

SENTENCE CALCULATION

An Explanation
of the Basics of
Sentence Calculation
with Examples



BUILDING A **SAFE AND RESILIENT CANADA**



Public Safety
Canada

Sécurité publique
Canada

Canada 

© Her Majesty the Queen in Right of Canada, as represented by the Ministers of Public Safety and Emergency Preparedness, 2021.

ISBN: 978-0-660-38254-8

Cat. No.: PS18-57/6-2021E-PDF

Table of Contents

Introduction	1
1. What is the difference between federal penitentiaries and provincial prisons? What are the types of victim services programs?	4
Applicable Laws for a Penitentiary Sentence – Two Years or More	4
Agencies having authority for the administration of sentences of two years or more	5
Applicable Laws for a Prison Sentence – Up to Two Years Less a Day	5
Types of victim services programs	6
2. Multiple Sentences – Concurrent and Consecutive	7
What is merger of sentences?	7
What is a concurrent sentence?	7
What is a consecutive sentence?	9
3. What are the different forms of conditional release and when are federal offenders eligible for them?	10
Work Release	10
Temporary Absence	10
Escorted Temporary Absence (ETA)	10
Unescorted Temporary Absence (UTA)	11
Parole	13
Day Parole	13
Full Parole	14
Statutory Release	15
Detention	16
Long Term Supervision	16

4.	How is parole eligibility determined when an offender is subject to a single and then multiple sentences?	19
	Single Sentence	19
	Multiple Sentences	19
	When can a judge set parole eligibility at one-half of the sentence for offences?	20
	What is the effect of revocation on parole eligibility or entitlement to statutory release when no new sentence has been imposed?	20
5.	Contacts for more sentence calculation information	21
	National Headquarters	21
	Regional Directory.....	21
	Atlantic Region:.....	21
	Quebec Region:	21
	Ontario Region:.....	22
	Prairies Region:	22
	Pacific Region:	22
	Annex A	24

Introduction

Sentence calculation determines two things: the total length of the sentence which an offender will be required to serve; at what point the offender will be eligible for parole and other forms of conditional release.

Public Safety Canada's National Office for Victims (NOV), the Correctional Service of Canada (CSC) and the Parole Board of Canada (PBC) are committed to working with victims and survivors of crimes to improve awareness and access to information relating to federal corrections, the conditional release of those serving federal sentences and public safety. This publication is intended to respond to requests from victims of crime, their advocates, service providers, and the general public for information about how federal sentences, meaning incarceration for over two years, are calculated.

From 2016–2020, the NOV held national roundtables to discuss the *Canadian Victims Bill of Rights* (CVBR) with victims, their advocates and other victim service providers. We heard that information is essential for victims to more fully understand and to exercise their rights under the CVBR. Specifically, we heard that victims need clear information on what a federal sentence means in terms of time served inside a federal correctional facility, the types of release for which a person serving a federal sentence may be eligible, and when eligibility might occur.

Many victim voices contributed to these roundtables, and we would like to thank them for their commitment to supporting the Government of Canada in its service to victims of crime, including:

- individual victims and survivors;
- representatives of the CSC/PBC Regional Victim Advisory Committees;
- Association Québécoise Plaidoyer Victimes;
- Canadian Resource Centre for Victims of Crime;
- Canadian Families and Corrections Network;
- Church Council on Justice and Corrections;
- Crime Victim Assistance Centres;
- Egale Canada;
- Families of Sisters in Spirit;
- Jim Friendship Centre;
- MADD Canada;
- Métis Nation of Ontario;
- Pauktuit Inuit Women of Canada;
- Victim Justice Network;
- Women's Shelters Canada; and
- other valued voices of victims, survivors and families.

In the federal corrections and conditional system sentence calculation determines two things: a) the total length of the sentence handed down by the courts, which must be served; and b) the point at which the person serving a sentence of two or more years will be eligible for parole and other forms of conditional release. This booklet explains the basic sentence calculation rules in force on the day it was published.

With the exception of those serving a life sentence for murder or those serving an indeterminate sentence because of a Dangerous Offender (DO) finding by the court, most people serving federal sentences are serving a definite sentence, meaning a sentence of a fixed length of time that is two or more years. The majority of these people will, at some point, return to the community, and this booklet is designed to help the reader better understand the various types of release and how public safety is maintained.

Further, it is acknowledged that the words “victim”, “offender” and “inmate” used in this and other NOV publications may not be reflective of how people who have experienced crime see themselves. We have heard that the word “victim” may suggest a state of helplessness or stigma and fail to acknowledge the courage, resourcefulness and resilience of people living in the aftermath of a crime against them. Similarly, we have heard that “offender” and “inmate” create stigma and may dehumanize those who are incarcerated.¹ For the purposes of explaining sentence calculation, these terms are used in this publication as they relate to their definitions in federal laws.

The definitions of victim, offender and inmate in the *Corrections and Conditional Release Act* (CCRA) are as follows:

victim, in respect of an offence, means an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission of the offence.

offender means (a) an inmate, or (b) a person who, having been sentenced, committed or transferred to penitentiary, is outside penitentiary

- (i) by reason of parole or statutory release,
- (ii) pursuant to an agreement referred to in subsection 81(1), or
- (iii) pursuant to a court order.

inmate means

(a) a person who is in a penitentiary pursuant to

- (i) a sentence, committal or transfer to penitentiary, or
- (ii) a condition imposed by the Parole Board of Canada in connection with day parole or statutory release, or

(b) a person who, having been sentenced, committed or transferred to penitentiary,

- (i) is temporarily outside penitentiary by reason of a temporary absence or work release authorized under the CCRA, or
- (ii) is temporarily outside penitentiary for reasons other than a temporary absence, work release, parole or statutory release, but is under the direction or supervision of a staff member or of a person authorized by the Correctional Service of Canada.

¹ Interim Report of the Standing Senate Committee on Human Rights (February 2019), Study on the Human Rights of Federally-Sentenced Persons: The Most Basic Human Right is to be Treated as a Human Being (sencanada.ca)

The CCRA recognizes that victims of crime have an important role to play in the criminal justice system. This Act entitles individuals who meet the definition of victim in the CCRA to request to receive certain information about the offender who has harmed them (i.e., registered victims). CSC and PBC are the primary sources for ongoing information to victims while the offender is serving their sentence of two years or more. If you are a victim of crime and have further questions or wish to obtain additional information about the sentence of an individual serving a federal sentence a list of the CSC's regional offices and their contact information can be found on pages 21 to 22 of this booklet.

To share your thoughts on how to improve this publication, please email ps.nationalofficeforvictims-bureaunationalpourlesvictimes.sp@ps-sp.gc.ca. For other NOV publications please visit publicsafety.gc.ca/nov.

(Note: It should be noted that principles of sentencing and how and when various sentences should be imposed are beyond the scope of this booklet.)

1.

What is the difference between federal penitentiaries and provincial prisons? What are the types of victim services programs?

The “two-year rule” (s.743.1 of the *Criminal Code of Canada*) refers to the federal-provincial jurisdictional split between sentences of two years or more and sentences of less than two years. Sentences of two years or more are served in federal penitentiaries. Sentences of less than two years are served in provincial prisons.

Applicable Laws for a Penitentiary Sentence – Two Years or More

The *Criminal Code of Canada* (CCC) and the *Corrections and Conditional Release Act* (CCRA) provide authority for the administration of penitentiary sentences of federal offenders. The CCRA includes provisions outlining sentence calculation and the eligibility criteria for the various forms of conditional release. Parole eligibilities for offenders serving life sentences for first or second degree murder and those designated as Dangerous Offenders are set out in the CCC. The CCRA also outlines the types of information that may be disclosed to victims of offenders under the Parole Board of Canada’s (PBC) and the Correctional Service of Canada’s (CSC) jurisdiction. For victims of an offender under the jurisdiction of the CSC and the PBC,

the CSC’s National Victim Services Program and the PBC’s Regional Communications Officers (RCOs) in each regional office across Canada provide information to registered victims about the offender who harmed them and provide assistance on how to participate in the corrections and conditional release process. Contact information for the CSC and the PBC victim services is available in the *Information Guide to Assist Victims* at <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2016-gd-ssst-vctms/index-en.aspx>.

(Note: Depending on the case, various sections within and among these various Acts must be read together to determine specific dates and time periods within a sentence.)

Agencies having authority for the administration of sentences of two years or more

The PBC and the CSC share responsibility for federal corrections. Both agencies operate under the CCRA.

The CSC manages penitentiaries that house offenders serving sentences of two years or more. The CSC has authority to grant certain forms of release, such as escorted or unescorted temporary absences and work release, delivers correctional programs, prepares the cases of offenders and makes recommendations to the PBC for certain types of conditional release, including parole, and supervises offenders on conditional release in the community.

The PBC is an administrative tribunal that has exclusive authority to grant, deny or revoke parole. The PBC may also order the detention of offenders subject to statutory release.

Victims may provide statements to the CSC or the PBC at any point throughout an offender's sentence to describe the harm or loss they have suffered. These victim statements contain relevant information regarding the offender, including any safety concerns the victim may have and can include a request for the imposition of geographic restrictions and/or a non-contact condition as part of the offender's conditional release. Upon request, the CSC and the PBC will provide registered victims and unregistered victims who meet the definition of victim in the CCRA with information on how to prepare and submit a victim statement.

CSC's website: <https://www.csc-scc.gc.ca/victims/003006-0003-eng.shtml>

PBC's website: <https://www.canada.ca/en/parole-board/corporate/publications-and-forms/victims-presenting-a-statement.html>

Applicable Laws for a Prison Sentence – Up to Two Years Less a Day

Three federal statutes – the CCRA, the CCC, and the *Prisons and Reformatories Act* (PRA) – regulate aspects of provincial corrections and release of offenders from provincial prisons. In addition, each province has its own legislation for the management of its correctional operations. The PBC has authority to make parole decisions for offenders serving sentences of less than two years in provinces that do not have their own parole boards (only Quebec, Ontario and Alberta have their own parole boards). The CSC prepares the cases of offenders and makes recommendations to the PBC for parole and supervises provincial offenders on parole in the community.

Victims of offenders under provincial or territorial jurisdiction are provided services by provincial and territorial victim services. For contact information on these services and to learn more about federal corrections and conditional release, please consult the *Information Guide to Assist Victims* at: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2016-gd-ssst-vctms/index-en.aspx> or the following CSC website: <https://www.csc-scc.gc.ca/victims/003006-4000-en.shtml>.

(Note: Depending on the case, various sections within and among these various Acts must be read together to determine specific dates and time periods within a sentence.)

Types of victim services programs

There are various types of victim services programs available in Canada. First, there are police-based victim services, which are victim crisis units that provide assistance to victims following the commission of an offence. These crisis units may include the provision of information, support, assistance, referral, and court orientation to victims.

Secondly, there are Crown or court-based services that help victims understand the criminal justice process and facilitate the participation of victims and witnesses at the trial and sentencing stage.

Thirdly, there are community-based victim services that provide direct services to victims. They include sexual assault support centres, shelters for abused women and their children and victim advocacy groups.

Finally, there are system-based victim services, either provincial or federal entities that provide services to victims at various points along the criminal justice continuum. Their services can include providing information about the criminal justice system, arranging for counseling, assisting the victim in preparing for court, in drafting a Victim Impact Statement or in providing relevant information about the offender to correctional and conditional release authorities.

For more information about victim services in Canada, please consult Justice Canada's Victim Service Directory at <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/vsd-rsv/index.html>

2.

Multiple Sentences – Concurrent and Consecutive

Many offenders are serving sentences for more than one offence. It is the combination of multiple sentences where sentence calculation is most complex. Offenders convicted of multiple offences are subject to concurrent sentences, consecutive sentences, or a combination of both.

What is merger of sentences?

A merger of sentences is where an offender who is serving a custodial sentence receives another custodial sentence, the old and new sentences are combined and become one sentence. The merged sentence begins from the date of imposition of the first of the sentences to be served and ends on the date of expiration of the last of them to be served.

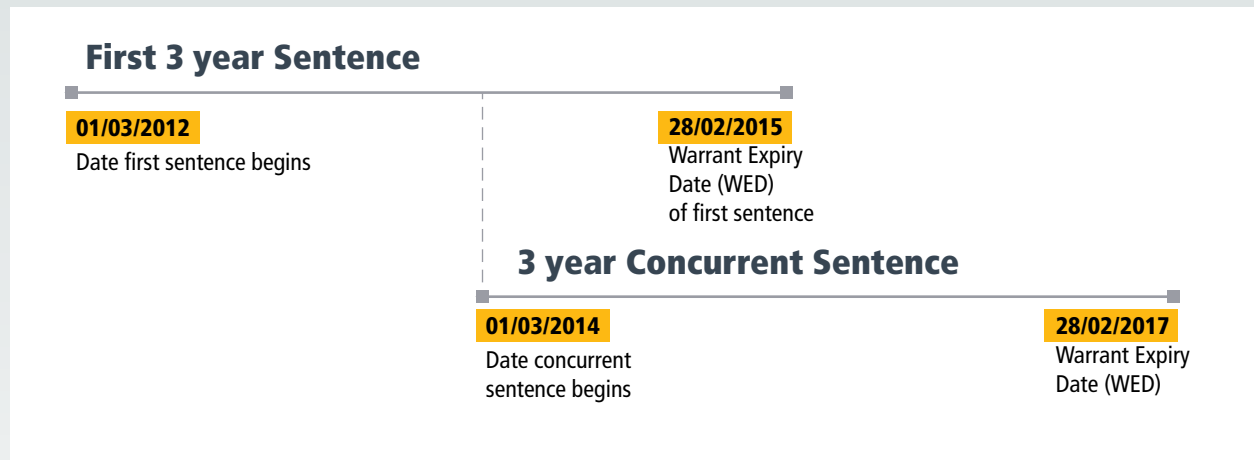
The merged sentence serves as the basis for calculating the warrant expiry date (the end of the sentence) and conditional release eligibility dates within the sentence, including eligibility for day and full parole, temporary absences and statutory release.

What is a concurrent sentence?

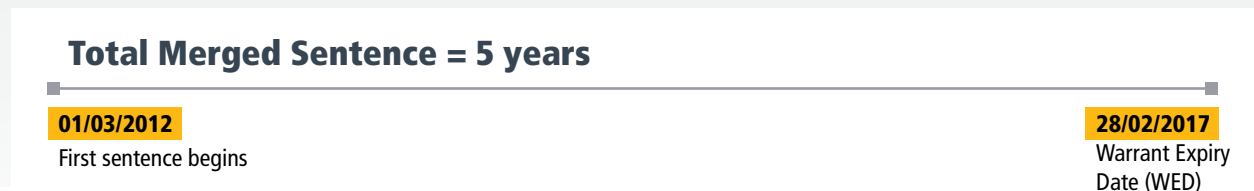
Concurrent sentences are sentences imposed for separate offences which run at the same time. A concurrent sentence begins from the date it is imposed. Where concurrent sentences are imposed at the same time, the total time served by the offender for all the offences is the same as the longest individual sentence imposed. For example, when a court hands down on the same day concurrent sentences of 3 and 5 years, the total time to be served is 5 years. Concurrent sentences include sentences with clear direction from the Court that the sentence is to be served “concurrently” and when no direction is given by the Court, i.e., sentence is “silent”.

Example of an original single sentence merged with a concurrent sentence:

Suppose that an offender is subject to a 3 year sentence which began on March 1, 2012. Two years later (March 1, 2014) they receive a 3 year sentence to be served concurrently with the first. The two sentences are combined to form a total sentence of 5 years which begins on March 1, 2012, (the start date of the first of the sentences to be served) and ends on February 28, 2017 (the expiration date of the last of the sentences to be served). In this case, the sentences run at the same time.



The offender is now serving a total merged sentence of 5 years beginning on March 1, 2012 and ending on February 28, 2017.



What is a consecutive sentence?

Generally, consecutive sentences are separate sentences imposed for two or more offences that are to be served one after the other. The combined length of the sentences is the sum

of the individual sentences added together. For example, an offender who receives two sentences of 3 years to be served consecutively will serve a total of 6 years.

Example of a single original sentence merged with a consecutive sentence:

Suppose that the offender is subject to a 3 year sentence which began on March 1, 2012. Two years later (March 1, 2014) the offender receives a 3 year sentence to be served consecutively to the first. The first and second sentences are added to form a total sentence of 6 years which begins on March 1, 2012, (the start date of the first of the sentences to be served) and ends on February 28, 2018 (the expiration date of the last of the sentences to be served). Both sentences are served back-to-back with the second sentence having a start date of March 1, 2015 and an end date of February 28, 2018.

Original 3 year Sentence

01/03/2012

First sentence begins

28/02/2015

Warrant Expiry
Date (WED)

3 year Consecutive Sentence

01/03/2015

Date consecutive
sentence begins

28/02/2018

Warrant Expiry
Date (WED)

The offender is now serving a total merged sentence of 6 years beginning on March 1, 2012 and ending on February 28, 2018.

Total Merged Sentence = 6 years

01/03/2012

First sentence begins

28/02/2018

Warrant Expiry
Date (WED)

3.

What are the different forms of conditional release and when are federal offenders eligible for them?

Before turning to the forms of conditional release, it should be underscored that victims who have registered with the Correctional Service of Canada (CSC) and/or the Parole Board of Canada (PBC) and have requested to receive information about the conditional release dates of the offender who harmed them will receive notification of the releases. Victims can provide relevant information to the CSC and the PBC to be considered in developing the offender's release plan, including the victim's concerns about their safety.

Victims can provide updated information to the CSC and the PBC throughout the offender's sentence.

Work Release

Work release is a release program allowing a penitentiary inmate to work for a specified duration in the community on a paid or voluntary basis while under supervision. Generally, an inmate is eligible for work release when they have served one-sixth of the sentence or six months, whichever is greater. The institutional head (i.e., warden) has authority to grant a work release of up to a maximum period of 60 days under specified conditions which always include supervision.

Correctional authorities grant work release to carefully selected inmates who perform work and services of benefit to the community such as painting, general repairs and maintenance of community centres or homes for the aged. Work release is one of the first steps in the safe, gradual reintegration of offenders into society.

Temporary Absence

Temporary absences include both occasional and a series of releases intended to safely return inmates to the community on a temporary basis for specific purposes. Temporary absences are granted for one of the following reasons: medical, administrative, community service, family contact, including parental responsibilities, personal development for rehabilitative purposes or compassionate reasons such as attending a funeral.

Escorted Temporary Absence (ETA)

An ETA is a short-term release to the community under escort for which most offenders are eligible at any time during their sentence. A first ETA for any purpose will be escorted by a correctional officer or a primary worker (i.e., a specialized correctional officer who works with female

offenders). Subsequent ETAs can be escorted by a correctional officer, a primary worker, a contract chaplain, an Elder or a citizen escort (i.e., a trained volunteer who is unrelated to the offender).

The duration of an ETA varies from an unlimited period for medical reasons to not more than 15 days for any other specified reason. The institutional head (i.e., warden) may authorize an ETA of up to 5 days or an ETA of up to 15 days with the CSC Commissioner's approval. In certain instances involving an offender serving a life sentence, the approval of the PBC is required before the CSC may grant an ETA. ETAs are granted to allow inmates to obtain treatment that is unavailable in the penitentiary, to visit critically ill family members and to prepare for other types of conditional release.

An inmate may be granted an ETA to meet with the staff of the community residential centre where they wish to reside and confirm employment as part of their release plan.

Unescorted Temporary Absence (UTA)

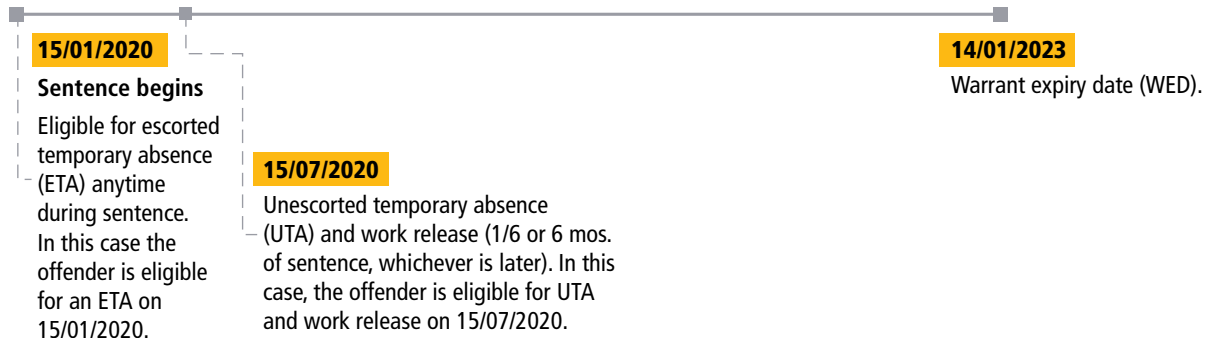
An UTA is a short-term release to the community without an escort. Most inmates in the penitentiary system are eligible for UTAs at one-sixth of the sentence or six months into the sentence, whichever is later. However, offenders serving life sentences and those designated as Dangerous Offenders (DO) who are serving an indeterminate sentence are not eligible for UTAs until three years before their full parole eligibility date. An inmate with a maximum security classification is not eligible for an UTA.

An UTA can be for an unlimited period for medical reasons and for a maximum of 60 days for specific personal development programs. UTAs for community service or personal development can be for a maximum of 15 days, up to three times per year for a medium security inmate, or four times per year for a minimum security inmate. The duration of other types of UTAs range from a maximum of 48 hours per month for a medium security inmate, to 72 hours per month for a minimum security inmate. The PBC, the Commissioner of the CSC and the institutional head (i.e., warden) have authority to grant UTAs in circumstances defined in the *Corrections and Conditional Release Act* (CCRA) and the *Criminal Code of Canada* (CCC).

Example of Work Release, ETA and UTA Eligibility Dates – 3 year sentence:

Suppose an offender is serving a single definite 3 year sentence (36 months) which commenced on January 15, 2020. Under the CCRA, the offender is eligible for an ETA at any time. They are eligible for an UTA and work release 6 months after commencement of the sentence or at one-sixth of the sentence, whichever is the longer period. Eligibility does not mean automatic release.

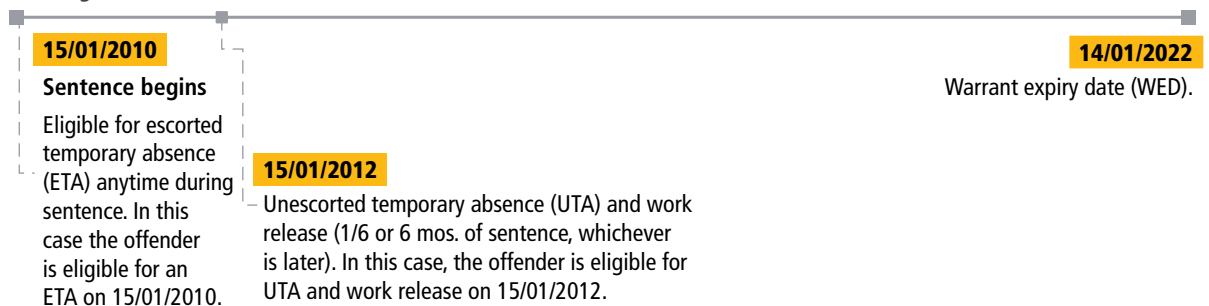
3 year Sentence



Example of Work Release, ETA and UTA Eligibility Dates – 12 year sentence:

Suppose an offender is serving a single definite 12 year sentence (144 months) which commenced on January 15, 2010. Under the CCRA, the offender is eligible for an ETA at any time. They are eligible for an UTA and work release 6 months after commencement of the sentence or at one-sixth of the sentence, whichever is the longer period. Eligibility does not mean automatic release.

12 year Sentence



Parole

Parole is a form of conditional release which allows some offenders to serve part of their sentence in the community under supervision, provided they abide by certain conditions.

Because most offenders will be released eventually, the best way to protect the public is to help offenders safely reintegrate into society through a gradual, structured and supervised conditional release.

Parole is a privilege rather than a right; eligibility does not mean automatic release. The PBC has discretion on whether or not to grant parole based on a thorough risk assessment of all relevant information available. In determining whether or not to grant parole, Board members carefully review information provided by victims, the courts, correctional authorities, mental health professionals, and the offender. In arriving at a decision, the PBC considers a number of factors, but above all the protection of society.

There are two types of parole: day parole and full parole.

Day Parole

Day parole is more limited than full parole in that it requires the offender to return to a penitentiary or a community-based residential facility each evening unless otherwise specified by the PBC.

The eligibility date for applying for day parole is also earlier than for full parole. Offenders are not automatically considered for day parole but must apply for day parole. Most federal inmates can apply for day parole at either six months into their sentence or six months before full parole eligibility, whichever is later.

Offenders serving minimum life sentences for first or second degree murder and DO's serving indeterminate sentences are eligible for day parole three years prior to their full parole eligibility date. Offenders serving life as a maximum sentence are eligible for day parole, six months before full parole eligibility: after serving 6 and 1/2 years. Day parole is normally granted up to a maximum of six months and may be renewed for six month periods.

Day parole provides inmates with the opportunity to participate in community-based activities to prepare for full parole or statutory release.

Full Parole

The PBC reviews the offender's case for the purpose of deciding whether to grant full parole at times prescribed by the *Corrections and Conditional Release Regulations*. Offenders may waive the full parole review. Full parole is a conditional release which allows an offender to serve the remainder of their sentence in the community. It is the culmination of an offender's gradual, structured and controlled release program.

Although no longer required to return to a penitentiary, the offender remains under the supervision of the CSC or of non-profit aftercare agencies such as the John Howard Society, the Elizabeth Fry Society or the Salvation Army and must continue to abide by standard conditions and special conditions imposed by the PBC such as geographical restrictions. Generally, an inmate serving a definite sentence is eligible for full parole at one-third of the sentence or seven years, whichever is less.

Example of Day Parole and Full Parole: Eligibility Dates – 3 year sentence:

An offender is serving a single definite 3 year sentence (36 months) which commenced on January 15, 2020. Under the CCRA, the offender is eligible for full parole after having served one-third of the sentence or 7 years whichever is less. The same offender is eligible for day parole 6 months before full parole eligibility or 6 months after the commencement of the sentence, whichever is the longer period. Eligibility does not mean automatic release. Day parole or full parole must be granted by the PBC.

3 year Sentence

15/01/2020

Sentence begins

Escorted temporary absence (ETA) anytime during sentence. In this case, the offender is eligible for an ETA on 15/01/2020.

15/07/2020

UTA and work release eligibility (1/6 or 6 months of sentence, whichever is later). In this case, the offender is eligible for UTA and work release on 15/07/2020.

15/07/2020

Day parole (DP) eligibility date (6 mos. before FP or 6 mos. of sentence, whichever is later). In this case, the offender is eligible for DP on 15/07/2020.

14/01/2021

Full parole eligibility date (normally 1/3 of sentence or 7 years, whichever is less). In this case, the offender is eligible for FP on 14/01/2021.

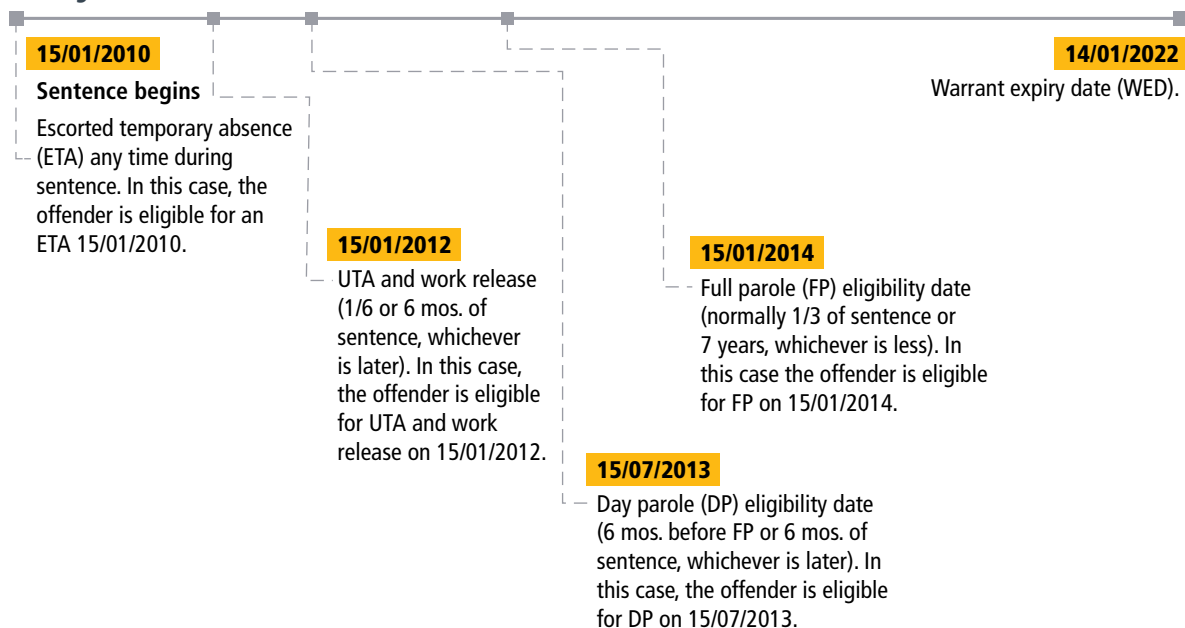
14/01/2023

Warrant expiry date.

Example of Day Parole and Full Parole: Eligibility Dates – 12 year sentence:

An offender is serving a single definite 12 year sentence (144 months) which commenced on January 15, 2020. Under the CCRA, the offender is eligible for full parole after having served one-third of the sentence or 7 years, whichever is less. The same offender is eligible for day parole 6 months before full parole eligibility or 6 months after the commencement of the sentence, whichever is the longer period. Eligibility does not mean automatic release. Day parole or full parole must be granted by the PBC.

12 year Sentence



Statutory Release

As a general rule, an offender is legally entitled to be released into the community at two-thirds of the sentence unless they are serving a life sentence or DO's serving indeterminate sentences (meaning with no fixed end date) or offenders subject to a PBC order detaining them until warrant expiry. Similar to parole, offenders on statutory release

serve the remaining third of their sentence in the community under supervision, provided they abide by standard conditions and special conditions imposed by the PBC such as a non-contact condition. The PBC may require, as a condition of the statutory release, that the offender reside in a designated facility such as a community-based residential facility or a psychiatric facility (s.133(4.1) of the CCRA).

Detention

Upon a referral by the CSC, the PBC reviews for detention the case of any offender serving a sentence of two years or more for an offence listed in Schedule I (personal injury) or II (serious drug) of the CCRA. Moreover, the PBC reviews for detention the case of any offender about whom the CSC Commissioner believes will commit an offence that causes death or serious harm, a sexual offence involving a child, or a serious drug offence before the end of sentence.

If the PBC is satisfied that the offender will likely commit an offence outlined above before the end of sentence, the PBC may order the offender be detained until the expiry of the sentence.

If the PBC is not satisfied that the offender warrants detention, but is satisfied that, at the time of the review, the offender was serving a scheduled offence and that, in the case of a Schedule I offence, it caused death or serious harm or was a sexual offence involving a child, the PBC may order that the offender be released on “one-chance” statutory release. This means that should the offender’s statutory release be revoked, they will not be entitled to statutory release for the remainder of their sentence.

The PBC reviews the cases of offenders detained past the two-third mark of their sentence for a Schedule I offence that caused death or serious harm every two years (s.131(1.1) of the CCRA) and the cases of other detained offenders

annually (s.131(1) of the CCRA) provided their one chance statutory release was not revoked. At that review, the PBC may confirm their previous order to detain the offender or may cancel the order and allow the offender to be released on statutory release, with or without a condition to reside in a community-based residential facility, a psychiatric facility or a penitentiary (s.131(3)(a)(ii) of the CCRA). This release is subject to the “one-chance” rule (s.130(6) of the CCRA).

Long Term Supervision

Every offender under long term supervision remains under the supervision of the CSC and is subject to standard conditions, such as reporting any change in their financial situation to their parole supervisor, and to special conditions imposed by the PBC, such as the requirement to reside in a community-based residential facility or a psychiatric facility.

The procedure for designating an offender as a Long Term Offender (LTO) (s.753.1 of the CCC) is similar to the DO’s procedure (s.753 of the CCC). An application to the court for a finding that an offender is a DO or a LTO may be made where offenders are convicted of offences such as sexual assault, forcible confinement, invitation to sexual touching, sexual exploitation, aggravated sexual assault and sexual assault with a weapon or procuring.

The procedure is also applicable to an offender who committed another offence with a sexual component: for example, break and enter with the intent to commit a sexual assault.

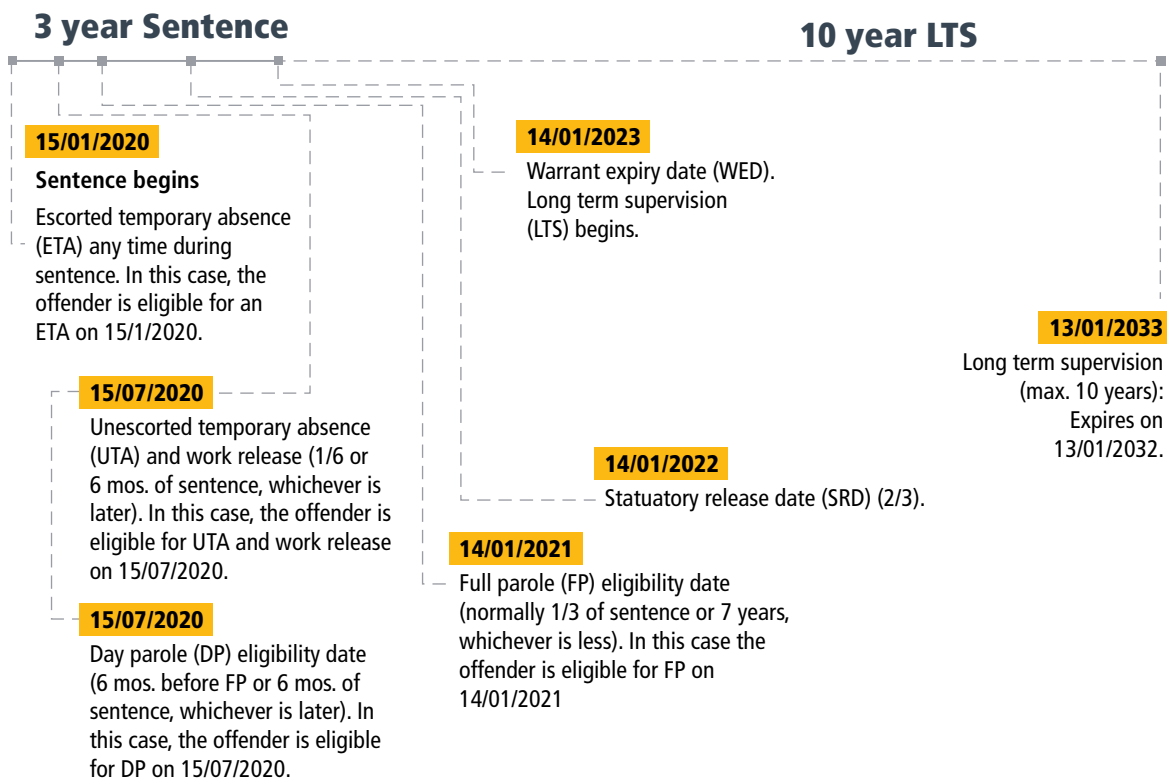
Where the court finds the offender to be a DO, the court may impose an indeterminate sentence (meaning with no set end date), a sentence of imprisonment of two or more years plus long term supervision of up to 10 years (which begins on the expiry date of the sentence of imprisonment) or a sentence for the offence for which the offender has been convicted (s.753(4) of the CCC). An offender who is found to be a LTO will be sentenced

to a penitentiary sentence of two years or more plus a period of long term supervision of up to a maximum of 10 years (s.753.1(3) of the CCC) which starts when the sentence of imprisonment expires (s.753.2 (1) & (2) of the CCC).

A court can impose long term supervision where in its judgement the risk presented by the offender can be managed in the community through appropriate supervision.

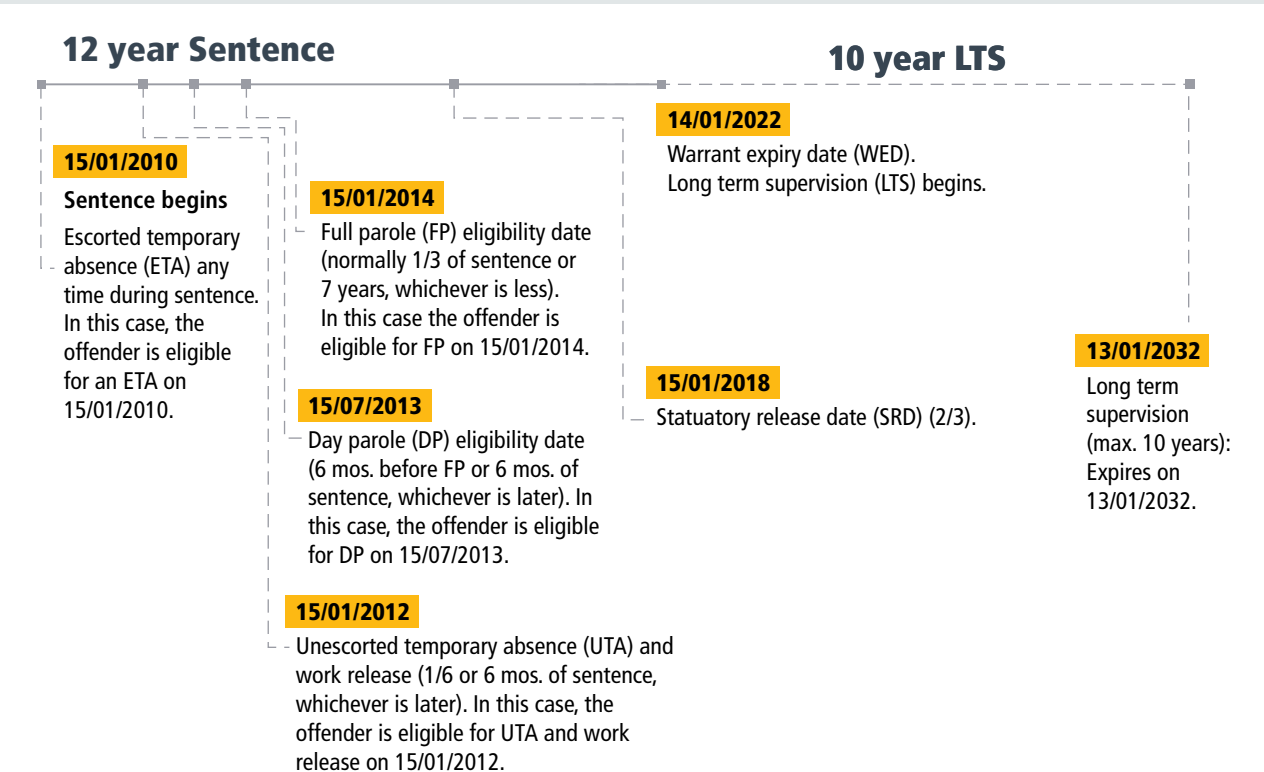
Example of Statutory Release Date and Long Term Supervision – 3 year sentence:

An offender is serving a single, definite, 3 year sentence (36 months) which commenced on January 15, 2020. Under the CCRA, the offender would normally be entitled to statutory release at two-thirds of the sentence on January 14, 2022 unless the PBC ordered their detention. If the court finds the offender to be a DO or a LTO, the court may impose a period of long term supervision (LTS) of up to 10 years that begins after the 3 year sentence expires. In this case, the LTS begins on January 14, 2023 and ends on January 13, 2033.



Example of Statutory Release Date and Long Term Supervision – 12 year sentence:

An offender is serving a single, definite, 12 year sentence (144 months) which commenced on January 15, 2010. Under the CCRA, the offender would normally be entitled to statutory release at two-thirds of the sentence on January 15, 2018 unless the PBC ordered their detention. If the court finds the offender to be a DO or a LTO, the court may impose a period of long term supervision (LTS) of up to 10 years that begins after the 12 year sentence expires. In this case, the LTS begins on January 14, 2022 and ends on January 13, 2032.



4.

How is parole eligibility determined when an offender is subject to a single and then multiple sentences?

Single Sentence

The full parole eligibility date is normally one-third of a definite sentence or 7 years, whichever is less. For example, an offender serving a 12 year sentence would be eligible for full parole 4 years after the date of imposition of the sentence. Eligibility does not mean automatic release. Full parole must be granted by the Parole Board of Canada (PBC).

Multiple Sentences

Where multiple sentences merge, eligibility dates are re-calculated on the basis of the new single sentence. However, there are two important rules regarding the imposition of additional sentences.

First, an offender who receives a new consecutive or concurrent sentence will have that sentence merged with the current sentence. Before becoming eligible for parole, the offender must serve, from the date of imposition of the new sentence, the remaining parole ineligibility period on the existing sentence **plus** a period equal to the parole ineligibility period of the new sentence.

Second, although under Canadian law, any definite sentences imposed in addition to a life or indeterminate sentence must be concurrent rather than consecutive, the principle of adding parole ineligibility periods also applies where an offender serving a life sentence receives an additional definite sentence. This ensures the new sentence has a direct impact on the offender's parole ineligibility period. However, where the sentence is for an offence other than murder, the parole ineligibility periods may only be added to a maximum of 15 years from the date of the last sentence imposed (s.120.3 of the *Corrections and Conditional Release Act*).

For an example of how parole ineligibility is calculated where an offender is serving a life sentence for murder and receives an additional definite sentence, please see Annex A of this booklet.

In rare instances where an offender who is already convicted of one or more murders is then convicted of another murder, all of which were committed after December 2, 2011, the court may order that the ineligibility periods for parole for each murder conviction are to be served consecutively (s.745.51(1) of the *Criminal Code of Canada*).

When can a judge set parole eligibility at one-half of the sentence for offences?

Where an offender is sentenced to two years or more, for a personal injury or serious drug offence listed in Schedules I and II of the CCRA or for a criminal organization offence, other than those in sections 467.11 to 467.13 of the CCC, and prosecuted by indictment, the court **may** order that the offender serve one-half of the sentence or 10 years, whichever is less, before being eligible for parole (s.743.6(1) of the CCC).

Where the offender is convicted of a terrorism offence or a criminal organization offence under section 467.11, 467.111, 467.12 or 467.13 of the CCC, the court **shall** order that the offender serve one-half of the sentence or 10 years, whichever is less, before being eligible for parole, unless satisfied that the standard parole eligibility period would be adequate, having regard to the circumstances of the offence and the offender, the character of the offender, and the sentencing objectives of denunciation and deterrence. The same rule applies to offenders convicted for a terrorism offence (s.743.6(1.2) of the CCC).

What is the effect of revocation on parole eligibility or entitlement to statutory release when no new sentence has been imposed?

An offender's parole or statutory release can be revoked for various reasons, such as a breach of their release conditions or for the commission of an offence and where the PBC is satisfied that the continued release of the offender would constitute an undue risk to society before the expiration of the sentence. On revocation of parole or statutory release, the offender is recommitted to custody. If the offender was on parole and no new sentence has been imposed, the offender's parole eligibility date remains unchanged. However, the offender must re-apply for parole, and their previous failure will be given careful consideration (s.123(6) of the CCRA). If the offender was on statutory release and no new sentence has been imposed, the offender is not entitled to statutory release again until after having served two-thirds of the remaining portion of the sentence (s.127(5)(a) of the CCRA). The offender whose parole has been revoked and chooses to be released on statutory release rather than apply for parole must serve two-thirds of their remaining sentence before becoming entitled to statutory release.

5.

Contacts for more sentence calculation information

For further information about the sentence of the offender who harmed you, please contact victim services staff at the following Correctional Service of Canada (CSC) locations.

National Headquarters

Correctional Service Canada
340 Laurier Avenue West,
Ottawa, Ontario K1A 0P9
Email: victims-victimes@csc-scc.gc.ca

Toll-free number: 1-866-806-2275 – after dialing this number, select 1 for English or 2 for French, then access the specific region for dedicated victim services by selecting the number listed below:

- 1 for Pacific
- 2 for Prairies
- 3 for Ontario
- 4 for Quebec
- 5 for Atlantic
- 0 for National Headquarters

Regional Directory

The Regional Victim Services Manager (RVSM) oversees the delivery of victim services within their respective regions.

Atlantic Region:

(New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador)
1-866-806-2275
GEN-ATLVictimServices@csc-scc.gc.ca

Regional Victim Services Manager
Regional Headquarters (Atlantic)
1045 Main Street, 2nd Floor
Moncton, New Brunswick
E1C 1H1
Fax #: 506-851-4684

Quebec Region:

(serving Quebec only)
1-450-967-3680
QUEvictimes@csc-scc.gc.ca

Regional Victim Services Manager
Regional Headquarters
4 Place Laval, Suite 400
Laval, Quebec
H7N 5Y3
Fax #: 1-450-972-7762

Ontario Region:

(East of Thunder Bay and within
the territory of Nunavut)

1-866-875-2225

GEN-ONT-Victimservi@csc-scc.gc.ca

Regional Victim Services Manager
Victim Services Unit (Ontario)
Correctional Service Canada
PO Box 1174
Kingston, Ontario
K7L 4Y8
Fax #: 613-536-4730

Prairies Region:

(Alberta, Saskatchewan, Manitoba,
Northwest Territories, Northwest Ontario
including Thunder Bay)

1-877-322-5822

Prairiesvictimservices@csc-scc.gc.ca

Regional Victim Services Manager
Regional Headquarters (Prairies)
PO Box 9223
Saskatoon, Saskatchewan
S7K 3X5
Fax #: 306-659-9314

Pacific Region:

(British Columbia, Yukon)

1-604-870-2712

1-866-806-2275

TTY 1-604-851-3812

GEN-PAC-RHQVictims@csc-scc.gc.ca

Regional Victim Services Manager
Regional Headquarters (Pacific)
Unit #100, 33991 Gladys Avenue
P.O. Box 4500, 3rd Floor
Abbotsford, British Columbia
V2S 2E8
Fax #: 604-870-6152

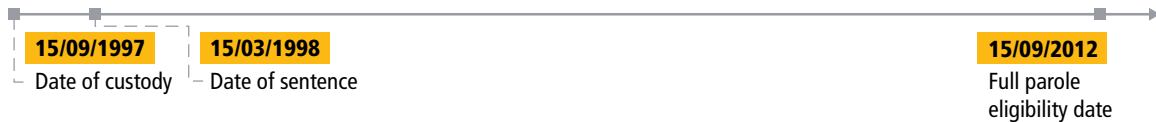
Annex A

The impact of the addition of a concurrent sentence to a life sentence (eligibility for unescorted temporary absence, work release, day parole and full parole).

Offender X is serving a life sentence from September 15, 1997 (the date on which they were taken into custody) for second degree murder. They remained in detention until they were sentenced to life for second degree

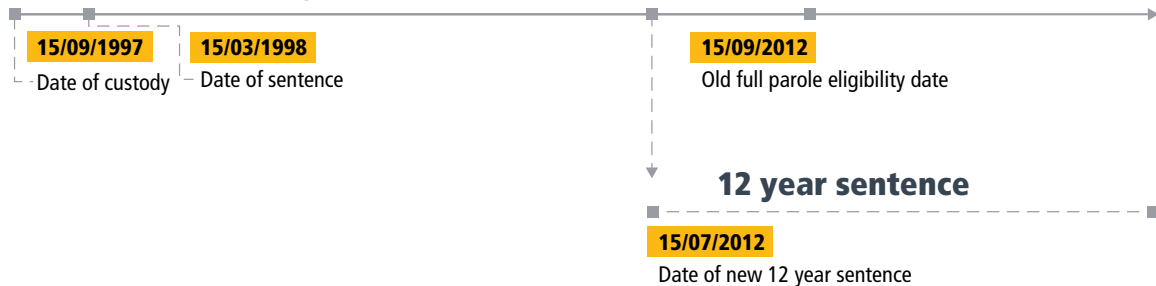
murder on March 15, 1998. They were ineligible for parole until serving 15 years from the date they were taken into custody for the offence. Their parole eligibility date is September 15, 2012.

Life Sentence



On July 15, 2012, Offender X receives a new 12 year concurrent sentence which is merged with their life sentence.

Life Sentence merged with new Concurrent Sentence



Annex A (continued)

The impact of the addition of a concurrent sentence to a life sentence (eligibility for unescorted temporary absence, work release, day parole and full parole).

Full Parole Eligibility

Under subsection 120.2(2) of the CCRA, in order to become eligible for parole, the offender must serve, from the day on which the additional sentence or sentences are imposed, the total of the following periods:

- C. Any remaining period of ineligibility to which they are subject, **AND**
- D. The period of ineligibility in respect of the additional sentence or sentences or, in the case of two or more additional sentences, the period of ineligibility – determined in accordance with subsection (1) or section 120.1, as the case may be – in respect of the additional sentences.

N.B.: This rule sets out the earliest possible eligibility date for full parole. Eligibility does not mean automatic release. Full parole must be granted by the PBC.

In this case,

- A. Two months is the parole ineligibility period remaining on the life sentence. This is obtained by calculating the time left between the date of imposition of the new 12 year sentence (15/07/2012) and the old parole eligibility date (15/09/2012).
- B. Four years is the parole ineligibility period for the new sentence: one-third of 12 years = 4 years.

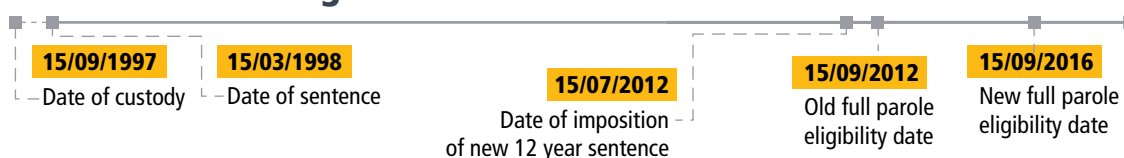
The new parole eligibility date is therefore 4 years and 2 months from 15/07/2012, the date of imposition of the new 12 year concurrent sentence.

When is Offender X eligible for full parole on the merged sentence?

- (a) 15/01/2016
- (b) 15/09/2016
- (c) 15/03/2016

The answer is (b) 15/09/2016: it establishes the parole eligibility date 4 years and 2 months from 15/07/2012.

Life Sentence merged with new Concurrent Sentence



Annex A (continued)

The impact of the addition of a concurrent sentence to a life sentence (eligibility for unescorted temporary absence, work release, day parole and full parole).

Eligibility for unescorted temporary absence, work release and day parole

Under subsection 746.1(2) of the CCC, an offender serving a life sentence is eligible for day parole and an unescorted temporary absence (UTA) 3 years prior to the full parole eligibility date.

Under subsection 18(2) of the CCRA, an offender is eligible for work release on the same date as he or she is eligible for an UTA.

N.B.: These rules set out the earliest possible eligibility dates for day parole, an UTA and work release. Eligibility does not mean automatic release. Day parole must be granted by the PBC. An UTA must be granted by the PBC

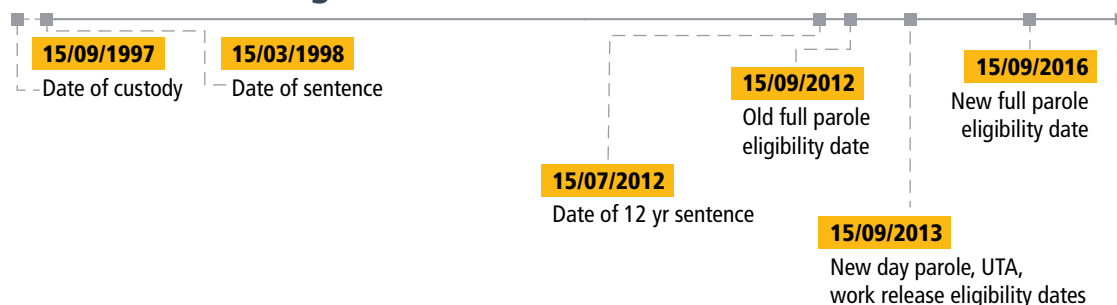
or the CSC, as the case may be. A work release must be granted by the CSC. Offenders in maximum security are not eligible for an UTA, therefore, assume that Offender X is not in maximum security.

In this case, when is Offender X eligible for day parole, an UTA and work release?

- (a) 15/09/2013
- (b) 15/01/2011
- (c) 15/03/2012

Answer: (a) 15/09/2013, which is 3 years before the full parole eligibility date.

Life Sentence merged with new Concurrent Sentence



National Office for Victims

publicsafety.gc.ca/nov

ntnlofficevictims@ps-sp.gc.ca