


Chapter:	<b>Adult Custody Sentence Administration</b>	Classification:	<b>Public Document</b>
Subject:	<b>Intermittent Sentence</b>		
For:	<b>Adult Correctional Facilities</b>	 Authorized by Executive Director	

## 1. Policy

- 1.1 Intermittent sentence calculations will be processed in accordance with Policy and Procedures, Subjects Numbers
- 1.1.1 25.00.00, Custody Term
  - 1.1.2 25.01.00, Sentence Calculation - General
  - 1.1.3 25.04.00, Sentence Calculation - Conditional Sentence
  - 1.1.4 38.00.00, Admission to a Correctional Facility
  - 1.1.5 and this policy


## 2. Terms

- 2.1 **Intermittent Sentence:** A sentence of up to 90 days under the Criminal Code, or up to six months Under the Maintenance Enforcement Act, which is served off and on at such times as specified in the order, e.g., Friday at 6 pm to Monday at 6 am.
- 2.2 **Collapsed Intermittent Sentence:** When an individual who is serving an intermittent sentence receives a subsequent continuous custodial sentence, the remainder the intermittent sentence is served as straight time and merged with the second continuous custodial sentence.

## 3. Intermittent Sentence Calculation

- 3.1 Intermittent sentences calculation will
- 3.1.1 commence on the date noted on the warrant of committal, i.e., sentence commencement date (SCD) when the adult reports to the correctional facility
  - 3.1.2 only include those days indicated on the warrant to be served in custody
  - 3.1.3 have remission calculated in accordance with Policy and Procedure, Subject No. 26.00.00, Remission
- 3.2 An intermittent sentence, pursuant to section 732(1) of the Criminal Code (CC), will not exceed ninety (90) days therefore if the warrant of committal


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indicates the sentence as three (3) months and the three (3) months equals more than 90 days, designated correctional staff will

- 3.2.1 contact the sentencing court to confirm the number of days the sentencing judge intended to have the adult serve
- 3.2.2 request an amended warrant
  
- 3.3 Where the court maintains the intermittent sentence is 3 months, directs the order to be interpreted as the same and the 3 months calculates as more than 90 aggregate days, designated staff will document the concern and forward it to the Manager, Policy and Procedures responsible for sentence administration for direction.
  
- 3.4 Where a court orders a concurrent or consecutive intermittent sentence to an intermittent sentence an adult is currently serving and the total aggregate days exceeds 90 days, designate correctional staff will
  - 3.4.1 send communication to the crown, advising them of the concern
  - 3.4.2 where the crown does not appeal the sentence resulting in a variance of the sentence, i.e., new order, follow the order
  
- 3.5 The aggregate days will be recorded and deductions made for days served and remission awarded, until a zero balance is reached, e.g., 45 day sentence, three (3) days served and one (1) day remission awarded, equals a balance of 41 days remaining in the sentence.
  
- 3.6 Where an adult report for an intermittent sentence and the warrant of committal is not available at the time of admission, designated correctional staff will
  - 3.6.1 confirm a warrant of committal exists on the Justice Enterprise Information Network (JEIN), for specific instruction see JEIN: Help Menu/Corrections User Guide/Court Menu Subject, Orders
  - 3.6.2 print a copy of the warrant from JEIN and include it with admission documents until the signed warrant arrives from court
  - 3.6.3 contact the other provincial adult correctional facilities to determine if the warrant had been received at another facility
  
- 3.7 Where no warrant exists on JEIN, or at the admitting or another correctional facility, the adult cannot be admitted. Once the warrant of

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committal is available and the adult surrenders for the subsequent portion(s) of the intermittent sentence, they will be given credit for the portion of the sentence they would have served had the warrant been available.

- 3.8 Pursuant to section 732 (3) CC, an intermittent sentence will be collapsed, i.e., served on consecutive days, when the court imposes a sentence of continuous custody for another offence on an adult serving an intermittent sentence, unless the court otherwise orders.
- 3.9 An intermittent will not be collapsed when the subsequent sentence is a
  - 3.9.1 fine default warrant
  - 3.9.2 a termination of a conditional sentence order following a breach allegation where the conditional sentence order pre-dates the intermittent sentence, see Policy and Procedures, Subject 25.04.00, Sentence Calculation - Conditional Sentence
- 3.10 A collapse of an intermittent sentence will be calculated as follows
  - 3.10.1 covert the intermittent sentence to straight days, i.e., collapse
  - 3.10.2 in accordance with Policy and Procedures, Subject No. 25.01.00, Sentence Calculation – General
    - 3.10.2.1 merge the collapsed intermittent sentence and the additional continuous sentence to determine the total aggregate days
    - 3.10.2.2 calculate the remission based on the total aggregate days to determine days to be served in custody and the eligible earned remission

#### **4. Maintenance Enforcement Act**

- 4.1 Intermittent sentences ordered pursuant to the Maintenance Enforcement Act will
  - 4.1.1 commence on the date that Sheriff Services execute the warrant and convey the individual to a correctional facility
  - 4.1.2 only include those days indicated on the warrant to be served in custody

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- 4.1.3 are not eligible for earned remission, in accordance with Policy and Procedure, Subject No. 26.00.00, Remission
- 4.2 Pursuant to section 37 of the *Maintenance Enforcement Act*, an individual may be ordered to serve subsequent intermittent periods of custody.

**5. Unlawfully at Large (UAL)**

- 5.1 Where an individual fails to report for an intermittent sentence, the intermittent sentence calculation will be managed in accordance with Policy and Procedures, Subject No. 25.01.00, Sentence Calculation - General, section 12 regarding the impact of being unlawfully at large or escape.
- 5.2 An exception to 4.1 may occur where the superintendent or designate has confirmed that the adult was unable to attend the facility due to circumstances beyond their control, as a result they may be credited for that time towards their sentence, such circumstances may include
  - 5.2.1 a medical emergency where the normal conditional release process could not be implemented
  - 5.2.2 the adult being incarcerated in a police lock up or a correctional facility in another province