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| Chapter: | <b>Adult Sentence Remission</b>      | Classification:   | <b>Public Document</b> |
| Subject: | <b>Remission</b>                     |   |                        |
| For:     | <b>Adult Correctional Facilities</b> | Authorized by Executive Director<br> |                        |

**1. Policy**

- 1.1 Every sentenced adult will be credited with earned remission as is provided for in section
  - 1.1.1 6 of the *Prisons and Reformatories Act*
  - 1.1.2 7.1 and 7.2 of the *Prisons and Reformatories Act*, regarding a young person transferred to an adult facility
  - 1.1.3 138 of the *Corrections and Conditional Release Act*
  - 1.1.4 92(3) and 93(3) of the *Youth Criminal Justice System*, regarding a young person transferred to an adult facility
  - 1.1.5 743.5 of the *Criminal Code*
  - 1.1.6 76 of the *Correctional Services Act*
  
- 1.2 Remission will be credited when an adult has complied with the facility rules and regulations, living standards and available programs.
  
- 1.3 All sentenced adults will be eligible to earn remission including the following
  - 1.3.1 accommodated in administrative/disciplinary segregation
  - 1.3.2 confined on parole suspension, pursuant to section 138 of the *Corrections and Conditional Release Act* (Note: if provincial parole is revoked, the credits of earned remission applicable to the suspension period must be applied to the sentence from date of re-admission)
  - 1.3.3 patients in medical/psychiatric facilities, alcohol treatment centers
  - 1.3.4 released on day parole (daily release) and conditional release
  - 1.3.5 young persons sentenced to an adult sentence, in accordance with Policy and Procedures, Subject 21.04.00, [Placement of Youth Serving Adult Sentences](#)
  - 1.3.6 young persons who have their sentences converted to an adult sentence upon transfer to an adult facility, in accordance with Policy and Procedures, Subject 21.03.00, [Youth Sentences Served in Adult Facilities](#)

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## 2. Exception

- 2.1 **Not Eligible to Earn Remission:** Those not eligible to earn remission pursuant to the *Prisons and Reformatories Act* and the *Correctional Services Act* as follows, adults who are
- 2.1.1 remanded
  - 2.1.2 sentenced under the *Immigration and Refugee Protection Act*
  - 2.1.3 sentenced under the *Maintenance Enforcement Act*
  - 2.1.4 sentenced on a conviction for criminal or civil contempt of court where the sentence includes a requirement that the prisoner return to that court pursuant to section 6 of the *Prisons and Reformatories Act*
  - 2.1.5 incarcerated on a breach of a conditional sentence order, where 742.6(13) applies
- 2.2 Adults sentenced under section 37 of the *Maintenance Enforcement Act* are not entitled to earn remission. Should an adult wish to pay out the amount in arrears, this amount will be paid in full. Time served is not credited against arrears.

## 3. Remission Calculation

- 3.1 The superintendent will ensure the accurate calculation of remission.
- 3.2 Upon admission and completion of the necessary documentation, an adult must be advised of their earliest release date, based on the assumption that all remission is earned.
- 3.3 Inquiries pertaining to sentence/remission calculation accuracy of earliest release date, will be referred to the superintendent for response in accordance with Policy and Procedures, Subject No. 5.04.00, [Complaint Process](#).

## 4. Remission Loss

- 4.1 Every adult who, having been credited with earned remission, commits a breach of the facility regulations is, at the discretion of the superintendent,

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liable to forfeit in whole or in part, the earned remission that stands to the credit of the individual in accordance with

- 4.1.1 section 6 (4) of the *Prisons and Reformatories Act*
- 4.1.2 section 95 (1)(f) of the *Correctional Services Regulations*
- 4.1.3 Policy and Procedures, Subjects
  - 4.1.3.1 42.05.00, [Disciplinary Penalties](#)
  - 4.1.3.2 this policy

- 4.2 Where an adult's remission has been forfeited, designated correctional staff will by the end of the following business day
  - 4.2.1 enter the incident on Justice Enterprise Information Network (JEIN), see JEIN: Help Menu/Corrections Guide/Custody Menu Subject, Incidents, for specific instruction
  - 4.2.2 update the custody term by clicking add/remove cases to recalculate the sentence dates
  - 4.2.3 document under the custody term comments tab the description of the remission re-calculation, e.g., 3 days taken -1 day given back = net loss 2 days

**5. Remission Loss Appeal**

- 5.1 An adult may appeal a loss of remission in accordance with Policy and Procedures, Subject 5.05.00, [Appeal Process](#).

**6. Standard Operating Procedures (SOP)**

- 6.1 Superintendents are responsible to develop SOP to identify the
  - 6.1.1 process for advising adults of their earliest release date
  - 6.1.2 correctional staff responsible to recalculate an adult's earliest release date following a transfer from another facility
  - 6.1.3 correctional staff responsible to input remission forfeiture, as identified in 4.2, on JEIN