

Model Misdemeanor Good Time Policy



Presentation to

VIRGINIA SHERIFF'S ASSOCIATION

Virginia State Crime Commission

April 17, 2003

Name of Jail
Address
Phone
Fax

Subject: MISDEMEANOR INMATE GOOD TIME
Policy Number: _____
Replaces/Cancel: _____
Date: _____

I. Purpose

In compliance with §53.1-116 (iii) *Code of Virginia*, this Misdemeanor Inmate Good Time Policy establishes a method for computing the release dates or compiling paperwork for misdemeanor inmates receiving credits on sentences given by (*locality*) courts.

II. Policy

Inmates may earn sentencing credits by complying with jail rules and regulations. Behavioral credits may increase as inmates actively participate in jail programs. Credits to an inmate's sentence may also be forfeited through disciplinary due process. The computation, documentation, and reporting of all credits toward an inmate's local sentence must be performed accurately and in a timely manner.

III. Definitions

Statutory Good Time (SGT) - Good conduct credit **mandated** for misdemeanor offenders who obey jail rules and given at the rate of one day for each one day served pursuant to §53.1-116 (A).

Exemplary Good Time (EGT) – Good conduct credit given at the **discretion** of the Sheriff pursuant to §53.1-116 (A) for misdemeanor offenders for voluntary performance in institutional or work programs at a maximum rate of 5 days credit for 30 days of program participation.

Judicial Good Time (JGT) – Good conduct credit specified in a court order for a particular inmate by the Judge pursuant to §53.1-129 awarded after 7/1/03.

IV. Statutory Exemptions to Policies

The following misdemeanor inmates serving a sentence in the jail are not eligible for either SGT or EGT credits due to statutory restrictions in the *Code of Virginia*:

1. The mandatory minimum portion of an inmate's sentence; and,
2. If an inmate is placed on house arrest or Home Electronic Monitoring (HEM).

Each Sheriff or Regional Jail Board should review the criteria in *Code of Virginia* §16.1-278.16 and §20-115 concerning violations of court orders and determine their interpretation of these statutes on the awarding of good time credits in their jail pursuant to 53.1-116 (A).

V. Procedures

(NOTE: Italicized and underlined language needs to be changed to reflect each jail's practice and procedures)

A. Review Sentence Order

Once the court has sentenced an inmate, the Classification and Records section will review the paperwork from the sentencing court. Staff will determine the appropriate method of time computation and potential release date based on:

- 1) type of sentence;
- 2) offense date;
- 3) length of sentence;
- 4) any time already served for that offense; and,
- 5) any specific requirements imposed by the judge in the sentencing Order.

B. Statutory Good Time

Inmates with misdemeanor crimes sentenced to more than 30 days, but less than 12 months total, **shall** receive statutory good time at a rate of thirty (30) days of time off their sentence for each thirty (30) days served provided they have not violated any rules and regulations during that time period of incarceration.

Inmates with misdemeanor crimes sentenced to thirty (30) days or less are eligible for statutory good time at a rate of one (1) day for each day served provided they have not violated any rules and regulations during that time period of incarceration.

Inmates may have their statutory good time forfeited, for a given period, due to a rule violation, upon the recommendation of the Disciplinary Board or Hearing Officer with the approval of the Sheriff or Jailer or his designee.

A Disciplinary Board or Hearing Officer may recommend the loss of any portion of an inmate's accrued statutory good time if the inmate is found guilty of violation of Jail Rules (see Attachment 1 which provides the general rules that are appropriate).

The Sheriff or Jailer or his designee determines if the forfeiture of statutory good time is appropriate and documents his decision. This decision is provided to the Records Manager, the inmate, and the inmate's case manager. The decision of the Sheriff or Jailer or his designee is final.

The Sheriff or Jailer or his designee may restore any statutory good time that has been taken or forfeited.

C. Exemplary Good Time

Inmates serving time for misdemeanors may, if eligible, be admitted to work in an institutional work assignment, or participate in a local work force program, or to participate in a vocational, GED, or adult education class, or a rehabilitative or substance abuse program.

The decision to admit an inmate to any work assignment or to any class is to be made by the Program Director or Sheriff or Jailer or his designee. The decision of the Program Director or Sheriff or Jailer or his designee is final.

Inmates serving on any such work assignment or detail, or participating in any such class or program, are eligible to receive additional good time credit exemplary good time at the rate of ___ days per ___ days served in _____. (List the work programs are appropriate to the specific jail and the good time credit allowed by the jail for program participation; Examples may include:)

1. work force program on state or locality property
2. work force program on property owned by a nonprofit organization
3. work force program on private property that is part of a community improvement project found to be public nuisances
4. work force program in the jail (i.e. kitchen, trustee)
5. adult education or GED (General Educational Development) program
6. vocational education program
7. rehabilitative or substance abuse program

Inmates may have their exemplary good time forfeited due to a rule violation, upon the recommendation of the Disciplinary Board or Hearing Officer, with the approval of the Sheriff or Jailer or his designee.

A Disciplinary Board or Hearing Officer may recommend the loss of any portion of an inmate's accrued exemplary good time if the inmate is found guilty of (list from Attachment 1 the general rules that are appropriate).

The Sheriff or Jailer or his designee determines if the forfeiture of the exemplary good time is appropriate and documents his decision. This decision is provided to the Records Manager, the inmate, and the inmate's case manager. The decision of the Sheriff or Jailer or his designee is final.

The Sheriff or Jailer or his designee may restore any exemplary good time that has been taken or forfeited.

D. Judicial Good Time

In individual cases, if the Court has provided in a defendant's Sentencing Order that the defendant is to receive additional good time credits (Judicial Good Time) for participation in a work assignment or program, that additional credit will be given to the inmate, provided that the inmate complies with the requirements of the Order.

Inmates may have this Judicial Good Time forfeited, in a similar manner as described above, if a Disciplinary Board or Hearing Officer finds the inmate guilty of (list from Attachment 1 the general rules that are appropriate).

The *Sheriff or Jailer or his designee* will determine if the forfeiture is appropriate and document his decision. This decision is provided to the Records Manager, the inmate, and the inmate's case manager. The decision of the Sheriff is final.

The Sheriff may restore any judicial good time that has been taken or forfeited.

E. Classifications and Records

If an inmate begins to qualify for any discretionary good time or judicial good time, the Classification and Records section will be notified of this in writing, and will recalculate the expected release date of the individual.

F. Pre-Release Review

Five days prior to the anticipated release date, the Classification and Records supervisor will review all paperwork and court Orders for the inmate, as well as the inmate's booking file, jail file, and any computer entries, if any, to ensure accuracy.

Just prior to release, the Jail shift supervisor will review all paperwork and court Orders to verify the accuracy of all calculations and entries. Once this review has been performed, the shift supervisor will stamp, initial, and date the booking file and release papers indicating that the review has been completed and the upcoming release is valid. At the designated time, in accordance with jail policies, the inmate will be released.

VI. Jail Rules

Each jail should attach or include rules of the jail here as they apply to violations constituting the removal of good time credits in the facility.