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			<b>OPI:</b>	Records	
			<b>REVIEW DATE:</b>	August 25, 2016	
			<b>Approving Authority</b>	Thomas Faust Director	
	<b>SUBJECT:</b>	<b>GOOD TIME CREDITS</b>			
	<b>NUMBER:</b>	<b>4341.1A</b>			
	<b>Attachments:</b>	Attachment 1-Good Time Credit Memorandum (Misdemeanant) Form			

**SUMMARY OF CHANGES:**

Section	Change
	No Changes Were Made During Annual Review Period

**APPROVED:**



**Thomas Faust, Director**

8/25/2015

**Date Signed**

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1. **PURPOSE AND SCOPE.** The Department of Corrections (DOC) may award Good Time Credits (GTC) for good behavior and successful participation in rehabilitative programs, work details, and special projects for the period of time in custody prior to or after sentencing for a misdemeanor. GTC provide inmates with an incentive to maintain good behavior and enroll in institutional programs for purposes of self-development and/or rehabilitative objectives.

2. **POLICY.** It is DOC policy to award Good Time Credits to inmates consistent with DC Code § 24-221.01, et seq. and in the following manner:

- a. Each inmate committed to the DOC who is sentenced for a misdemeanor pursuant to D.C. Code § 24-403.02 may be eligible to receive credit for good behavior, rehabilitative programs, work details, and special projects.
- b. Authorized good time credits shall be applied to the person's minimum term of imprisonment to determine the date of eligibility for release.
- c. When an inmate is found guilty of one or more Class I, Class II, or Class III offenses, as defined in PM 5300.1, "*Inmate Disciplinary and Administrative Housing Hearing Procedure*", the DOC Director or designee may forfeit or withhold good behavior credits.
- d. The DOC Director or designee may also restore good behavior credits in accordance with this directive.
- e. Inmates are limited to eight (8) days credit per month, even if enrolled in more than one eligible program.

### 3. **APPLICABILITY**

This policy shall apply to every inmate of a District of Columbia correctional institution who is serving a sentence for a misdemeanor pursuant to section 3(b) of An Act to Establish a Board of Indeterminate Sentence and Parole for the District of Columbia (D.C. Official Code § 24-403.02).

4. **PROGRAM OBJECTIVES.** The expected results of this program are that inmates, by virtue of personal development and positive behavior, may receive an earlier release from confinement as well as the opportunity for a more successful reintegration into the community.

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## 5. NOTICE OF NON-DISCRIMINATION

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

## 6. DIRECTIVES AFFECTED

### a. Directive Rescinded

- 1) PP 4340.2 Educational Good Time Credits

### b. Directives Referenced

- 1) PM 5300.1 Inmate Disciplinary and Administrative Housing Hearing Procedures

## 7. AUTHORITY

- a. DC Code § 24-211.02, Powers; Promulgation of Rules
- b. DC Code §§ 24-221-.01-06, Educational Good Time
- c. DC Code § 24-101, et seq., Transfer of Prison System to Federal Authority
- d. District of Columbia Municipal Regulations (DCMR), Title 28. Corrections, Courts and Criminal Justice, Chapter 6, Good Time Credits

## 8. STANDARDS REFERENCED

- a. American Correctional Association (ACA) 4<sup>th</sup> Edition Performance-Based Standards for Local Adult Detention Facilities 4-ALDF-5A-09

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9. **DEFINITIONS.** For the purpose of this directive the following definitions shall apply:

- a. **Department of Corrections facility.** A facility that houses an inmate committed to the District of Columbia Department of Corrections.
- b. **Disciplinary Violation.** A guilty finding pursuant to the Department of Corrections Policy PM 5300.1, Inmate Disciplinary and Administrative Housing Hearing Procedures for any institutional Class I, II, and III offenses as defined in Chapter 5 of Title 28 of the Code of D.C. Municipal Regulations.
- c. **Disciplinary Board.** A Board established pursuant to the DOC Policy PM 5300.1, Inmate Disciplinary and Administrative Housing Hearing Procedures that conducts hearings, makes findings and imposes appropriate sanctions for incidents of inmate disciplinary violations.
- d. **Expiration of the Sentence.** An inmate's sentence has expired, requiring the release from incarceration without further supervision of an inmate because he or she:
  - 1) Has served the maximum term of commitment; or
  - 2) Has served the maximum term of commitment less the GTC credits awarded pursuant to District of Columbia Good Time Credits Act of 1986, effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code §24-221.01, et seq.).
- e. **Good time credit.** Means either good behavior credit or other credit earned as a result of successful participation in rehabilitative programs, work details, and special projects.
- f. **Incarceration.** Custody resulting from pretrial or pre-sentence detention, a sentence, or detention pending a hearing on revocation of probation or release in the Central Detention Facility, Correctional Treatment Facility, or another secure facility under contract to the District of Columbia Department of Corrections.
- g. **Rehabilitative program.** Program providing opportunities for self-improvement, including treatment, academic, or vocational programs.
- h. **Special Project.** A designated, non-reoccurring special project.

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- i. **Successful participation.** Active and constructive participation including satisfactory attendance and compliance with any rehabilitative program, work detail, or special project.
- j. **Term of commitment.** The period of an inmate's current incarceration. The term "term of commitment" includes the following:
  - 1) A single sentence;
  - 2) A combination of concurrent sentences (a concurrent sentence is two (2) or more sentences that run simultaneously), in which case the term of commitment is the period of commitment between the earliest starting date of those sentences and the latest expiration date of those sentences;
  - 3) A combination of consecutive sentences (a consecutive sentence is two (2) or more sentence(s) following one after the other in uninterrupted succession), in which case the term of commitment is the period of commitment between the starting date of the first consecutive sentence and the expiration of the last consecutive sentence;
  - 4) A combination of concurrent and consecutive sentences in which case the term of commitment is the period of commitment between the earliest starting date of the sentences and the last expiration date of the sentences;
  - 5) A combination of sentences imposed before and after release on parole or probation and the probation or parole is revoked, in which case the term of commitment is the period of commitment between the earliest starting date of the sentences and the latest expiration date of the sentences, excluding time out of custody for which credit is not allowed.
- k. **Work detail.** Assignment to a recurring task pursuant to an institutional work program.

## 10. **APPLICABILITY OF AWARDING GOOD TIME CREDITS**

- a. Each inmate committed to the Department of Corrections, who is sentenced for a misdemeanor pursuant to D.C. Code § 24-403.02, may be eligible for good time credits to be applied to his/her sentence pursuant to the Good

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Times Credits Act of 1986 , effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code § 24-221.01 et seq.), in one or more of the following categories:

- 1) Good behavior;
  - 2) Rehabilitative programs;
  - 3) Work detail; and
  - 4) Special projects.
- b. Credit shall be calculated from the first day of incarceration but will not accrue until the 20<sup>th</sup> day of incarceration. The credit shall be calculated regardless of whether the inmate is pre-trial, pre-sentence, sentenced, a full-time inmate or serving a sentence of weekends. The credit will apply once an inmate is sentenced. One (1) credit is equal to one (1) full day of reduction in a sentence. Except in the case of good behavior credit awarded pursuant to section 11(a) of this directive, all credits shall accrue each calendar month for successful participation in rehabilitative programs, work details, and special projects, in the following manner:
- 1) If participation in the program, detail, or project lasts twenty (20) days or less: one (1) credit;
  - 2) If participation in the program, detail, or project lasts more than twenty (20) days, but less than twenty-six (26) days: two (2) credits; and
  - 3) If participation in the program, detail, or project lasts twenty-six (26) days or more: three (3) credits.
- c. An inmate shall not earn more than eight (8) good time credits per calendar month.
- d. Once an inmate has been released, either to probation or by the expiration of his/her sentence, good time credits awarded during the period of incarceration are of no further effect and shall not be used to shorten the period of probation, to shorten the period of incarceration which the inmate may be required to serve for violation of probation, or to shorten any subsequent sentence.

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## 11. APPLYING GOOD TIME CREDIT

### a. Good Behavior

- 1) An inmate shall be awarded good time credit at the inception of his/her incarceration for anticipated future good behavior and institutional adjustment that will result in the automatic reduction of the inmate's term of commitment unless all or part of such credits are revoked pursuant to Section 15 herein.
- 2) The reduction described in section 11(a) shall be calculated from the first date of commitment at a rate of three (3) days for each full calendar month during the inmate's commitment, or, if the inmate is committed for less than a full calendar month at a rate of one day for each ten (10) day period within a calendar month in which an inmate is committed.
- 3) An inmate shall not receive credit under this section for any ten (10) day period during which the inmate is not incarcerated, including a period where the inmate's sentence is stayed or the inmate has escaped.
- 4) The amount of good behavior credit is subject to disciplinary revocation under Section 15 of this directive.

### b. Rehabilitative Programs

- 1) An inmate shall be eligible for a good time credit deduction from the inmate's term of commitment for successful participation in one or more self-improvement programs.
- 2) The deduction described in subsection (1) shall be calculated from the first day the inmate demonstrates successful participation in the program using the formula set forth in Section 11(a)(2).

### c. Work Detail

- 1) An inmate shall be eligible for a good time credit deduction from the inmate's term of commitment for demonstrating successful participation of assigned work tasks.

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- 2) The deduction described in subsection 1 shall be calculated from the first date of assignment and continue through termination from the detail assignment or release from custody using the formula set forth in Section 11(a)(2).

d. Special Projects

- 1) An inmate shall be eligible for a good time credit deduction from the inmate's term of commitment for demonstrating successful participation in a designated non-recurring special project. Special projects are considered to be services provided to enhance community and agency initiatives such as snow removal, paint squads, and environmental initiatives. Special projects will be considered on a case by case basis.
- 2) The deduction described in subsection 1 shall be calculated from the first date of assignment and continue through the completion of the assignment or as long as the inmate is committed to the Department Corrections, whichever is shorter, using the formula set forth in Section 11(a)(2).

## 12. PROCESS FOR AWARDING GOOD TIME CREDITS

- a. The squad supervisor or program official shall complete and submit the Good Time Credit Memorandum (Misdemeanant) Form (Attachment 1) for rehabilitative programs, work detail, and special projects to the Chief Case Manager or designee for approval within two (2) business days of the inmate's successful participation/completion of the eligible program. The Chief Case Manager shall submit the approved form to the Record Office Administrator for processing.
- b. Good Time Credits for good conduct shall be awarded by the Record's Office upon the inmate being sentenced. The Record's Office shall forward to the Chief Case Manager or designee a daily list of the inmate's sentenced from the previous day.
- c. The Records Office Administrator or designee shall ensure priority sentence computation for sentenced misdemeanants when it appears that application of credits would sufficiently reduce the inmate's minimum or maximum sentence making the inmate eligible for immediate release. The Records Office will apply good time credit to effectuate the inmate's release as time served.



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- d. Within three (3) business days, the Chief Case Manager or designee shall deliver the approved Good Time Credit form to the Records Office.
- e. Good time credits shall not be awarded in an amount that would make the inmate past due for release (i.e., credits may be prorated to avoid late release).
- f. The affected inmates shall be informed of all awards, forfeitures or restorations of good time credits.

### 13. LIMITATIONS ON CREDITS

- a. Good time credits shall not reduce the minimum sentence of any inmate convicted of a crime of violence as defined by § 22- 4501, by more than 15%.
- b. Good time credits shall not be applied to the minimum terms of persons sentenced under:
  - 1) DC Code § 22-4502 Crime of Violence or Dangerous Crime While Armed,
  - 2) DC Code § 48-901.02 Controlled Substances Act,
  - 3) DC Code § 48- 904.01 Controlled Substances Act,
  - 4) DC Code § 22-2104(b) Murder in First and Second Degrees,
  - 5) DC Code § 22-2803 Carjacking, or
  - 6) DC Code § 22-4504(b).Possession of Firearm While Committing a Crime of Violence or a Dangerous Crime
- c. Good time credits shall not apply to a sentence of civil contempt.
- d. An inmate may not earn more than eight (8) good time credits per calendar month under this directive.

### 14. WITHDRAWALS

- a. Involuntary Withdrawal. If an inmate is removed from a program/detail or project for administrative reasons, the squad supervisor or program official shall designate the inmate as an involuntary withdrawal. Administrative

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reasons may include, but not be limited to: medical restrictions, temporary transfer from the facility or disciplinary detention.

- b. Reenrollment. The inmate may later reenroll through routine institutional procedures.
- c. Voluntary Withdrawal. If an inmate voluntarily withdraws from the program and later re-enrolls and completes the program, the inmate is eligible for credits for the time enrolled prior to voluntarily withdrawal.

## 15. PROCEDURES FOR REVOKING GOOD TIME CREDITS

- a. Good behavior credit may be revoked as the result of a disciplinary violation imposed by the Department of Corrections pursuant to the procedures set forth in PM 5300.1, *Inmate Disciplinary and Administrative Housing Hearing Procedures*.
- b. Good time credits for participation in rehabilitative programs, work detail, and special projects, once awarded, may not be revoked.
- c. If the inmate has been found guilty of one or more Class I, Class II or Class III offenses, good behavior credits may be revoked during the disciplinary process, as may be appropriate, within the discretion of the Adjustment Board in accordance with the following:
  - 1. Class I Offenses: up to 100% of credits may be revoked.
  - 2. Class II Offenses: up to 50% of credits may be revoked.
  - 3. Class III Offenses: up to 25% of credits may be revoked.
- d. The Adjustment Board shall forward the disciplinary findings in accordance with PS 5300.1, PS 5300.1, *Inmate Disciplinary and Administrative Housing Hearing Procedures* to the Warden or designee for final approval.
- e. The Warden or designee may take one of the following actions:
  - 1) Recommend that the action be sustained;
  - 2) Reverse the Board's decision and recommend award of all or a portion of the credit for which the inmate might have been eligible;

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- 3) Remand the recommendation to the Adjustment Board for further review when the Warden has determined that the board failed to consider relevant evidence that was not made part of the record due to administrative or procedural error. Remand shall not be made to increase the amount of credit being recommended for withholding or forfeiture.

## 16. RESTORATION OF REVOKED GOOD BEHAVIOR CREDIT

- a. An inmate may submit an application for the restoration of good behavior credit revoked for disciplinary reasons.
- b. Application for restoration of good behavior credits shall be made to the Warden or designee, who shall consider the following factors when making a recommendation:
  - 1) The severity of and circumstances of the disciplinary violation that resulted in revocation;
  - 2) The inmate's disciplinary record during his or her current incarceration;
  - 3) The inmate's rehabilitation efforts during his or her current incarceration period; and
  - 4) The inmate's demonstrated positive adjustment since the violation and revocation occurred.
- c. Good behavior credits may be restored to the inmate at the following rate;
  - 1) Up to 50 percent (50%) of the total credit revoked if the inmate has been free of any subsequent disciplinary violations for six (6) months; or
  - 2) Up to 100 percent (100%) of the revoked credit if the inmate has been free of disciplinary violations for twelve (12) months.
- d. An inmate has no entitlement to approval of restoration of revoked credit.
- e. An inmate may appeal the Warden's decision to revoke good behavior credit to the Director or designee of the Department of Corrections by submitting a letter to the Director.
- f. If the inmate is not satisfied with the decision of the Director the inmate may appeal to the Mayor's Institutional Appeals Board.

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- g. The Department of Corrections shall provide staff support to any Institutional Appeals Board established by the Mayor.

## 17. RECORDS MANAGEMENT AND REPORTING OF GOOD TIME CREDIT

- a. The Director or designee shall maintain a system for administering good time credits for each inmate.
- b. The record of good time credits shall:
- 1) Start from the first date the inmate is committed to the Department of Corrections;
  - 2) Contain entries reflecting good time credits granted, revoked or restored; and
  - 3) Reflect a current and accurate record of good time credits affecting an inmate's term of commitment.
- c. The Director shall ensure that staff is responsible for maintaining records of the good time credit are notified within five (5) days after:
- 1) The date on which an inmate is assigned to, completes, or is subsequently removed from a rehabilitative program, a work detail, or a special project;
  - 2) Revocation of an inmate's good behavior credit; and
  - 3) The Warden's or Director's approval to restore an inmate's revoked good behavior credits.

Attachment

Attachment 1 – Good Time Credit Memorandum (Misdemeanant) Form



**TO:** Records Office Administrator

**THRU:** Chief Case Manager

**FROM:** \_\_\_\_\_  
Academic Principal, Case Manager, Program Coordinator, NIPS Coordinator

**SUBJECT:** Good Time Credit (Misdemeanant)

**RE:** ☐ Rehabilitative Program ☐ Work Detail Program ☐ Special Project

Inmate: \_\_\_\_\_ DCDC#: \_\_\_\_\_

Projected Total Days of Credits to be Awarded Per Month: \_\_\_\_\_ Participation \_\_\_\_\_  
Project Credits: \_\_\_\_\_

Program Entry Date: \_\_\_\_\_ Projected Exit Date: \_\_\_\_\_  
must be after 1-18-2011

This information has been verified by one of the following prior to submission:  
Academic Principal, Program Coordinator, NIPS (Non Industrial Pay) Coordinator

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Release Date: \_\_\_\_\_

**To be completed by the Case Manager**

This confirms that the inmate listed above has or has not successfully participated in the indicated program(s) and is or is not entitled to good time credits.

- ☐ Yes Inmate has successfully participated and is therefore eligible for GTC.  
☐ No Inmate has not successfully participated and is therefore not eligible for GTC.

\_\_\_\_\_  
Signature, Case Manager

\_\_\_\_\_  
Date

**To be completed by Chief Case Manager or Designee**

Approved by:

\_\_\_\_\_  
Chief Case Manager

\_\_\_\_\_  
Date

**To be completed by the Record Office Chief or Designee**

GTC was awarded on \_\_\_\_\_ in the amount of \_\_\_\_\_  
(entered into JACCS) Date #days

Recomputed Face Sheet was scanned/signed Date: \_\_\_\_\_

\_\_\_\_\_  
Signature, Record Office Chief or designee

\_\_\_\_\_  
Date



cc: Inmate's Institutional File

**(Total credits per month cannot exceed 8. Eligible inmates will automatically receive 3 days per month from the Record office).**