


Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	Authorized by Executive Director 	

1. Policy

- 1.1 Sentences for adults will be administered in accordance with the applicable legislation, including
 - 1.1.1 *Criminal Code of Canada*
 - 1.1.2 *Prisons and Reformatories Act*
 - 1.1.3 *Corrections and Conditional Release Act*
 - 1.1.4 *Correctional Services Act*, sections 51(2) and 76
 - 1.1.5 *Summary Proceedings Act*
 - 1.1.6 *Youth Criminal Justice Act*
 - 1.1.7 case law
 - 1.1.8 any other Acts having a bearing upon sentencing or sentence calculations

2. Principles

- 2.1 The following principles will be applied:
 - 2.1.1 Where all attempts to determine the intent of the court have failed, the adult is to be given the most favourable calculation when the exact intent of the court in sentencing cannot be determined by the information including transcripts provided by the court. See section 11 of this policy.
 - 2.1.2 All sentences are to be calculated to release the adult on the earliest possible release date.
- 2.2 To comply with the *Criminal Code of Canada* and associated legislation, the following sentence calculation principles will be applied:
 - 2.2.1 A sentence commences when an adult is admitted into custody unless the court orders it to be served consecutive pursuant to section 718.3(4) CC or may commence on another date, pursuant to section 719 CC.
 - 2.2.2 An adult’s sentence starts on the warrant commencement date, (WCD), except in the case of an intermittent sentence, pursuant to section 732(1)(a), see Policy and Procedures, Subject No. [25.02.00, Intermittent Sentence Calculations](#).
 - 2.2.3 A consecutive sentence starts immediately upon expiration of the sentence being served immediately before it.

Page 1 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
--------------	---	----------------------

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	<i>[Signature]</i> Authorized by Executive Director	

2.2.4 The aggregate days of multiple sentences will be determined by calculating the warrant commencement date (WCD) of the first sentence to the last warrant expiry date (WED) of the last sentence to expire.

2.2.5 Remission will be calculated based on the total aggregate days of all sentences except when converting a youth sentence to an adult sentence pursuant to section 743.5 CC, see Policy and Procedures, Subject No. 21.04.00, [Placement of Youth Serving Adult Sentences, section 4.](#)

3. Standards

3.1 Superintendents will ensure

3.1.1 that file information for sentence calculation is accessible as required in accordance with Policy and Procedures, Subjects Numbers

3.1.1.1 38.00.00, [Admission to a Correctional Facility](#)

3.1.1.2 38.01.00, [Discharge from a Correctional Facility](#)

3.1.2 sentence calculations are accurate and current

3.1.3 staff calculating sentences are properly oriented and are familiar with policy and procedures and all applicable legislation in accordance with section 1.1 of this policy

3.2 Correctional facility staff who require assistance with sentence calculation or warrant interpretation will document the problem and forward it to the appropriate Manager, Policy and Programs.

4. Terms

4.1 **Day:** A day or any part of a day.

4.2 **Calendar Month:** A period of time commencing on a particular day in a particular month and ending on the corresponding day of the following month, less one day. The aggregate days cannot be greater or lesser than the number of days in the month the sentence was imposed. For example, a sentence imposed in

4.2.1 January for one month is equal to 31 days

Page 2 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
--------------	---	----------------------


Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	<i>[Signature]</i> Authorized by Executive Director	

- 4.2.2 June for one month is equal to 30 days
- 4.2.3 February for one month is equal to 28 days unless during a leap year then it is 29 days
- 4.3 When there is no such corresponding day to the warrant commencement date (WCD) in the last month of incarceration, the warrant expiry date (WED) will expire on the last day of that month, e.g.,
 - 4.3.1 a month sentence where the first day of first month is March 31st and the last month is April which only has 30 calendar days, the term would expire on April 30th
 - 4.3.2 a four month sentence where the first day of the first month is October 31st and the last month if February, not in a leap year, which has 28 days, the term would expire on February 28th
- 4.4 **Two Weeks:** Is always equal to 14 days, including the day of commencement and the day the warrant expires.
- 4.5 **Warrant Commencement Date (WCD):** The date on which an adult commences serving a term of custody or the date when an adult is admitted into custody on a warrant of committal to serve a sentence will be considered the warrant commencement date.
- 4.6 **Warrant Expiry Date (WED):** The date calculated from the warrant commencement date (WCD) to the aggregate length of a sentence, or the date specified on the warrant of remand will be considered the warrant expiry date.
- 4.7 **Aggregate Days:** The total number of days in the sentence beginning on the warrant commencement date (WCD) and ending on the warrant expiry date (WED). Aggregate days will be calculated in accordance with the Correctional Services approved Sentence Calculation Manual.
- 4.8 **Earliest Release Date (ERD):** The date an adult has satisfied their sentence determined by calculating earned remission. Earned remission is always calculated in accordance with the approved earned remission table.

Page 3 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
--------------	---	----------------------

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	<i>[Signature]</i> Authorized by Executive Director	

- 4.9 **Provincial Sentence of two (2) years less a day:** The sentence calculation is based on 729 days except when the sentence includes February 29th the calculation is based on 730 days.
- 4.10 **Rolling Calendar:** An approved calendar that provides a numeric value for each calendar day to calculate the
 - 4.10.1 total aggregate days
 - 4.10.2 warrant expiry date
 - 4.10.3 earliest release date
- 5. **Concurrent Sentences**
 - 5.1 **Concurrent Sentences:** Sentences imposed for separate offences, which run simultaneously. All warrants or cases that do not specify whether or not they are concurrent or consecutive, are deemed to be concurrent.
 - 5.2 When two (2) or more sentences, that are not consecutive, are awarded on the same date, the sentence with the greatest number of days is the sentence to be calculated first and all other sentences are concurrent to it, despite the sequence of the order #'s on the warrant and on the Justice Enterprise Information Network (JEIN).
- 6. **Consecutive Sentences**
 - 6.1 **Consecutive Sentences:** Separate sentences imposed for two or more offences that will be served in succession. A consecutive sentence commences on the day immediately following the last day of the preceding sentence, without interruption.
 - 6.2 A sentence is consecutive to a sentence an adult is currently serving or to another sentence when the
 - 6.2.1 first case listed on the warrant of committal is ordered to be served consecutive, or
 - 6.2.2 total sentence on the warrant of committal states to be served consecutive, or

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	 <small>Authorized by Executive Director</small>	

6.2.3 the remarks on the warrant of committal states the total sentence is to be served consecutive.

6.3 When two (2) or more sentences are awarded on the same date but at different times stating consecutive to any other term of incarceration presently serving and consecutive to any other sentence awarded on the same date and each other, the terms would be consecutive to present sentence and to each other.

6.4 Where a warrant states a sentence is consecutive to a named case number", the sentence is consecutive to the sentence associated with the designated case number, but concurrent to any other sentence presently being served or imposed on the same date.

6.5 When two (2) or more sentences are awarded on the same date stating consecutive to any term of incarceration presently serving, the terms would be consecutive to any sentence presently serving and concurrent to each other. Pursuant to the sentencing rules resulting from Case Law: *Paul v, the Queen, [1982] 1 S.C.R 621 (S.C.C)* and *Re Lauzon and The Queen (1981), 58 C.C.C. (2d) 20 (Ont. C.A.)*.

7. Merged Sentences

7.1 Where an adult serving a custodial sentence becomes subject to another concurrent or consecutive sentence

7.1.1 the old and new sentences are merged

7.1.2 it begins on the date of the imposition of the first sentence to be served and ends on the date of the last warrant expiry date

8. Calculations


8.1 Sentences will be calculated no later than the end of next business day

8.1.1 manually (see form 25.01.00-A), and

8.1.2 by using JEIN

8.2 Manual sentence calculations will be

Page 5 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
--------------	---	----------------------

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	Authorized by Executive Director 	

- 8.2.1 calculated twice by two different record clerks or other designated staff
 - 8.2.2 signed and dated by the individuals calculating the sentence
 - 8.3 The two manual sentence calculations will be placed with the JEIN calculation(s) as printed on the Admission Card and filed with appropriate warrant(s) in the adult's administrative file.
 - 8.4 Sentence calculations in accordance with 8.1 and 8.2 will take place whenever a variation in sentence occurs, including
 - 8.4.1 a new warrant, even when the warrant will have no impact on the aggregate days
 - 8.4.2 interruption of sentence
 - 8.4.3 other circumstances e.g., loss of remission, fines, pay outs, appeals
 - 8.4.4 transfers between provincial correctional facilities
 - 8.4.5 unlawfully at large (UAL or AWOL)
 - 8.5 Sentence calculations will also take place one business day prior to an adult's release from custody on the earliest release date (ERD) or warrant expiry date (WED).
- 9. Calculating the Earliest Release Date**
- 9.1 In accordance with Policy and Procedures, Subject No. 26.00.00, [Remission](#), remission will be calculated based on the total aggregate days of all sentences to determine an individual's earliest release date.
 - 9.2 Remission is calculated for each sentenced individual upon the warrant commencement date (WCD) using the approved Remission Table ([see form 25.01.00-B](#)) Earned Remission Table.
 - 9.3 When an individual is transferred to another facility, the receiving facility will recalculate and verify their earliest release date.

Page 6 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
--------------	---	----------------------

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	<i>[Signature]</i> Authorized by Executive Director	

10. Sentence Miscalculation

- 10.1 Where it is identified that an individual has been released early or held past their release date the records clerk or other designated staff will notify the deputy superintendent or designate.
- 10.2 The deputy superintendent or designate will, where the individual has been
 - 10.2.1 released early, contact the individual and/or police to request their return back to the facility
 - 10.2.2 held past their earliest release date, arrange for their immediate release
- 10.3 Sentence miscalculations that result in the early or late release of an individual will be reported in accordance with Policy and Procedures, Subject Numbers
 - 10.3.1 38.01.00, [Discharge from a Correctional Facility](#), see section 8 regarding reporting improper releases
 - 10.3.2 5.02.00, [Reportable Incidents](#), to the Director, Correctional Services responsible for adult correctional facilities


11. Warrant/Sentence Calculation Discrepancies

- 11.1 In the case that a warrant is unclear regarding the intent of the court or results in sentence calculation discrepancies between the manual calculation and JEIN, the record clerk or other designated staff will forward written communication, e.g., email, to the court clerk for clarification and where required request the court transcript or an amended warrant, e.g.,
 - 11.1.1 individual case sentences not equal to the total sentence
 - 11.1.2 case identified as consecutive to period of pre-trial detention
 - 11.1.3 total sentence less time served on remand
 - 11.1.4 any other matter that may impact the WED or ERD
- 11.2 When there is a discrepancy between the manual and JEIN calculations, designated staff will confirm the manual calculation by having the deputy superintendent or designated manager complete the calculation in accordance with 8.1.1.

Page 7 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
--------------	---	----------------------

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	<i>[Signature]</i> Authorized by Executive Director	

- 11.3 Where it is clear that discrepancy between the manual and JEIN sentence calculations is a result of JEIN sequencing the individual cases associated with the order, the record clerk or other designated staff will sequence the individual case sentences on JEIN, under Charge/Final Disposition to reconcile with the total sentence on the warrant.
- 11.4 Should the court clerk not be able to provide clarification or resolve a problem regarding an unclear warrant or a sentence, the record clerk or other designated staff will forward the concern to the deputy superintendent or designate who will forward communication, e.g., email, to the equivalent court manager for clarification or resolution.
- 11.5 Where the court manager is unable to clarify or resolve the problem, the deputy superintendent or designate will forward the concern, e.g., email, to the Manager, Policy and Programs responsible for sentence administration. The Manager, Policy and Programs will follow up with Court Services managers.
- 11.6 Where there is documented confirmation that the intent of the court is consistent with the manual calculation, request the court to make updates to JEIN court information to reflect the intent of the court.
- 11.7 Where the court is unable to make requested updates to JEIN or where the charge final disposition cannot be sequenced in accordance with 11.3 above, designated staff will request the deputy superintendent to approve the override of the JEIN calculation by completing the related section on the Manual Sentence Calculation Form. For specific instruction on how to override a JEIN sentence calculation see JEIN: Help Menu/Correction Guide/Custody Menu Subject, Custody Term. Document the specific reasons for the override
 - 11.7.1 under the custody term comments tab, see reference above for specific instruction
 - 11.7.2 on the manual calculation
- 11.8 All documentation associated with court communication requesting order clarification or amendments will be filed by designated correctional staff on the individual's administrative file with the sentence calculation.

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	Authorized by Executive Director 	

11.9 Following an override of JEIN sentence calculation all future sentence calculations for that individual during that custody term will be updated manually.

12. Impact of Unlawfully at Large, Escape

- 12.1 When an individual is unlawfully at large (UAL) or has escaped from custody, the warrant of committal remains in force
 - 12.1.1 the custody term remains open in accordance with Policy and Procedures, Subject 25.00.00, *Custody Term*, section 6
 - 12.1.2 the individual is only credited for the day they left and the day they are returned to custody
 - 12.1.3 if the individual is re-arrested on the same day, they are credited with one (1) day only
 - 12.1.4 the interim period, i.e., total clear days, the individual is UAL or is at large in the community unlawfully due to an escape, does not count towards the satisfaction of the sentence

13. Impact of Release on Appeal Bail

- 13.1 Following a conviction and sentencing, pursuant to section 679 CC when an individual is released from custody pending an application for a new trial or hearing, i.e., appeal bail, the
 - 13.1.1 interim period, i.e., total clear days, the individual is released on bail does not count towards the satisfaction of the sentence
 - 13.1.2 individual is credited for the day they left custody and for the day they are returned to custody, if returned to custody

14. Impact of Release on Conditional Release

- 14.1 When an individual is released on a conditional release,
 - 14.1.1 the time out of the correctional facility counts toward the time required to satisfy the sentence
 - 14.1.2 remission is applied in accordance with Policy and Procedures, Subject 26.00.00, Remission

Page 9 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
--------------	---	----------------------

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	Authorized by Executive Director	

15. Impact of Temporary Transfer to Another Jurisdiction

15.1 When an individual is temporarily transferred to another jurisdiction, e.g. court appearance out of province and is returned, the custody term is closed in accordance with Policy and Procedures, Subject 25.00.00 [Custody Term](#) but the time in a correctional facility in another jurisdiction counts toward the time required to satisfy the sentence.

16. Federal Sentences

16.1 Warrants of committal for adults resulting in a sentence calculation of two (2) years or more will result in the transfer to a federal penitentiary. However, where the court orders a period of remand to be credited toward the sentence and where the remaining balance to be served equates to less than two (2) years than, pursuant to section 743.1 of the Criminal Code, the sentence is to be administered at a provincial correctional facility.


16.2 Correctional staff are not required to complete a manual sentence calculation on an individual awaiting transfer to a federal penitentiary when they are newly sentenced and there is no question that the sentence is federal, i.e., a sentence of 2 years or more.

16.3 A youth may be transferred to a federal penitentiary pursuant to the following sections of the YCJA

16.3.1 92 (2), having turned eighteen (18) and transferred to a provincial adult facility and the remainder of that sentence exceeds two (2) years, see Policy and Procedures, Subject 21.03.00, [Youth Sentences Served in Adult Facilities](#), and

16.3.2 76 (1)(c), when subject to an adult sentence that exceeds two (2) years, see Policy and Procedures Subject 21.04.00, [Placement of Youth Serving Adult Sentences](#)

Page 10 of 11	Dated Issued: February 11, 2008 Date of Last Revision: May 9, 2016 Current Revision Date: April 7, 2021	Subject No. 25.01.00
---------------	---	----------------------

Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – General		
For:	Adult Correctional Facilities	Authorized by Executive Director 	

17. Standard Operating Procedures (SOP)

- 17.1 The superintendent is responsible to develop SOP to identify
 - 17.1.1 staff designated to
 - 17.1.1.1 manually calculate sentence calculations
 - 17.1.1.2 double check manual sentence calculations
 - 17.1.1.3 maintain the custody term sentence calculation information on JEIN
 - 17.1.1.4 upload the sentence calculation sheets to JEIN
 - 17.1.1.5 check manual calculations when there is a discrepancy between the manual and JEIN calculation
 - 17.1.1.6 communicate with the court regarding court order clarifications
 - 17.1.2 deputy superintendents or designate manager’s general responsibility regarding warrant interpretation and sentence calculation