Administration Act* is repealed.

Transitional

15-2(1) In this section, “**former Act**” means *The Youth Justice Administration Act*.

(2) Without limiting the generality of section 1-3, the transitional provisions of the federal Act apply, with any necessary modification, with respect to a young person convicted of an offence pursuant to an Act who, on the coming into force of this Act, was receiving youth justice services pursuant to the former Act.

SS 2012, c A-5.4, section 2 amended

15-3 Section 2 of *The Advocate for Children and Youth Act* is amended:

(a) in clause (d) by striking out “*The Youth Justice Administration Act*” and substituting “*The Youth Justice Administration Act, 2019*”; and

(b) in clause (h) by striking out “*The Youth Justice Administration Act*” and substituting “*The Youth Justice Administration Act, 2019*”.

SS 1999, c C-38.01, section 8 amended

15-4 Subsection 8(2) of *The Coroners Act, 1999* is amended by striking out “*The Youth Justice Administration Act*” and substituting “*The Youth Justice Administration Act, 2019*”.

SS 2012, c C-39.2, section 82 amended

15-5 Clause 82(b) of *The Correctional Services Act, 2012* is amended by striking out “*The Youth Justice Administration Act*” and substituting “*The Youth Justice Administration Act, 2019*”.

RSS 1978, c S-52.01, section 14 amended

15-6 Clause 14(a) of *The Social Services Administration Act* is amended by striking out “*The Youth Justice Administration Act*” and substituting “*The Youth Justice Administration Act, 2019*”.

SS 1990-91, c S-63.1, section 2 amended

15-7 Section 2 of *The Summary Offences Procedure Act, 1990* is amended by striking out “*The Youth Justice Administration Act*” and substituting “*The Youth Justice Administration Act, 2019*” in each of the following provisions:

(a) in clause (r.1);

(b) in clause (s);

(c) in clause (v).

SS 2013, c W-17.11, section 100 amended

15-8 Clause 100(3)(d) of *The Workers’ Compensation Act, 2013* is amended by striking out “*The Youth Justice Administration Act*” and substituting “*The Youth Justice Administration Act, 2019*”.

Coming into force

15-9 This Act comes into force on proclamation.