



B.C. Provincial Corrections: What happens to those serving a provincial sentence in BC?

This fact sheet looks at the provincial corrections system in the community and in its institutions. In B.C., the Ministry of Justice Corrections Branch operates eight correctional centres for men and one centre for women, all designated for offenders serving prison sentences of less than two years, as well as those on remand (not yet sentenced). B.C. Corrections also operates more than 50 community corrections offices, from which probation officers supervise those serving community sentences. The responsibilities of B.C. Corrections' include:

- operating provincial correctional facilities, and supervising offenders in custody
- assessing the risk to re-offend
- preparing offenders for conditional release
- assisting offenders in planning their return to the community
- supervising persons under bail conditions, or serving community sentences including probation orders
- providing culturally sensitive programs, and services in prisons and in the community



Correctional Centres and Community Supervision

Provincial correctional centres provide secure custody of offenders, deliver programs, and prepare offenders for release. They are for those:

- serving sentences of less than two years
- awaiting transfer to federal correctional centres
- awaiting trial
- being detained due to concerns of Citizenship and Immigration Canada

Many criminal sentences include court-ordered supervision of offenders in the community, with or without a term of sentenced custody in a correctional centre. Community supervision reduces re-offending by assessing and addressing the risks and needs of each individual and by:

- managing each case individually
- coordinating services such as drug counselling or anger management programs
- responding to the specific needs of Aboriginal offenders
- changing behaviour based on evidence of what works with offenders

Provincial correctional centres are the responsibility of the Adult Custody Division of B.C. Corrections while community supervision is the responsibility of the Community Corrections Division.

Types of Community Sentences

If an accused has been found guilty of a crime, the court determines the sentence, using the general principles found in the Criminal Code, such as it being appropriate for the type of offence and similar to the sentences imposed on similar offenders under similar circumstances. There are a number of sentencing options:

- Imprisonment for two years or more, which will be served in a Federal Penitentiary
- Imprisonment for up to two years, less a day, which will be served in a Provincial Prison
- A sentence that does not involve imprisonment which will be served in the community

Sentences served in the community are supervised by B.C. Corrections Community Corrections Division. The offender is usually under supervision of a probation officer and must follow very specific rules.

Absolute Discharge

When an offender gets an absolute discharge he is found guilty by the court, but the conviction is not registered and he is free to go. An absolute discharge will be removed automatically from the offender's criminal record after one year.

Conditional Discharge

When an offender gets an conditional discharge he is found guilty by the court, but the conviction is not registered. He will be placed on probation for up to three years. A conditional discharge will be removed automatically from the offender's criminal record after three years.

Suspended Sentence

Depending on the circumstances and the type of offence committed, the court may impose a suspended sentence. A suspended sentence does not suspend the criminal record, just the sentence. The sentence is suspended provided the offender follows the conditions imposed by the court. For example, if an offender is convicted of shoplifting, and is sentenced to 30 days in prison, the court may suspend the sentence provided the offender does not commit another crime within the next year. Once the year passes without incident, the penalty is discharged. If the offender does commit another crime, they will have to serve the 30 days imprisonment at that time.

Fines

The court may sentence an offender to only to pay a fine, or pay a fine as part of a larger sentence. If the fine is not paid within the time set by the court, the offender may be charged and sentenced to a prison term. A judge may also order the offender to pay a victim surcharge, an additional 15%, which funds services for victims.

Restitution

An offender's sentence may include a restitution order, requiring the offender to pay an amount directly to the victim of the offence to cover the victim's monetary losses or damage to property. Restitution is not ordered in all cases in which there is monetary loss or damages—the ability of the offender to pay a restitution order is considered. It cannot be ordered for pain and suffering or other damages, which is assessed only in the civil courts.

Probation

The court may order probation following a custodial sentence, or in conjunction with another community sentence. Probation requires the offender to follow certain conditions for a period of up to three years. Conditions may include regularly reporting to a probation officer, being on good behaviour, and keeping the peace. In addition, offenders often have to a probation officer informed of current address or whereabouts. Other common conditions include avoiding certain people or being in certain place, obeying a curfew, abstaining from using alcohol or drugs, receiving counselling or participating in programs or performing community service.

Conditional Sentence

Introduced in 1996 as an alternative to incarceration, a conditional sentence is used in place of a custodial sentence. Conditional Sentences are only imposed if the court is satisfied that the person is not a danger to the community, does not have a history of disobeying court orders and if the conviction is not for a violent offence. In addition, a conditional sentence cannot be imposed if the custodial sentence would be longer than two years or if the offence has a mandatory minimum sentence. All Conditional Sentences impose conditions, such as obeying a curfew, abstaining from using alcohol or drugs, receiving counselling or participating in programs. If the conditions are not met, the court can order the offender to serve a portion of or the remainder of their sentence in jail.

Provincial Custodial Sentences

Offenders who are sentenced to a custodial sentence of less than two years in prison will serve their sentence in a provincial correctional facility. In addition to the length of custodial sentence, the court has other sentencing considerations.

Concurrent or Consecutive Sentences

If an offender has been convicted of more than one offence, resulting in more than one custodial sentence, the court may order the sentences to be served concurrently (at the same time) or consecutively (one after the other).

Intermittent Sentence

For sentences of 90 days or less, a judge may order an intermittent sentence, under which the offender does not serve all the days of the sentence consecutively. Generally, the offender is in the community during the week and serves the sentence in prison on the weekends. When in the community, strict rules have to be followed. Usually this sentence is given to allow the offender to care for their family, to continue with their education or to maintain their job.

Conditions of Confinement

Conditions in custody are governed by the federal **Corrections and Conditional Release Act** and the **Canadian Charter of Rights and Freedoms** as well as by the provincial **Correction Act**. While in custody,

offenders are housed in cells or in rooms or dormitories, depending on the security level of the prison. Most cells in Canada are designed to house one inmate, but due to overcrowding, often house two and sometimes, more inmates. This practice is called “double-bunking”. Within most prisons there are also specialized Living Units such as hospital units, protective custody and segregation for housing some inmates separately from the general population. Inmates are expected to keep their own cell/room clean as well as do their own laundry. The rest of the unit is kept clean by Unit Cleaners.

Meals prepared by the kitchen staff are served 3 times a day. Special Accommodation diets such as religious diets, and medical diets (for diagnosed medical conditions) are also available. Basic clothing is issued to all inmates. Basic medical care, dental care, vision care and mental health care is provided. Health Care staff or Emergency First Aid personnel are always available on site. In the event of a situation arising that requires medical care that cannot be provided in the prison, an inmate will be moved to a facility that can provide the required care.

During the day, all employable inmates are expected to have a job in prison, unless they are taking a program or upgrading their education. Adult Basic Education (ABE), GED and BC Adult Graduation are available at some correctional centres.

Types of Release from Custodial Sentences

The legal authority to incarcerate a person in Canada is given by a Warrant of Committal, which specifies the length of the sentence. The warrant expires on the last day of the sentence, referred to as the “Warrant Expiry Date” (WED). When an offender reaches his Warrant Expiry Date, he will be released from custody. If there were Ancillary Orders added to the sentence, these orders do not expire at the Warrant Expiry Date. (Example; a 5 year ban on driving would still be in place once the offender has reached Warrant Expiry Date.)

Reaching Warrant Expiry Date is not the only way out of prison. Once serving a provincial custodial sentence, an offender has three options for being released:

- A Temporary Absence, granted for a specific purpose. Once the Temporary Absence period is over, the offender is returned to prison.
- Parole, granted by the Parole Board of Canada. If the offender follows the conditions of his parole, he can finish his sentence in the community.
- Release at Warrant Expiry Date. Most offenders in provincial custody serve their entire sentence in prison, although the sentence may be shortened because of earned remission.

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Temporary Absences

Temporary absences from a correctional facility is governed by the **Correction Act** and is granted to an offender by the Institutional Head. They can be both escorted (ETA) and unescorted (UTA). Temporary absences are granted so that offenders can receive medical treatment, undergo counseling, participate in community service work projects, or for humanitarian reasons such as attending a funeral.

Parole

Parole is governed by the **Corrections and Conditional Release Act** and is granted by the Parole Board of Canada. Conditional Release allows for an offender to be released from custody to serve part of their sentence in the community under supervision and with certain conditions. This does not mean the sentence is shortened; it simply allows the offender to finish his sentence outside of a custodial setting. Once he has reached his parole eligibility date, an offender can apply for day parole or full parole. If the Parole Board of Canada grants an offender parole, he will be supervised by the Correctional Service of Canada until he has reached the end of his sentence (Warrant Expiry Date). If an offender does not follow his parole conditions, the Parole Board can return him to a correctional centre.

Day Parole

If an offender is granted Day Parole, he is conditionally released during the day, but is required to return to a

community-based residential facility (CRF) or correctional centre at night. An offender is eligible to apply for day parole after 1/6 of the sentence has been served and provided the sentence is at least 6 months long.

Full Parole

If an offender is granted Full Parole, he is conditionally released to the community. An offender is eligible to apply for full parole after 1/3 of the sentence has been served, and provided the sentence is at least 6 months long.

Earned Remission

Earned remission credit, made available by the provincial **Correction Act**, is used to reward good behavior in custody. This credit earns days off the end of the sentence, shortening the time to warrant expiry date, provided the inmate is not released on parole. An offender released on parole loses his earned remission credit.

Earned remission (“good time”) is awarded to each inmate at the end of each month, based on performance - 0 to 7 days earned remission for poor performance, 8 to 14 days for fair performance and 15 days for good performance. An offender who earns the maximum earned remission credit each month of his sentence would shorten his sentence by half. Once released, there are no conditions to follow in the community, because the offender has reached his warrant expiry date (WED).

The John Howard Society of BC position

The John Howard Society's objective of responding to the causes and consequences of crime are reached through:

- Initiating programs which encourage positive behavior, and reintegration of inmates back into society
- Developing programs that are more effective than imprisonment
- Working to provide direct, effective, cost-efficient services to victims of crime, inmates, parolees, probationers, ex-offenders and their families
- Suggesting reform within the Criminal Justice System

- Providing public education programs to encourage involvement in and understanding of the Justice System

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“Effective, just and humane responses to the causes and consequences of crime.”