


Chapter:	Adult Custody Sentence Administration	Classification:	Public Document
Subject:	Sentence Calculation – Fines		
For:	Entire Division	 Authorized by Executive Director	

1. Policy

1.1 Individuals serving a sentence, because of a fine default, may pay out the balance or a portion of the balance of a fine.

2. Fine Payment

2.1 Pursuant to section 734.8(5) of the *Criminal Code*, payment is applied as follows

- 2.1.1 firstly, to the payment in full of court costs and charges, and
- 2.1.2 secondly to the payment in full of any victim surcharges, and
- 2.1.3 then to any part of the fine that remains unpaid


3. Fine Calculation Worksheet

3.1 A Fine Calculation Worksheet is completed for all monies received as payment for each individual fine. A copy of the fine calculation worksheet is retained at the facility for audit purposes.

3.2 To calculate the fine owing

- 3.2.1 use a Fine Calculation Worksheet ([see form 25.03.00 A](#))
- 3.2.2 calculate the aggregate days
- 3.2.3 calculate the remission for the days satisfied in accordance with Policy and Procedures, 26.00.00, *Remission*
- 3.2.4 calculate the total fine by adding all fines
- 3.2.5 calculate court costs, charges, or victim surcharges in the per diem rate when indicated on the fine default warrant as included in the default, see section 6
- 3.2.6 add time served and remission earned to that date to determine time credited
- 3.2.7 calculate the per diem rate of the fine by dividing the aggregate days in default into the total fine
- 3.2.8 subtract the total amount satisfied from the total fine to arrive at the balance of the fine owing to be paid

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3.3 Court costs, charges and victim surcharges are not to be calculated in the per diem rate of the fine and are paid in accordance with 2.1 above before any credit is given toward the fine.

3.4 Fine payments are accepted during regular business hours and provided that the payments are in amounts that equal one day, or multiples of one day. Payments are to be made in Canadian currency, bank certified cheque or a money order. Foreign currency, credit card or personal cheques are not accepted.

4. Multiple Fine Orders

4.1 When an individual has multiple fine orders on different dates the orders are recorded in chronological order by the sentence date.

4.2 Should more than one fine order be executed on the same date, the correct sequence for the orders is determined by using the Justice Enterprise Information Network (JEIN) generated order number, from lowest number to highest number. This procedure should ensure the integrity of the concurrent and consecutive orders, as noted by the sentencing judge.

5. Fine Default Warrant

5.1 **Fine Default Warrant:** An order made by a court after a Hearing to confirm the individual has failed to comply with the condition to pay a fine.

5.2 When an individual in custody requests to serve a fine in default, the individual is responsible to contact the court to

5.2.1 schedule a court date for the request to be heard


5.2.2 arrange for transport to court on the hearing date

5.3 Upon receipt of fine default warrant, designated correctional staff will update the custody term information by

5.3.1 entering the date the order was made by the court as the commencement date under “charge/final” disposition

5.3.2 adding the case under add/remove cases to the custody term

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5.4 Where there is a question regarding the warrant commence date, designated correctional staff are responsible to check case hearing results, associated with the order, on JEIN to confirm the date the case was heard by the court.

5.5 A sentence imposed in default of fine payment on an individual who is not in custody commences on the date they are arrested and placed custody.

5.6 Upon the individual satisfying the warrant of default, the records or other designated staff will send notification to the court, identifying the

5.6.1 individual

5.6.2 charge

5.6.3 case

5.6.4 default

5.6.5 amount of the penalty satisfied as calculated in accordance with the order, see 6.3

5.6.6 facility

6. Requests to Pay Fine While Serving Fine Default Warrant

6.1 Designated correctional staff are responsible to complete a fine calculation in accordance with 3.2 for individuals serving a fine default warrant(s) requesting to pay the fine.

6.2 When an individual is serving multiple fines in default and requests to pay out the fines, the per diem rate is calculated in accordance with 3.2 for all fines regardless if the fine default warrant is ordered to be served concurrent.

6.3 Unless indicated on the warrant that the default applies to court costs, charges and victim surcharges, these charges are not calculated in the per diem rate of a fine and are paid in accordance with 2.1 above before any credit is given toward the fine.

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