



Department of Justice and Public Safety
Adult Custody Services

Policy: **Outstanding Charges C10**
Effective: March 2001
Revised: December 2022

MISSION STATEMENT

Adult Custody Services is committed to providing professional practices that respect human rights and ensure safety for all. To be successful we will deliver fair practices, incorporate transparent policies and procedures, ensure independent quality assurance processes, and provide program access that allows for educational, cultural, traditional, and faith-based services as well as mental wellness and community re-entry assistance.

PURPOSE

To establish procedural standards for the clearing of the, known or presumed, outstanding charges of a client.

LEGISLATIVE AUTHORITY

Policy directive only. [Corrections Act NB Regulation 35\(a\)](#)

SCOPE

This policy applies to all employees of the Adult Custody Services division of the Department of Justice and Public Safety.

POLICY GUIDELINES

Clearing up any known or presumed outstanding charges is the responsibility of the client.

PROCEDURE

Court Order

A court order is required to detain a person with outstanding charges from another jurisdiction/province when a client's original sentence has expired.

Fine Payment

Payment for satisfaction of a fine must be accepted, even if the client has outstanding charges from another province, if there is no further valid warrant to hold the client.

Apprehension Warrant Not Sufficient

An apprehension warrant from another province does not constitute authorization for transferring a client whose sentence has not yet been satisfied in New Brunswick.



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Request to Transfer Charges

Clients who wish to enter guilty pleas on outstanding charges in another province may apply to have the charges transferred, under Section 478 (3) of the Criminal Code of Canada. Form (78-3331).

Forms Forwarded

Completed forms are forwarded to the attention of the Director of Prosecutions with a copy to the Regional Director of Prosecutions.

Additional Charges

Clients who indicate they wish to plead guilty to additional charges must write to the Superintendent stating:

- What the charges are
- Their intent to plead guilty
- Location of crime
- Police force involved
- Request to have charge tried while serving the present sentence

Arrest Warrant from Another Jurisdiction

Section 528 of the Criminal Code of Canada outlines procedures for executing a warrant of arrest from another jurisdiction.

Procure Attendance

Section 527 of the Criminal Code of Canada outlines the procedures to procure attendance of a prisoner.

Violation of Federal or Provincial Statutes

A staff member witnessing a client committing an offence against a federal or provincial statute may, after discussion with the Superintendent, police, and crown prosecutor, lay charges.

Charges While in Custody

Clients charged in court, for an offence occurring within the institution, may require increased institutional security. The client's placement in the institution will be determined by the Superintendent or designate.

Further Disciplinary Action

Clients appearing in court, for an offence occurring in the institution, will have no further institutional actions taken against them on the charge, by institutional authorities, regardless of if found guilty or not guilty by the courts.

RELATED POLICY

C2 Fine payment
C3 Sentence Calculation
Adult Institutional Policy Manual NB