

- d. Bachelor's Degree shall result in a 180 day reduction in the inmate's minimum sentence and 180 day reduction in the inmate's maximum sentence.
2. **Vocational Programming:**

An inmate who successfully completes a vocational program that is authorized and approved by the Department or who successfully completes a vocational program that the Commissioner deems to be valuable to the inmate's rehabilitation, shall be entitled to a reduction of up to 60 days in his or her minimum sentence and a reduction of up to 60 days in his or her maximum sentence. The Commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.
3. **Mental/Behavioral Health Programming/Treatment:**

An inmate who meaningfully participates in recommended or mandated mental/behavioral health and/or substance abuse treatment that is authorized and approved by the Department or that the Commissioner deems to be valuable to the inmate's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The Commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.
4. **Participation in Family Connections Center Programming:**

An inmate who is a parent and who meaningfully participates in the programming offered by the Family Connections Center that the Commissioner deems to be valuable to the inmate's rehabilitation, shall be entitled to a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence. The Commissioner shall establish procedures, which shall be exempt from RSA 541-A, for awarding such reductions.
- B. The earned time reductions authorized under this law shall be available to inmates who were incarcerated on or after the effective date of this section and who have been granted this option by the presiding justice at the time of sentencing. Earned time reductions authorized under this law shall be available to inmates who were incarcerated prior to the effective date of this section upon recommendation of the Commissioner and upon approval of the sentencing court in response to a petition which is brought forward by the inmate in a timely fashion.
- C. The earned time reductions shall only be earned and available to inmates while they are in the least restrictive security classifications of general population and minimum security. The earned time may be forfeited for involvement with or membership in a security threat group, for an attempted escape, an escape, or upon being found guilty of the commission of any Category A offense listed in the New Hampshire Department of Corrections policy and procedure directives.
- D. Sentences and Limitations. Amended RSA 651:2, II-e reads as follows:

To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year, shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 and for earned time as provided in RSA 651-A:22-a. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

V. **OPERATIONAL DEFINITIONS:**

The following definitions for each area outline the operational meaning as determined by the New Hampshire Department of Corrections with respect to the statute:

A. **Eligibility:**

1. In accordance with RSA 651-A: 22-a Earned Time Credits Section II, the earned time reductions authorized shall be available to inmates who were incarcerated on or after the effective date of this law and who have been granted this option by the presiding justice at the time of sentencing. If the requesting inmate was sentenced prior to the implementation of this law and does not have this option granted by the presiding justice in his/her

sentence, he/she may initiate the petition process through their assigned Correctional Counselor/Case Manager.

2. Security Threat Group Involvement: Any inmate actively associated with and/or identified as being involved with any security threat group is not eligible for any earned time credits under this policy. The inmate shall formally denounce his/her gang affiliation to become eligible for earned time credits under this policy. An inmate's eligibility for earned time under this provision is at the sole discretion of the Commissioner of the New Hampshire Department of Corrections.
 3. In accordance with RSA 651-A:22-a Earned Time Credits Section IV, earned time reductions granted under this section shall not exceed 13 months off the inmate's minimum sentence and 13 months off the inmate's maximum sentence. This reduction will be granted only for sentences being served at the time the eligible program was completed.
 4. At no time can an inmate earn more time under this policy than the time remaining to be served in their maximum sentence.
- B. Suitability: In accordance with RSA 651: A-22-a Section III, the earned time reductions authorized shall only be earned and available to inmates while in the least restrictive security classifications of general population (C3) and minimum security (C2/C1).
1. Suitability for any program participation associated with earned time reductions is contingent upon security level, sentencing, facility placement, program staff screening assessment, program availability, etc. Not all inmates will be suitable or eligible for program participation due to the nature of the offense, sentencing restrictions and any other programming limitations, including but not limited to sex offenders under RSA 135-E. Inmates must qualify for this program under the normal guidelines of admittance to the program for which earned time credit is sought. Any falsification of information by an inmate to gain program entry will result in disciplinary action.
- C. Programs/Treatment Services: In accordance with the Earned Time Credits law, the following certificate, diploma and degree as defined will constitute the programs/treatment services that will be considered for Earned Time Credit:
1. Educational Programs:
 - a. High School Equivalency Certificate (formerly the GED) shall be identified as an equivalency diploma or designated diploma as identified by the New Hampshire Department of Education.
 - b. High School Diploma shall be identified as a high school diploma awarded through the Corrections Special School District-Granite State High School as defined by the Interagency Agreement.
 - c. Associates Degree* shall be identified as an associate's degree awarded by a regionally accredited college or university program. All college or university program offerings will be coordinated by the Corrections Special School District personnel.
 - d. Bachelor's Degree* shall be identified as a bachelor's degree awarded by a regionally accredited college or university program. All college or university program offerings will be coordinated by the Corrections Special School District personnel.

* Note: All college and university degree programs will be from one of six regionally accredited associations recognized by the U.S. Department of Education and the Council for Higher Education Accreditation (CHEA). The six regionally accrediting associations are:

 - Middle State Association of Colleges and Schools
 - New England Association of Schools and Colleges
 - North Central Association of Colleges and Schools
 - Northwest Association of Schools and Colleges
 - Western Association of Schools and Colleges
 - Southwestern Association of Colleges and Schools
 2. Vocational Programs:

- a. Determination of applicable vocational programs considered to be valuable for inmates' rehabilitation will be made by the NHDOC Commissioner in collaboration with the Corrections Special School District Administration.
 - b. Successful completion of a Career and Technical Education Center program is defined as the completion of classes and/or lab activities of a program as determined by the Corrections Special School District Administration.
 - c. Award of the competency based career and technical education program certificates differ by programming area and will be determined by the Corrections Special School District administration.
 - d. All Corrections Special School District operational practices related to program enrollment, placement, instructional services, and documentation will follow the NH Department of Corrections policies and procedures as well as the NH Department of Education Interagency Agreement.
3. Mental/Behavioral Health Treatment/Programming:
- a. Determination of all applicable mental/behavioral health and/or substance use treatment/programs considered to be valuable to the inmate's rehabilitation will be made by the NHDOC Commissioner in collaboration with the appropriate Division Director or designee. In accordance with this law, Mental/ Behavioral Health Treatment/Programming will follow the following operational practices:
 - 1) Eligibility for Treatment Services: Inmates will be screened by the Department to determine eligibility for recommended or mandated treatment/programming services.
 - a) The Department may recommend a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence to inmates who meaningfully participate and complete qualifying programs identified by the Director of Community Corrections.
 - b) The Department may recommend a one-time reduction of 60 days in his or her minimum sentence and a one-time reduction of 60 days in his or her maximum sentence to inmate/ patients who are meaningfully participating in mental/behavioral health treatment or substance abuse services and have appropriate treatment plans that will achieve individual clinical outcomes. This will be measured clinically by the treatment plan, demonstrating engagement, commitment in therapeutic/intervention services, development and the planning of goals/objectives, with successfully achieving the outcome of said treatment goals. Treatment plans are established yearly and reviewed every six months or as needed to ensure appropriate outcomes and treatment goals.
 - i. A Mental/Behavioral Health Earned Time Credit Review Committee will be established for the purpose of assessing treatment plans and inmate/patient progress for determining eligibility and recommendation for earned time credits. The inmate's mental/behavioral health clinical lead will submit recommendations to the committee for consideration with appropriate supporting documentation that may include disciplinary changes, percentages of goals obtained, groups completed, compliance data, urine collection results, residential history, and other information deemed relevant for review prior to submission to the CC/CM for inclusion in the Earned Time Reduction Application. Results of the Behavioral Health Earned Time Credit Review Committee will be documented on Attachment B and sent to the assigned CC/CM.
 - 2) Documentation:

- a) The Division of Community Corrections will identify and manage all operational practices related to enrollment, placement and completion of all qualifying programs.
 - b) The Division of Medical and Forensics Services will identify and manage all operational practices related to treatment service enrollment, placement, individual or group services, and documentation or otherwise.
- 3) Credit: This credit may only be awarded for either a programming completion or upon the specific identification by clinical staff of ongoing, meaningful participation in treatment services.
4. Family Connections Center:
- a. Determination of all applicable Family Connections Center programs and services considered to be valuable to the inmate's rehabilitation will be made by the Commissioner, in collaboration with the Division of Community Corrections Family Connections Center. In accordance with this law, eligibility and earned time credit shall be determined by the following operational practices:
 - 1) Eligibility: Inmates who are a parent and screened by the Family Connections Center will be determined to be eligible for Family Connections Center services in accordance with PPD 7.08 and the Family Connections Center Operations Manual. The Family Connections Center staff may require inmates to provide legal documentation to confirm parental status.
 - 2) Documentation: The Family Connections Center will identify and manage all operational practices related to program enrollment, placement, individual or group services, documentation or otherwise.
 - 3) Meaningful Participation: In order to be considered as having meaningfully participated in FCC, incarcerated parents must have completed the following within a three-year period (unless they have been active in FCC for over 3 years):
 - FCC 18-hour Parenting Education Class
 - FCC 10-hour Healthy Relationship Class
 - 47 hours of additional activities as listed below.
 - 4) Additional hours can be accumulated by participating in additional FCC activities. Parents can attend life skills seminars, weekly support groups, record books on CD's to send home to each minor child and have qualifying FCC visits with their minor children. 75 hours is the total number of participation hours to qualify for "meaningful participation." All participation hours will be credited at the discretion of the Family Connections Center Staff.

VI. PROCEDURES:

- A. Post Earned Time Credits Sentencing:
 1. This procedure applies to inmates that are sentenced after September 10, 2014.
 2. Upon receipt of the sentencing documentation, Offender Records will record the sentence into CORIS including a condition to indicate that the inmate is eligible to receive earned time credits under this policy.
 3. Once the inmate applies for a program under this policy, the designated administrator will verify the inmate's eligibility for earned time credits by checking for the appropriate sentencing condition in CORIS, checking with investigations for security threat group participation and verifying the inmate is currently in C1, C2 or C3 status.
 4. Once that information is verified and the inmate is accepted into the program, program staff shall record the inmate's enrollment into CORIS under the appropriate program enrollment module designated for Earned Time Credits.
 5. Upon the inmate's completion or having meaningfully participated in a program as described above, the program staff shall enter into CORIS the fact that the inmate has met

the criteria to receive earned time credit under this policy by completing the inmate's enrollment in the appropriate program enrollment module.

6. Offender Records will, no less than monthly, review all program completions relevant to this policy and enter into CORIS the appropriate sentence adjustments as allowed by policy and statute.
- B. Pre Earned Time Credits Sentencing:
1. If an inmate has completed a program that under this policy is eligible for earned time credits and was sentenced prior to September 10, 2014, they may petition the Commissioner and the court for such credits.
 2. The inmate must begin the petition process with their Correctional Counselor/ Case Manager.
 3. Once the inmate has requested consideration for earned time reduction, the following steps will occur:
 4. The assigned CC/CM interviews the inmate to discuss and review eligibility. The CC/CM will begin using the Earned Time Reduction Application, see attachment A.
 5. The CC/CM will review classification level, disciplinary and sentencing history, as well as any information related to gang involvement in CORIS.
 6. The CC/CM will review and verify programming accomplishments, i.e. Education, Vocational, Mental Health and Family Connections Center.
 7. The CC/CM will forward the application to the designated administrator for a signature that the inmate has completed or meaningfully participated in the program in question.
 8. The designated administrator will verify that the inmate has completed the appropriate programs/treatment to qualify for earned time credits. The designated administrator will sign the application and forward it to the Administrator of Programs at the proper facility for review.
 9. The Administrator of Programs will review the application for completeness and accuracy and forward the application to the Commissioner's office for review and approval.
 10. Once the application is forwarded to the Commissioner's office, the Commissioner will review, approve or deny the application.
 11. If approved, the Commissioner will forward the approved, notarized application to the inmate, for them to attach to a petition to the sentencing court, for sentence modification. The Commissioner's office will scan the final document and save a copy to the Department Intranet.
 12. If denied the Commissioner's Office will return the application to the CC/CM noting the reason(s) for denial. The CC/CM will review the determination by the Commissioner with the inmate.
 13. Any decision rendered by the sentencing court would go to Offender Records for entry of any sentence adjustments in the inmate's records.
- C. Interstate Compact:
1. Inmates who are sentenced by the State of New Hampshire, but are housed outside of a New Hampshire Department of Corrections facility must initiate an earned time credit application with the Interstate Compact Coordinator in Offender Records by completing Section 1 of Attachment A.
 2. The Interstate Compact Coordinator will stamp the application as received and forward it to the appropriate Administrator of Programs at either NH State Prison for Men or NH State Prison for Women.
 3. The Administrator of Programs will process the application in accordance with the procedures outlined above.
- D. Loss of Earned Time Credits:
1. Earned time credits under this policy are subject to being rescinded if the inmate pleads or is found guilty of any A level disciplinary offense. Any loss of time for an A level offense will be determined under the normal hearings procedures outlined in PPD 5.25; Processing Spot, Disciplinary, Incident and Intelligence Reports.
 2. Earned time lost under the provision of PPD 5.25 and this policy may be restored under the same procedure outlined in PPD 5.25.

3. Any Escape or Attempted Escape will result in the immediate forfeiture of all credit earned under this policy.
4. Any inmate found to be actively involved in a Security Threat Group may be subject to the forfeiture of any earned time credits earned under this policy.

REFERENCES:
RSA 651-A:22-a

WRENN/nw

**New Hampshire Department of Corrections
Earned Time Reduction Application**

(This application is only applicable to inmates sentenced prior to September 10, 2014)

Section 1 – Inmate Information	Date: _____
Inmate's Name: _____	ID No. _____
State/County: _____ Facility: _____	Housing Unit: _____
Current Sentence: _____	

Section 2 – Re-Entry CC/CM Staff Review	Date: _____
Considerations when determining an inmate's eligibility for earned time will include; present sentence, custody level, program completion and/or meaningful participation by programs listed in RSA 651-A-2-a Section I (a-d).	
Does the inmate have any disciplinary, gang, enemy or other issues affecting the award of earned time credit? Yes / No Comments: _____	
Documentation entered in CORIS: Yes / No	
CC/CM Signature: _____	Recommended Yes / No

Section 3 – Administrator Review		
_____ High School Equivalency (90 days)	Date of award: _____	Signature: _____
_____ High School Diploma (120 days)	Date of award: _____	Signature: _____
_____ Associate Degree (180 days)	Date of award: _____	Signature: _____
_____ Bachelor Degree (180 days)	Date of award: _____	Signature: _____
_____ Vocational Training (60 days)	Date of award: _____	Signature: _____
_____ Mental Health (60 days)	Date of award: _____	Signature: _____
_____ Family Connections (60 days)	Date of award: _____	Signature: _____
Comments: _____		

Section 3 – Administrator of Programs Review	Date: _____
Reviewed documentation entered in CORIS by the Re-entry CC/CM? Yes / No	
Do you concur with the Re-entry CC/CM's recommendation? Yes / No	
Comments: _____	
Administrator of Programs Signature: _____	Recommended Yes / No

Section 4 – Commissioner/Designee	Date: _____
Earned Time Credit Yes / No	
Comments: _____	
Documentation entered in CORIS: Yes / No	

Commissioner Signature: _____

Recommended Yes / No

**New Hampshire Department of Corrections
Behavioral Health Earned Time Credit Review Committee**

Review Date:

Offender Name:

DOB:

CORIS ID #

Review board participants and position:

Name	Position	Phone
	Director, Medical and Forensic Services	271-3707
	Administrator of Forensic Services	271-1850
	Chief Psychologist	271-1844
	Deputy Director, Medical/Forensic Services	271-8018

Referred by (Please print):

Information to be reviewed (attach additional printed documents as necessary):

Sexual Offender Treatment Clinician Recommendations:

Committee's Decision:

Recommendation regarding meeting the criteria of meaningful participation in treatment

Yes

No

Committee's Initials/(indicating approval):

Director of Medical & Forensics: _____ Date _____

Administrator of Forensic Services: _____ Date _____

Chief Psychologist: _____ Date _____

Deputy Director of Medical & Forensics: _____ Date _____

Eligible Programs

The following programs are eligible to receive earned time credits under this policy.

1. Vocational Programs will be defined as the following list of Corrections Special School District-Career and Technical Education Center programs and facilities:
 - a. Automotive Program (NHSP/Men)
 - b. Building Trades Program (NHSP/Men, Transitional Work Center)
 - c. Business Education Program (NHSP/Men, NHSP/Women)
 - d. Computer Education Program (NHSP/Men, NHSP/Women)
 - e. Culinary Arts Program (NHSP/Men, NHSP/Women)
 - f. Introduction to the Workforce Program (NHSP/Men, NHSP/Women)
 - g. Power Mechanics Program (NHSP/Men)

2. Mental/Behavioral Health and Substance Use
 - a. Thinking For Change