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SENTENCE CALCULATION: FAST FACTS

Offender Serving an Indeterminate Sentence

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.¹

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 offender's release and raise victim safety concerns when appropriate.

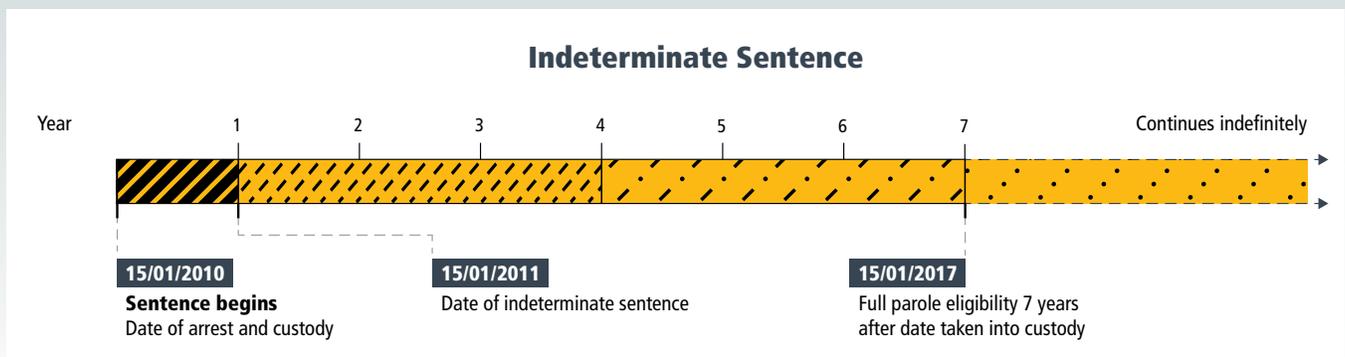
This factsheet provides information on the conditional release eligibilities of an offender.

This offender is serving an indeterminate sentence, meaning with no set end date, after being found to be a Dangerous Offender by the Court.²

Full Parole Eligibility

Under subsection 761(1) of the *Criminal Code of Canada* (CCC), an offender serving an indeterminate sentence is eligible for full parole 7 years from the date they were taken into custody. Eligibility does not mean automatic release. Full parole must be granted by the PBC.

In the example below, the offender serving an indeterminate sentence was arrested on January 15, 2010, and not released. The offender received an indeterminate sentence on January 15, 2011. In this case, the offender's 7-year ineligibility period for full parole begins on January 15, 2010, the date of custody. The offender is eligible for full parole on January 15, 2017.



1 In terms of interventions, suspension of parole or statutory release take place when a) a breach of a conditional release has occurred or 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 According to the *2019 Corrections and Conditional Release Statistical Overview*, at the end of fiscal year 2018–19, there were 5,713 offenders serving a life sentence and/or an indeterminate sentence. This represents 24.3% of the 23,464 offenders under the responsibility of the CSC.

Eligibility for Temporary Absences, Work Release and Day Parole

Escorted temporary absence (ETA): Under subsection 17 of the *Corrections and Conditional Release Act (CCRA)*, an offender serving an indeterminate sentence may be granted an ETA at any time after the sentence is imposed.

Unescorted temporary absence (UTA): Under paragraph 115(1)(b) of the CCRA, an offender serving an indeterminate sentence is eligible for an UTA 3 years before full parole eligibility. In this case, it would be on January 15, 2014.

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 other words, they are eligible 3 years before full parole eligibility. In this case, it would be on January 15, 2014.

Day Parole (DP): Under paragraph 119(1)(b) of the CCRA, an offender serving an indeterminate sentence is eligible for day parole 3 years before full parole eligibility. Eligibility does not mean automatic release. Day parole must be granted by the PBC. In this case, it would be on January 15, 2014.

In this case, the offender is eligible for an ETA at any time. They are eligible for an UTA, work release and day parole on January 15, 2014.

N.B. These rules establish the earliest possible eligibility date for ETAs, UTAs, work release, DP and full parole. Eligibility does not mean automatic release. These conditional releases must be granted by the appropriate authority.

