



Department of Justice and Public Safety
Adult Custody Services

Policy: **Sentence Calculation C3**

Effective: April 2006

Revised: December 2022

MISSION STATEMENT

Adult Custody Services is committed to providing professional practices that respect human rights and ensure safety for all. To be successful we will deliver fair practices, incorporate transparent policies and procedures, ensure independent quality assurance processes, and provide program access that allows for educational, cultural, traditional and faith-based services as well as mental wellness and community re-entry assistance.

PURPOSE

To establish procedural standards for administration of sentence calculation. ...

LEGISLATIVE AUTHORITY

Policy Directive only [Corrections Act NB Regulation 35\(a\)](#)

SCOPE

This policy applies to all employees of the Adult Custody Services division of the Department of Justice and Public Safety.

POLICY GUIDELINES

Sentence calculation, including remission calculation and fine calculation is a very serious matter. It is the responsibility of the Superintendent of a custody institution to ensure that every client entrusted to their care is serving the correct sentence, as ordered by the court.

The Province of New Brunswick uses a handbook for guidance when determining the lawful period a client must be confined:

Sentence Calculation: A Handbook for Judges, Lawyers and Correctional Officials

© Public Works and Government Services Canada 2005

PS4-17/2005E-HTML 0-662-394908-9

Additional information may be found at: [A Handbook for Judges, Lawyers and Correctional Officials](#)

The following information is intended to offer general procedural assistance to correctional staff. Many offenders are serving multiple sentences. The calculation of sentences is therefore a complex matter, with many possible unusual circumstances. Adult Custody staff will refer to the guidebook noted above for direction in calculation of sentences, remission, and fines



Department of Justice and Public Safety *Adult Custody Services*

The Client Information System (CIS) has been adopted as the department's sentence calculation tool. All sentence calculation will be done in CIS. The responsibility to ensure an offender is serving the correct sentence rests with the Superintendent and periodic audits will occur.

In general, unless contradicted by the Guidebook noted above, the following procedures apply for sentences, other than "Conditional Sentences".

Clients who are sentenced to a custody institution will have their remission time calculated and be advised of their earliest possible release date.

Section 6(1) of the Prisons and Reformatories Act.

Remission is time earned by a client under sentence for good behavior, which is regarded and credited as time served.

A day is any part of the day.

PROCEDURE

Earliest Release Date

Upon admission, or as soon as possible thereafter, persons sentenced to custody will have their remission calculated and they will be advised of their earliest possible release date.

Inquiry

Where clients make an inquiry as to the accuracy of their discharge date, the client will be referred to a person designated by the Superintendent.

Transfers

Transferred clients' remission information will be forwarded to the receiving institution. The Superintendent there will then ensure the sentence is recalculated, to ensure accuracy.

Federal Transfers

Clients awaiting transfer to a federal facility are subject to disciplinary action. Charge information, incident reports, etc. will be assembled and sent to the federal institution, where the charge will be heard, and measures taken, as appropriate, by federal authorities.

Department of Justice and Public Safety *Adult Custody Services*

Parole Revocation, Escape

In cases where clients have had their parole revoked, escaped, or have been unlawfully at large, the following applies.

- When a client leaves custody during their sentence, they will be given credit for serving that day.
- When they return to custody the day they return is counted as a day served.
- The days [entire days] that they were absent from custody will be added to their sentence to allow the new sentence calculation to be made. The clients are thus eligible to earn remission on all the days of their sentence, when they ultimately serve them, should their conduct permit.

Warrant of Committal

Being "in custody" includes being:

- In police custody upon apprehension; and
- In the custody of correctional authorities of another province

Eligibility

Clients are eligible to earn remission, who are:

- Temporary Absence
- Serving an intermittent sentence
- Hospitalized
- Segregated
- Confined in a custody institution

Ineligible

Clients on full parole will not be eligible to earn remission while out of the institution on full parole.

Notification of Loss of Remission

Clients will be notified immediately of disciplinary action taken, including the loss of remission.

Calculating

The calculation of remission is done in CIS.

Manual Calculation

In the event manual calculation is required the calculating method will be:

1. Calculate total number of days;
2. Refer to the length of sentence column on the remission table;
3. Read across to total remission;
4. Subtract the total remission from the length of sentence to get time to be served; and
5. Calculate the earliest release by counting and adding the days in each month until the total equals the days in the time served column.

Department of Justice and Public Safety
Adult Custody Services

Concurrent Sentences

Clients receiving two concurrent sentences on the same day will have their remission calculated on the longer sentence.

Concurrent Unless Indicated Consecutive

A sentence is treated as concurrent, unless the warrant of committal stipulates that it is consecutive.

Calculation Sheets

Calculation sheets are only to be completed for CSCA files.

Victim Surcharge

For clients owing time in lieu of payment of a victim surcharge, remission is calculated and applied in the same manner as any other sentence.

Consecutive Sentences

If there is more than one way to interpret a sentence, the interpretation which benefits the client will be adopted.

Scenario Examples:

Consecutive to Sentence Now Being Served

Consecutive to any pre-existing sentence, but concurrent to any other sentence(s) of imprisonment/custody that is imposed at the same time as the new sentence.

- January 1, 2021 – 3 months custody
- January 10, 2021 – 4 months custody “consecutive to sentence now being served”
- January 10, 2021 – 3 months custody “consecutive to sentence now being served”
- Total sentence = 7 months (3+4)

Consecutive to Any “Other Sentence

Example A:

- January 1, 2021 – 3 months custody & supervision
- January 10, 2021 – 4 months custody & supervision “Consecutive to any other sentence”
- January 10, 2021 – 3 months custody & supervision “Consecutive to any other sentence”
- Total sentence = 10 months (3+4+3)

Example B:

- January 10, 2021 – 4 months custody “Consecutive to any other sentence”
- January 10, 2021 – 6 months custody
- Total sentence = 6 months

Department of Justice and Public Safety
Adult Custody Services

Example C:

- January 10, 2021 – 1-month custody
- January 10, 2021 – 2 months custody concurrent
- January 10, 2021 – 3 months custody concurrent
- January 10, 2021 – 1-month custody “Consecutive to any other sentence”
- January 10, 2021 – 1-month custody “Consecutive”
- Total sentence = 4 months (3 months + 1 month)

Consecutive

Example A:

- January 1, 2021 – 3 months custody
- January 10, 2021 – 4 months custody “Consecutive”
- January 10, 2021 – 3 months custody “Consecutive”
- January 10, 2021 – 3 months custody “Consecutive”
- Total sentence = 7 months (3+4)

Example B:

- January 1, 2021 – 3 months custody
- January 10, 2021 – 4 months custody
- January 10, 2021 – 3 months custody “Consecutive”
- January 10, 2021 – 3 months custody “Consecutive”
- Total sentence = 7 months & 10 days (10 days + 4 months + 3 months)

Example C “Consecutive to sentence (count) # ____”:

If the first sentence imposed is consecutive and no other sentence exists, then the sentence is deemed to be concurrent and any other consecutive sentence imposed at the same time is consecutive to it. In the example below, the first sentence of 4 months can't be consecutive to a non-existent order and must therefore be interpreted as being concurrent.

- January 10, 2021 – 4 months custody “Consecutive”
- January 10, 2021 – 3 months custody “Consecutive”
- January 10, 2021 – 3 months custody “Consecutive”
- Total sentence = 7 months (4 + 3)

Consecutive to the sentence indicated, **but** concurrent to all other custody/imprisonment sentence(s).

- January 10, 2021 – 4 months custody
- January 10, 2021 – 3 months custody “Consecutive to count #1”
- January 10, 2021 – 3 months custody “Consecutive to count #2”
- Total sentence = 10 months (4 + 3 + 3)

If sentences imposed at the same time indicate a total sentence length, e.g. “for a total of 10 months” the sentences will be administered to reflect the total sentence indicated, regardless of the wording of the order. In the following example, the wording “consecutive” on the two 3 months orders would seem to indicate that the total sentence is to



Department of Justice and Public Safety
Adult Custody Services

be 7 months. However, since the Judge has indicated that the combined total of the sentences is to be 10 months, we will administer it as 10 months.

- January 10, 2021 – 4 months custody
- January 10, 2021 – 3 months custody “Consecutive”
- January 10, 2021 – 3 months custody “Consecutive”
- “For a total of 10 months”
- Total sentence = 10 months (4 + 3 + 3)

RELATED POLICY

C1 Adult Client Files
C2 Fine Calculation
C4 Intermittent Sentence
C11 Release and Discharge
C12 Access to client File Information
Adult Institutional Policy Manual NB