

Resolution 2001-01

DEAD TIME SENTENCING

- WHEREAS** one of the fundamental purposes of sentencing is to contribute to the respect for the law and the maintenance of a just and peaceful society, and;
- WHEREAS** the principle of proportionality in sentencing requires a sentence to fit both the offender and the nature of the offence, and;
- WHEREAS** when considering the length of a sentence, section 719(3) of the *Criminal Code of Canada* allows the courts to take pre-trial custody or “dead time” into consideration, and;
- WHEREAS** although current sentencing practices in Canada vary with each province, case law is developing which is influencing courts to provide offenders with credit for dead time served at a rate of two days for every one day served, and;
- WHEREAS** the result of this sentencing practice is that an offender receives an unfair, unjust and disproportionate credit on the sentence imposed, thereby compromising public safety and eroding public confidence in the justice system.
- THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police urges the Minister of Justice to amend section 719 (3) of the *Criminal Code*, to limit the discretion of the courts in compensating offenders for dead time to no more than one day credit for each day served, and;
- BE IT FURTHER RESOLVED** that the Minister of Justice be encouraged to amend the *Criminal Code* to remove the courts ability to provide pre-sentence credit when the offender is held in custody to ensure the safety and/or security of any victim or witness to the related offence.

Approved at the 96th Annual General Meeting on August 22, 2001

Resolution 2000-03**“DEAD TIME” IN SENTENCING**

WHEREAS the fundamental purpose of sentencing is to contribute to respect for the law and the maintenance of a just and peaceful society; and,

WHEREAS the principle of “proportionality” in sentencing requires a “fit sentence” to fit both the offender and the nature of the offence; and,

WHEREAS courts, when considering the length of a sentence of imprisonment, may take into consideration the time the offender spent in pre-trial custody or “dead time”; and,

WHEREAS it is therefore important that the court have accurate information before it concerning the offender’s prior record in order that the sentence be both consistent with the protection of society and proportional; and,

WHEREAS the *Criminal Code* does not presently require a shorter period of imprisonment imposed in consideration of “dead time” be so stated on the record of the court; and,

WHEREAS the result is that an offender’s criminal record will not accurately reflect the severity of the sentences previously imposed and therefore lessen the accuracy of the information available to subsequent sentencing judges.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urge the Minister of Justice to amend section 719(3) of the Criminal Code to state that where a court takes into account any time spent in custody, it shall state the amount of time on the record and the time shall be endorsed by the clerk on the indictment.