



# 1

## SENTENCE CALCULATION: FAST FACTS

### Offender Serving a Single Fixed Sentence with Long Term Supervision

#### NATIONAL OFFICE FOR VICTIMS OF CRIME

The combinations of types of sentences, the sentencing dates and possible interventions, such as suspension, termination or revocation of a release, can make the calculation of eligibility for parole and other forms of conditional release very complicated.<sup>1</sup>

This is why it is important for victims to register with the Correctional Service of Canada (CSC) and/or the Parole Board of Canada (PBC). They can obtain accurate and timely information about the conditional release eligibilities of the offender who harmed them. That way they can prepare for the possible release and raise victim safety concerns when appropriate.

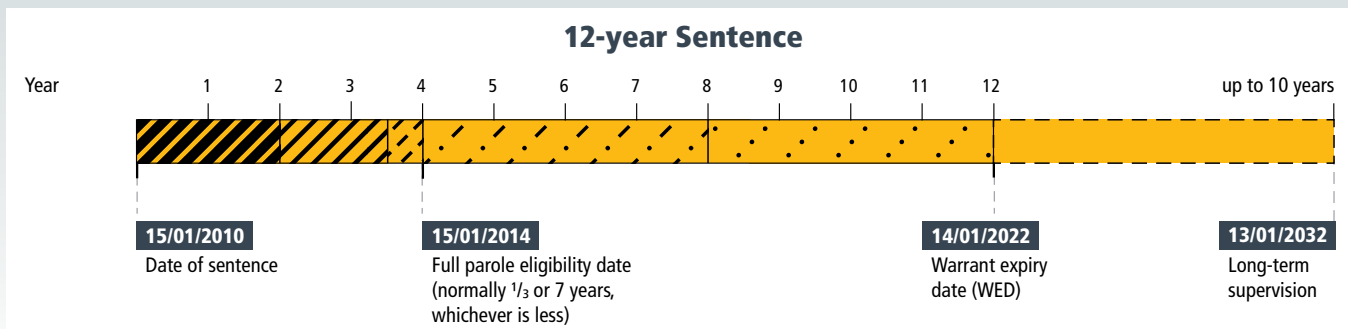
This factsheet provides information on the conditional release eligibilities of a Long Term

Offender (LTO). An offender found by the court to be an LTO received a 12-year sentence. The LTO is also under 10-year long-term supervision.<sup>2</sup>

#### Full Parole Eligibility

Under subsection 120(1) of *Corrections and Conditional Release Act (CCRA)*, an offender serving a definite sentence (i.e., a sentence of fixed length) is eligible for full parole after having served <sup>1</sup>/<sub>3</sub> of the sentence or 7 years, whichever is less. Eligibility does not mean automatic release. Full parole must be granted by the PBC.

In the example below, the offender is eligible for full parole 4 years from the date of sentence January 15, 2014.



1 In terms of interventions, suspension of parole or statutory release take place when a) a breach of a conditional release has occurred, b) to prevent a breach of conditions or to protect society (CCRA 135(1)(a)). A termination occurs when parole or statutory release are terminated as a result of undue risk to society due to circumstances beyond the offender’s control whereas a revocation occurs where this risk is within the offender’s control (CCRA 135(7)).

2 An offender who is found to be a LTO will be sentenced to 2 years or more plus a period of long term supervision of up to a maximum of 10 years (s.753.1(3) of the *Criminal Code* (CCC)) which starts when the sentence of imprisonment expires (ss.753.2 (1) & (2) of the CCC). But where the court applies a credit for pre-trial custody, this can result in a sentence of less than 2 years that is served in a provincial facility. However, the LTO will be supervised by the CSC from the WED until the end of the long-term supervision.

## Eligibility for Temporary Absences, Work Release, Day Parole and Statutory Release

**Escorted temporary absence (ETA):** Under subsection 17 of the CCRA, an offender serving a fixed sentence may be granted an ETA at any time. This is the case in this example.

**Unescorted temporary absence (UTA):** Under paragraph 115(1)(c) of the CCRA, an offender serving a fixed sentence is eligible for an UTA after serving 6 months or ½ of the offender’s full parole eligibility date, whichever is later. In this case, the later UTA eligibility date is January 15, 2012. That means 2 years after the beginning of the sentence.

**Work release:** Under subsection 18(2) of the CCRA, an offender is eligible for work release on the same date they are eligible for an UTA. In this case, it would be on January 15, 2012.

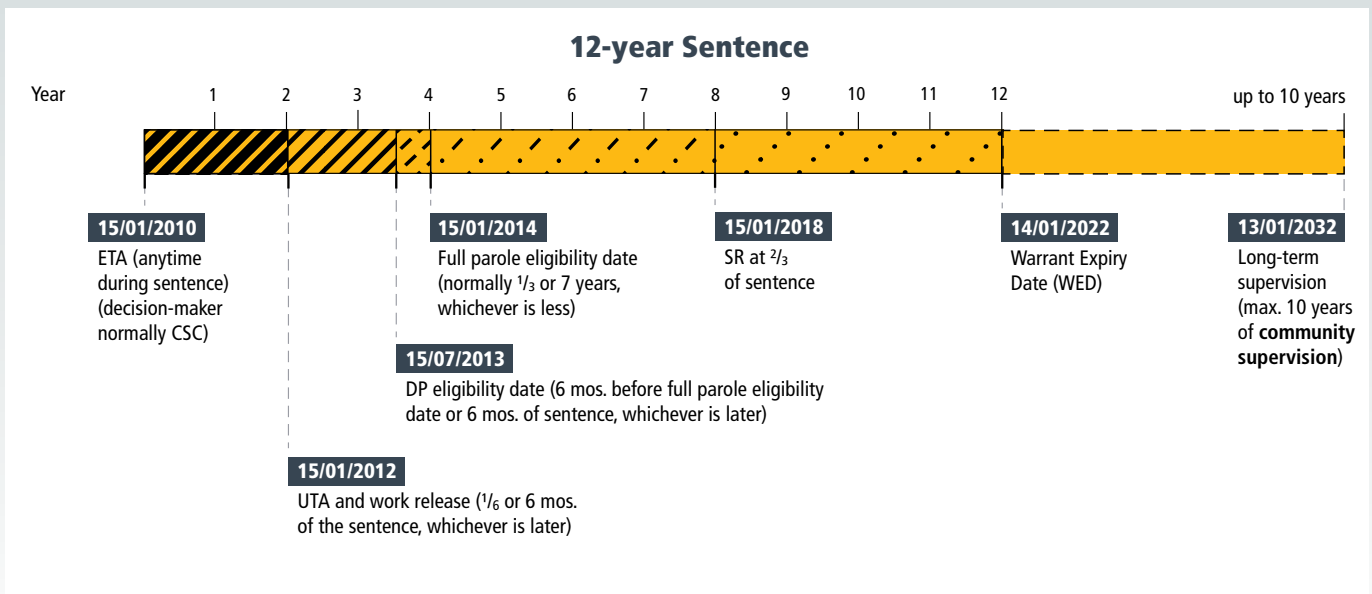
**Day Parole (DP):** Under paragraph 119(1)(c) of the CCRA, an offender serving a fixed sentence is eligible for DP after serving 6 months or 6 months before the full parole eligibility date, whichever comes later. Eligibility does not mean automatic release. Day parole must be granted by the PBC. In this case, the later DP eligibility date is July 15, 2013.

That means 30 months after the beginning of the sentence.

**Statutory Release (SR):** Under subsection 127(3) of the CCRA, an offender is entitled to SR after serving 2/3 of the sentence. However, under subsection 130(3) of the CCRA, the PBC, after a review, can order the detention of an offender under certain circumstances rather than release them on SR. In this case, the SR date is January 15, 2018.

**Long term supervision (LTS)** begins at the warrant expiry date. The warrant expiry date is when the offender is released from custody at the end of their sentence. If there is an LTS order the offender is then supervised in the community for the length of the order following completion of the custodial portion of their sentence. The length of LTS is determined by the court at sentencing and can be up to a maximum of 10 years. In this case, the 10-year LTS begins on January 14, 2022.

**N.B.** These rules establish the earliest possible eligibility date for ETAs, UTAs, work release, DP and full parole. They are not automatic releases. Only SR is an entitlement that the PBC can prohibit with a detention order. These conditional releases must be granted by the appropriate authority.



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

ISBN: 978-0-660-38244-9

Cat. No.: PS18-57/1-2021E-PDF