



4 SENTENCE CALCULATION: FAST FACTS

Offender Serving Multiple Concurrent Sentences

NATIONAL OFFICE FOR VICTIMS OF CRIME

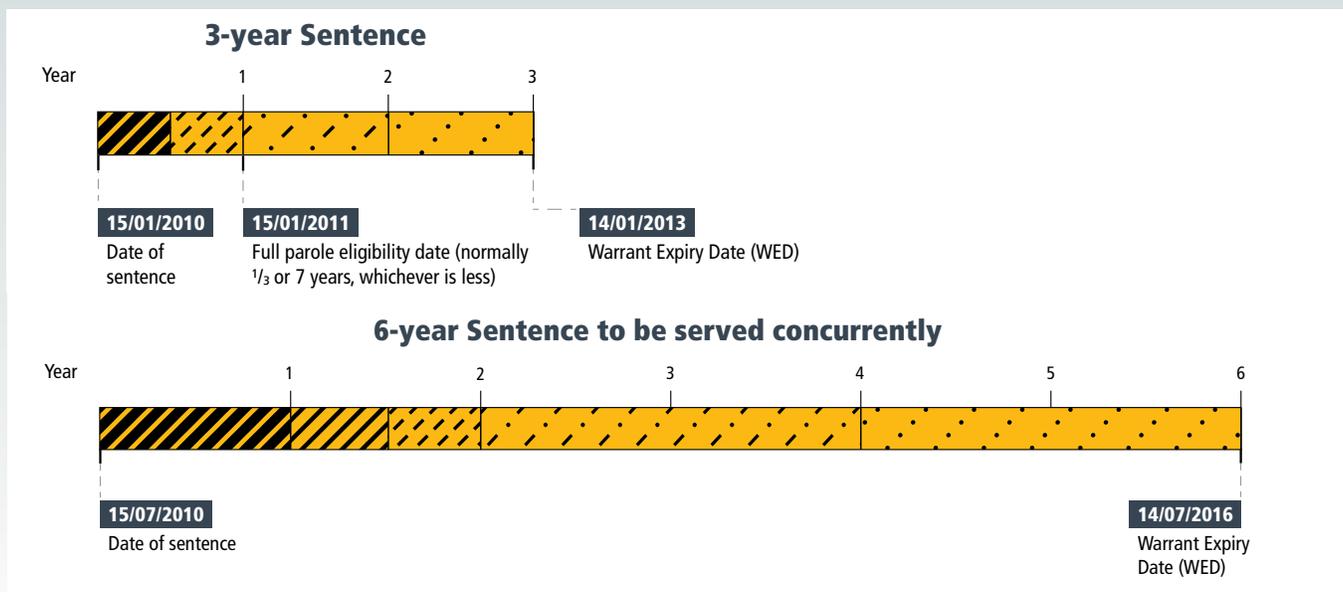
The combinations of types of sentences, the sentencing dates and possible interventions, such as suspension, termination or revocation of a release, can make the calculation of eligibility for parole and other forms of conditional release very complicated.¹

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.

The majority of federal offenders are serving multiple sentences.² This factsheet provides basic information on the calculation of the conditional release eligibilities of an offender serving multiple concurrent sentences of a fixed length. Eligibility does not mean automatic release. Day parole or full parole must be granted by the PBC.

Illustration: On January 15, 2010, the offender is sentenced to 3 years (36 months) in custody.

Six months later, on July 15, 2010, the offender is sentenced to 6 years (72 months) in custody. The sentence is to be served concurrently with the first sentence of January 15, 2010. In other words, the two sentences run at the same time.



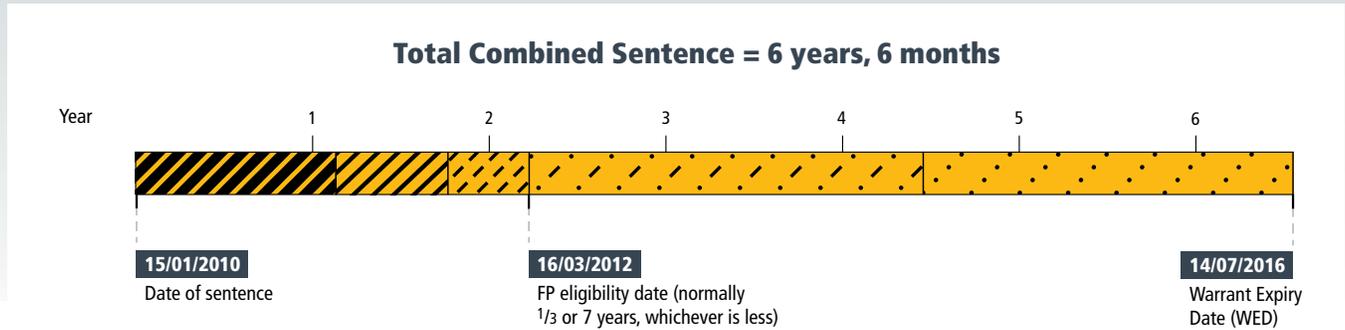
1 In terms of interventions, suspension of parole or statutory release take place when a) a breach of a conditional release has occurred or b) to prevent a breach of conditions or to protect society (CCRA 135(1)(a)). A termination occurs when parole or statutory release are terminated as a result of 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 offenders serving definite sentences (fixed length) represented 17,751 (75.7%) of the 23,464 offenders under the responsibility of the CSC.

Combining Sentences

Under subsection 139(1) of the *Corrections and Conditional Release Act* (CCRA), the first and second sentences are combined into one sentence.

The combined sentence begins on the start date of the first sentence (January 15, 2010) and ends on the expiration date of the second sentence (July 14, 2016). In this case, both sentences combined result in a sentence of 6 years and 6 months.

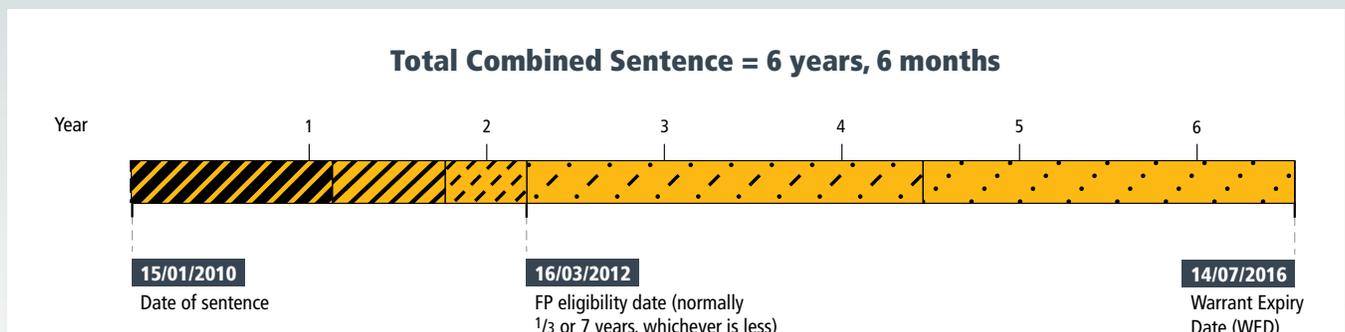


Full Parole Eligibility

Under subsection 120.2(1) of the CCRA, the full parole (FP) eligibility of the concurrent (combined) sentences is the **later** of the following two dates:

- A. the FP eligibility date on the first 3-year sentence only, and
- B. the FP eligibility date of the combined sentence.

In this case, the FP eligibility date of the first 3-year sentence is January 15, 2011. It is 1 year after the start of the sentence (1/3 of the 3 years). The FP eligibility date of the combined sentence of 6 years and 6 months is 2 years and 2 months (1/3 of 6 years and 6 months) after the start of the sentence. In this case, it is the FP eligibility date of the combined sentence, March 16, 2012, that is the later of the two dates. Eligibility does not mean automatic release. Full parole must be granted by the PBC.



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 1/2 of the offender's full parole eligibility date, whichever is later. In this case, the later UTA eligibility is February 14, 2011. It is 1 year and 1 month after the start of the combined sentence.

Work release: Under subsection 18(2) of the CCRA, an offender is eligible for work release at the same date they are eligible for an UTA. In this case, the work release eligibility date is February 14, 2011.

Day Parole (DP): Under paragraph 119(1)(c) of the CCRA, an offender serving a fixed sentence is eligible for day parole after serving 6 months or 6 months before full parole eligibility, whichever date is later. In this case, the later DP eligibility date is September 16, 2011. That means 20 months after the start of the combined sentence.

Statutory Release (SR): Under subsection 127(3) of the CCRA, an offender is entitled to statutory release after serving 2/3 of their combined sentence of 6 years and 6 months, which began on January 15, 2010. In this case, the SR date is May 16, 2014. 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 May 16, 2014.

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

