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## SENTENCE CALCULATION: FAST FACTS

### Offender Serving a Life Sentence for 1<sup>st</sup> Degree Murder

#### 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.<sup>1</sup>

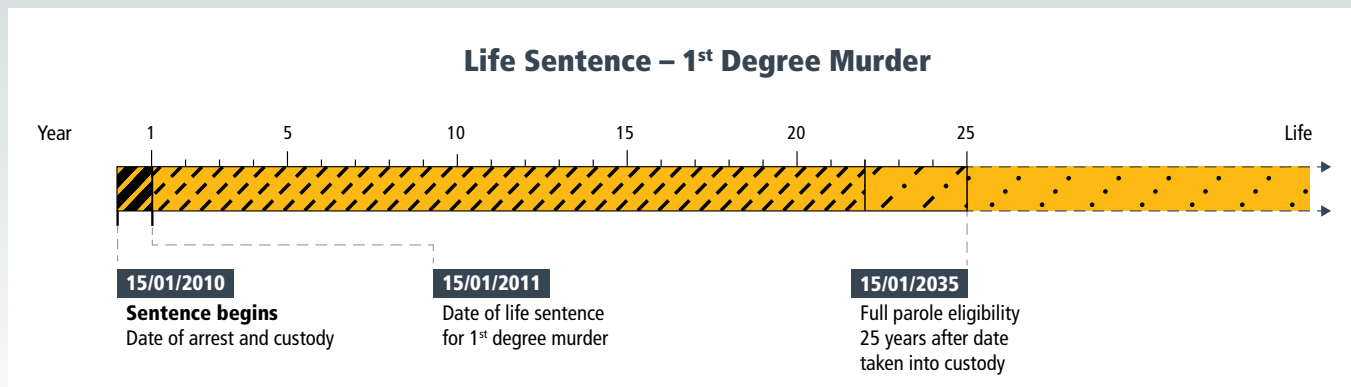
This is why it is important for victims to register with the Correctional Service of Canada (CSC) and/or the Parole Board of Canada (PBC). They can obtain accurate and timely information about the conditional release eligibilities of the offender who harmed them. That way they can prepare for the offender's release and raise victim safety concerns when appropriate.

This factsheet provides information on the conditional release eligibilities of an offender serving life for 1<sup>st</sup> degree murder.<sup>2</sup>

#### Full Parole Eligibility

Under paragraph 745(a) of the *Criminal Code of Canada* (CCC), an offender serving life for 1<sup>st</sup> degree murder is eligible for full parole 25 years after 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 a life sentence for 1<sup>st</sup> degree murder was arrested on January 15, 2010 and not released. Therefore, under paragraph 745(a) and section 746 of the CCC, the offender's 25-year ineligibility period for full parole begins on the arrest date: January 15, 2010. In this case, the offender is eligible for full parole 25 years later on January 15, 2035.



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 paragraph 746.1(2)(c) of the CCC, an offender serving life for 1<sup>st</sup> degree murder may only be granted an ETA 3 years before their full parole eligibility date. An ETA may be granted with PBC approval. In this case, the date would be on January 15, 2032. However, an ETA may also be granted for medical reasons or to attend judicial proceedings or a coroner’s inquest at any time.

**Unescorted temporary absence (UTA):** Under paragraph 746.1(2)(b) of the CCC, the same offender is not eligible for an UTA until 3 years before full parole eligibility. In this case, it would be on January 15, 2032.

**Work Release:** Under subsection 18(2) of the *Corrections and Conditional Release Act*, an offender is eligible for work release on the same date they are eligible for an UTA: 3 years before full parole eligibility. In this case, it would be on January 15, 2032.

**Day Parole (DP):** Under paragraph 746.1(2)(a) of the CCC, an offender serving life for 1<sup>st</sup> degree murder 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, 2032.

**N.B.** These rules establish the earliest possible eligibility date for ETAs, UTAs, work release and DP on the same date: January 15, 2032 and full parole on January 15, 2035. Eligibility does not mean automatic release. These conditional releases must be granted by the appropriate authority.

