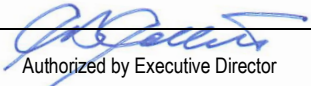


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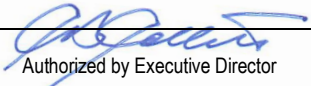
1. Policy

- 1.1 Correctional Services staff will calculate sentences in accordance with
- 1.1.1 *Youth Criminal Justice Act (YCJA)*
 - 1.1.2 *Criminal Code of Canada (CC)*
 - 1.1.3 *Prisons and Reformatories Act*
 - 1.1.4 *Correctional Services Act (CSA)*
 - 1.1.5 *Corrections and Conditional Release Act (CCRA)*
 - 1.1.6 any other Acts having a bearing upon sentencing or sentence calculations
- 1.2 The Manager, Correctional Services or delegate will ensure
- 1.2.1 staff calculating sentences are properly trained and familiar with the appropriate legislation, Policy and Procedures and standard operating procedures (SOP)
 - 1.2.2 sentence calculations are accurate

2. Definitions

- 2.1 **Day:** A day or any part of a day.
- 2.2 **Calendar Month:** The aggregate length of a sentence of one month must be calculated from the date of incarceration to the date numerically corresponding to that date in the following month, less one day, e.g., the date of incarceration is October 30th to November 29th.
- 2.3 **Custody Term Start Date:** The date on which a young person (YP) commences serving a term of custody, when the sentence is imposed if the YP is currently in custody, or when YP is arrested on a warrant of committal, except where a relevant enactment provides otherwise, these include YCJA sections
- 2.3.1 47 (2) and (3), regarding intermittent sentences, although not available in Nova Scotia
 - 2.3.2 37, regarding appeal
- 2.4 **Sentence Expiry Date (SED):** The date calculated from the custody term start date to the aggregate length of a sentence, or the date specified on the warrant must be considered the warrant or sentence expiry date.

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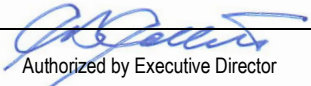
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- 2.5 **Aggregate Custody Days:** The total number of days in the sentence beginning on the custody term start date and ending on the first day of the community portion of the sentence.
- 2.6 **Aggregate Community Days:** The number of days to be served under community supervision following satisfaction of the custody portion of the sentence.
- 2.7 **Release from Custody Date:** The last day of the custody portion of the sentence prior to the beginning of the community portion of the sentence.
- 2.8 **Eligibility to Earn Remission:** YPs are eligible to earn remission pursuant to the *Prisons and Reformatories Act* and the *Correctional Services Act* when sentenced to an adult sentence, in accordance with Policy and Procedures, Subject 21.04.00, [Placement of Youth Serving Adult Sentences](#).

3. Custody and Supervision Order

- 3.1 When a YP is sentenced to a custody and supervision order in accordance with YCJA section 42 (2)(n) and the court does not specify the number of days to be served in custody and the number of days to be served in the community, the sentence will be calculated as follows
 - 3.1.1 two-thirds of the sentence to be served in custody
 - 3.1.2 one-third of the sentence to be served under community supervision
- 3.2 When a youth justice court imposes a custody sentence under section 42 of the YCJA and does not specify the amount of time to be served in custody and the community, the sentence is to be calculated giving credit to the community portion where rounding is required, e.g., a 92-day sentence commencing January 31, 2008, the calculation results in 61.67 days in custody and 30.33 days in the community, the portions would normally be rounded to 62 days in custody and 30 days in the community. However, the youth sentence calculation standards require youth custody sentence portions to be rounded up and credited to the community portion as follows, 61 days in custody ending on March 31, 2008 and 31 days in the community beginning on April 1st and ending on May 1st 2008 .

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- 3.3 When a YP is breached on the community portion of a custody and supervision order and in accordance with section 42 (4), the court, following a breach review, may order the youth to
 - 3.3.1 serve remainder of the sentence in custody
 - 3.3.2 a continuation of the suspension for a specified period in custody and then return the YP to community supervision.

4. Deferred Custody and Supervision Order Converted to a Custody and Supervision Order

- 4.1 Following a breach of a deferred custody and supervision order where a court directs the remainder of the sentence to be administered as a custody and supervision order
 - 4.1.1 the length of the order is determined by the number of days remaining in the sentence at the time of the breach review hearing
 - 4.1.2 the custody and community days are determined in the same manner as a custody and supervision order

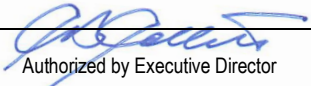
5. Intermittent Custody and Supervision Order

- 5.1 Youth custody facilities for intermittent sentences made in accordance with Section 47(3) of the YCJA are currently not available in Nova Scotia. However, should a court order a YP to serve a custody and supervision order intermittently in accordance with the YCJA section 47 (2), the custody portion
 - 5.1.1 commences on the date indicated on the order
 - 5.1.2 only includes those days indicated on the order
 - 5.1.3 aggregate custody days will be recorded and deductions made for days served, e.g., 40 days to be served in custody, 3 days served, custody portion remaining is 37 days
- 5.2 The community portion of an intermittent custody and supervision order is served continuously.

6. Concurrent and Consecutive Orders

- 6.1 All warrants that do not specify whether they are concurrent or consecutive, will be considered concurrent.

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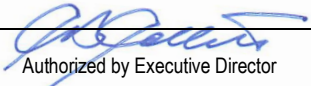
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- 6.2 Unless otherwise stated on the order, a sentence that states "consecutive" will be considered consecutive to the sentence(s) presently serving.
- 6.3 Concurrent and consecutive orders will be merged into a single sentence in accordance with the following
 - 6.3.1 merging occurs when a new sentence is imposed before an existing sentence expires
 - 6.3.2 merge sentences use the earliest start and the latest expiry date of the individual orders
 - 6.3.3 the total term of the sentence will be calculated in days in order to determine the release from custody date
 - 6.3.4 when the days are not equally divisible will be calculated in accordance with 3.2 above

7. Sentence Calculations

- 7.1 When a YP is ordered by the Youth Justice Court to serve a one-month sentence and there is no such corresponding day in the next month, the YP's sentence will expire on the last day of the next month, e.g., one month sentence commencing on January 31, the sentence expires on February 28th.
- 7.2 If the total sentence is more that one month, e.g., two months, the YP's sentence will expire on the day numerically corresponding to that date in the second (following month), less one day, e.g., date sentence commences January 31st, sentence expires March 30th.
- 7.3 Sentences will be calculated
 - 7.3.1 no later than the next business day
 - 7.3.2 manually on the YP Sentence Calculation form ([21.02.00 - A](#))
 - 7.3.3 by using JEIN
- 7.4 Manual sentence calculations will be
 - 7.4.1 calculated twice, by two different designated correctional staff
 - 7.4.2 signed and dated by the individuals calculating the sentence
 - 7.4.3 placed with JEIN calculations as printed on the Admission Card,
 - 7.4.4 uploaded to JEIN, and
 - 7.4.5 filed with appropriate warrant(s) in the YP's administrative file

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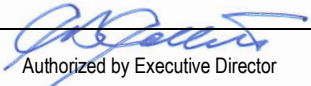
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- 7.5 When there is a discrepancy between the manual and JEIN calculations, designated staff will confirm the manual calculation by having a third designated staff complete the calculation in accordance with 7.3.2 and 7.4.2.
- 7.6 Where a manual calculation is confirmed in accordance with 7.5, designated staff will input the correct sentence calculation on JEIN as follows
 - 7.6.1 override the JEIN calculation, see JEIN: Help Menu/Correction Guide/Custody Menu Subject, Custody Term
 - 7.6.2 document the specific reasons for the override
 - 7.6.2.1 under the custody term comments tab
 - 7.6.2.2 on the manual calculation
- 7.7 Following an override of JEIN sentence calculation all future sentence calculations for that YP during that custody term will be updated manually.
- 7.8 Sentence calculations in accordance with 7.1 and 7.2 will occur whenever a variation in sentence arises as a result of
 - 7.8.1 a new order
 - 7.8.2 interruption of sentence
 - 7.8.3 transfer between provincial correctional facilities
 - 7.8.4 unlawfully at large (UAL or AWOL)
- 7.9 In addition to 7.2, sentence calculations will occur one business day prior to a YP's release from custody on the release from custody (RFC) date or sentence end date (SED).
- 7.10 Correctional facility staff who require assistance with sentence calculation or warrant interpretation consult with the Manager, Correctional Services.

8. Unlawfully at Large

- 8.1 When a YP is unlawfully at large (UAL),
 - 8.1.1 the warrant of committal will remain in force
 - 8.1.2 the custody term will remain open in accordance with Policy and Procedures, Subject 21.01.00, [Custody Term](#)

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- 8.1.3 the YP will be credited for the day the YP left and the day the YP is returned to custody toward satisfaction of the sentence
- 8.1.4 if the YP is re-arrested on the same day, the YP is credited with one (1) day only toward satisfaction of the sentence
- 8.1.5 the interim period, i.e., clear days, the YP is UAL, does not count towards the satisfaction of the sentence

8.2 When a YP is unlawfully at large as a result of a breach of an order, credit toward their sentence will be determined in accordance with Policy and Procedures, Subjects

- 8.2.1 20.01.01, [Custody and Supervision Orders - Breach Process](#)
20.04.00, [Conditional Supervision - Breach Process](#)

9. Impact of Release on Appeal Bail

- 9.1 Following a conviction and sentencing, in accordance with Section 37 of the YCJA, when a YP is released from custody pending an application for a new trial or hearing, e.g., appeal bail, the
 - 9.1.1 time the YP is released does not count towards the satisfaction of the sentence
 - 9.1.2 YP is credited against the days satisfied for the day the YP left custody and for the day the YP is returned to custody, if the YP returns to custody

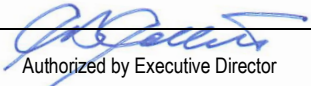
10. Impact of Reintegration Leave

- 10.1 When a YP is released on a reintegration leave in accordance with Policy and Procedures, Section 35.18.00, [Reintegration Leaves, Authorities and Designations](#), the
 - 10.1.1 custody term will continue in accordance with Policy and Procedures, 21.01.00, [Custody terms](#)
 - 10.1.2 time out of the correctional facility will count towards the satisfaction of the sentence

11. Impact of Temporary Transfer to Another Jurisdiction

- 11.1 When a YP is temporarily transferred to another jurisdiction, e.g. court appearance out of province and is returned,

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- 11.1.1 the custody term will be closed in accordance with Policy and Procedures, Subject 21.01.00, [Youth Sentence Administration, Custody Terms](#)
- 11.1.2 the time in a correctional facility in another jurisdiction will count towards the satisfaction of the sentence

12. Standard Operating Procedures (SOP)

- 12.1 The Manager, Correctional Services or delegate will develop SOP to identify staff designated to
 - 12.1.1 manually calculate sentences
 - 12.1.2 confirm manual sentence calculations
 - 12.1.3 input sentence calculation information on JEIN
 - 12.1.4 upload sentence calculation documents to JEIN
 - 12.1.5 check manual calculations when there is a discrepancy between the manual and JEIN calculation