

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>General Administration</u> STATEMENT NUMBER <u>1.15</u>
SUBJECT: COMPUTATION OF SENTENCE AND RESTORING OF GOOD TIME PROPONENT: <u>Christopher Kench, Director</u> <i>Name/Title</i> <u>Commissioner's Office 271-8016</u> <i>Division Phone #</i>	EFFECTIVE DATE <u>10/15/13</u> REVIEW DATE <u>10/15/14</u> SUPERSEDES PPD# <u>1.15</u> DATED <u>4/25/11</u>
ISSUING OFFICER: <hr/> <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS: _____ DATE : _____ YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

I. PURPOSE:

To provide for the accurate computation and recording of inmate time in conformance with applicable statutes and regulations

II. APPLICABILITY:

To all staff, inmates, and others as necessary.

III. POLICY:

It is the policy of the NH Department of Corrections (NHDOC) to provide for accurate computation of sentences under the appropriate statutes and a method of recording good time earned, forfeited, and restored, so that both staff and inmates will be knowledgeable of release dates and good time credits.

IV. PROCEDURE:

A. To determine an appropriate method of computation and sentencing law to be applied:

1. The Offender Records Office receives all sentencing and commitment documents on newly incarcerated inmates, and is responsible for determining the appropriate method of computation and sentencing. The actual date or, in the case where the crime spans a length of time, the earlier date the offense occurred will be the determining factor for the sentencing law used in the computation of the sentence.
2. There are presently four different sentencing laws in effect:
 - a. Crimes committed prior to August 22, 1979, commonly referred to as the "old law";
 - b. Crimes committed between August 22, 1979 and May 22, 1982, also referred to as the "old law";
 - c. Crimes committed between May 22, 1982 and January 1, 1988, commonly referred to as the "new law";
 - d. Crimes committed after January 1, 1988, also referred to as "new law".

B. For computation of crimes committed prior to August 22, 1979, refer to RSA 651:55b:

1. Minimum computation
 - a. The sentence is computed from the sentencing date given in court.
 - b. Pre-trial confinement credit awarded by the court is deducted day for day.
 - c. Statutory good time (SGT) at the rate of 90 days for each year of the minimum term is deducted.
 - d. Meritorious good time (MGT) at the rate of 5 days per month for each month of meritorious service (60 days per year) is deducted based on the minimum term.

- e. The result is the minimum parole date with all good time credits awarded.
 - f. Sentencing information is manually calculated and entered into the New Hampshire State Prison Corrections Offender Record Information System (CORIS).
2. Maximum Computation
- a. The same steps above are followed substituting maximum for minimum sentencing in step a. All other good time credits as outlined in steps b, c and d remain the same.
 - b. The result is the maximum release date with all the good time credits awarded that apply to the minimum sentence.
 - c. If parole is denied and the inmate serves beyond the minimum term, MGT at the rate of 5 days per month for each month of the remaining maximum sentence (60 days per year) is deducted from the remainder of the maximum sentence.
 - d. If the inmate is paroled after their minimum parole date and they have been given good time credit towards their maximum release date, the Offender Records Office will calculate the unearned portion of good time and issue a revised maximum release date.
 - e. Sentencing information is manually calculated and entered into the New Hampshire State Prison CORIS system.
- C. For computation of crimes committed between August 22, 1979 and May 22, 1982, refer to RSA 651:55-b:
1. Minimum Computation
- a. The sentence is computed from the sentencing date given in court.
 - b. Pre-trial confinement credit awarded in court is deducted day for day.
 - c. SGT at the rate of 90 days for each year of the minimum term is deducted.
 - d. MGT is deducted at the rate of 5 days per month for each month of meritorious service, based on length of sentence.
MGT can be earned at the rate of 5 days per month for each month of incarceration over the minimum sentence up to 60 days per year. As the inmate serves their sentence over the minimum, deductions are made from the maximum sentence for MGT. Calculations for MGT are on going. For example, if an inmate has a 5-10 year sentence and serves over his minimum, he could expect to earn 300 days of MGT (60x5). However, since MGT refers to time served, we would have to deduct the 300 days of MGT from the time served. In this example, the 300 days are 10 months of not earned MGT. Therefore, $10 \times 5 = 50$ days of MGT that would not be earned because that part of the sentence would not be served. As a result, this inmate who earned the maximum MGT would actually get 250 days cut from their sentence (300-50).
 - e. The result is the minimum parole date with all the good time credits awarded.
 - f. Sentencing information is manually calculated and entered into the New Hampshire State Prison CORIS system.
2. Maximum Computation (no SGT is awarded):
- a. The sentence is computed from the sentencing date given in court.
 - b. Pre-trial confinement credit awarded in court is deducted day for day.
 - c. MGT is deducted at the rate of 5 days per month for each month of meritorious service based on length of sentence.
MGT can be earned at the rate of 5 days per month for each month of incarceration over the minimum sentence up to 60 days per year. As the inmate serves their sentence over the minimum, deductions are made from the maximum sentence for MGT. Calculations for MGT are on going. For example, if an inmate has a 5-10 year sentence and serves over the minimum, he could expect to earn 300 days of MGT (60x5). However, since MGT refers to time served, we would have to deduct the 300 days of MGT from the time served. In this example, the 300 days are 10 months of not earned MGT. Therefore, $10 \times 5 = 50$ days of MGT that would not be earned because that part of the sentence would not be served. As a result, this inmate who earned the maximum MGT would actually get 250 days cut from their sentence (300-50).
 - d. The result is the maximum release date with all the good time credits awarded that apply to the minimum sentence.

- e. If parole is denied and the inmate serves beyond the minimum term, additional MGT at the rate of 5 days per month for each month of meritorious service (60 days per year) is deducted from the remainder of the maximum sentence.
 - f. Sentencing information is manually calculated and entered into the New Hampshire State Prison CORIS system.
- D. For computation of crimes committed between May 22, 1982 and January 1, 1988, refer to RSA 651:55-b that has been changed to RSA 651-A:22:
1. Minimum Computation
 - a. The Offender Records staff will enter the sentence information on the CORIS system. The system calculates the minimum sentence by taking the start date of the sentence, adding the minimum sentence, and subtracting any suspended time and jail credit time awarded to determine the original and current minimum dates.
 - b. The calculation of inmates' good time days is based on the rate of 12.5 days per month for a maximum of 150 days per year. The first month's earned good time is prorated.
 2. Maximum Computation
 - a. The Offender Records staff will enter the sentence information on the CORIS system. The system calculates the maximum sentence by taking the start date of the sentence, adding the maximum sentence, subtracting any suspended and jail credit time awarded to determine the original and current maximum dates.
 - b. The calculation of inmates' good time days is based at the rate of 12.5 days per month for a maximum of 150 days per year. The first month's earned good time is prorated.
 3. Good Time Computation
 - a. CORIS automatically calculates minimum/maximum dates according to the law in effect at the time of the offense.
 - b. The current minimum and maximum change when an inmate loses good time days or has previously lost good time days restored.
- E. For computation of crimes committed after January 1, 1988, refer to RSA 651-A:22, III as amended:
1. Minimum Computation
Exactly the same as that described in paragraph D, 1 above.
 2. Maximum Computation
Exactly the same as that described in paragraph D, 2 above. The maximum computation is a flat sentence with no good time days earned or deducted. It is not reduced or changed.
 3. Good Time Computation
Same as 3a above.
- F. Computation for Violation of Parole:
1. The remaining maximum sentence is computed the same on all sentence laws for parole violators. The only difference is that monthly earned good time days are determined from the original sentence computation using the date the crime was committed.
 2. All violation of parole commitments are computed using the dates on the Parole Violation Warrant.
 - a. The date the violation warrant was issued is deducted from the original maximum release date, resulting in the period of time remaining to be served on the sentence.
 - b. This remaining sentence is added to the date the subject was returned to prison, resulting in a new maximum release date with no good time credits or disciplinary days awarded. It should be noted that from the date the warrant was issued to the date returned to prison is considered as time not served and does not count toward the sentence, unless the parole officer certifies that the detention period following arrest was only as a result of the parole warrant and not new or other charges.
 - c. Good time credits at the appropriate rate per month are awarded for those serving under both old laws in paragraph A, 2a and b.
 - d. Earned good time days are awarded and deducted from the maximum release date on a daily basis in CORIS as earned under the new law in paragraph A, 2c.
 - e. The maximum release date on those serving sentences for crimes committed after January 1, 1988 is not changed. The date established in step b above is the maximum release date, as no earned good time credits apply to this sentencing law.

G. Notification Procedures:

1. Upon initial preparation of an inmate's file, a minimum/maximum release report is placed in the offender file.
2. On both "old laws" described in paragraph A, 2a and 2b, a time computation work sheet is prepared.
3. When a change in sentencing occurs that results in a change in an inmate's minimum or maximum dates, the inmate and the offender file will receive a copy of a minimum/maximum release report.
4. When an inmate loses earned good time days or has earned good time days restored, the inmate is notified via copy of the restored/lost days report in CORIS.

H. Lost and Restored Good Time:

The following apply to all sentencing laws as outlined above:

1. No loss of good time/disciplinary time occurs except as a punishment through the disciplinary process for punishment for escape from official custody.
2. The inmate can only have days taken away as specifically noted through a disciplinary process as part of its sentencing procedures. The person taking the plea or the Hearings Officer can take up to 100 days per violation on one report, except for escapes and violations chargeable as Class A felonies, when all accrued good time/disciplinary time can be taken.
3. The lost days are entered on the disciplinary form and the inmate will be informed of the loss prior to leaving the disciplinary hearing.
4. Disciplinary time will only be taken for A & B offenses.
5. When an inmate gives a guilty plea, the investigating officer will, in writing, justify the taking of disciplinary time on the disciplinary report form.
6. All inmate pleas recommending the loss of disciplinary time will be referred to the Chief of Security/designee for final review and approval.
7. At the NH State Prison for Women, all inmate pleas recommending the loss of disciplinary time will be referred to the Chief of Security/designee for final review and approval.
8. The taking of disciplinary time is to be a last option, not a routine initial sanction.

I. Disciplinary Time Restoration

Disciplinary time lost due to a disciplinary action is later restorable by the Warden, if the following criteria are met:

1. Inmates must be in C-3, C-2 or C-1 custody status in order to apply for the return of disciplinary time. Inmates in Pending Administrative Review (PAR) status are not eligible to apply for the return of disciplinary time.
2. Inmates must be disciplinary free for six months and not have applied in the past six months for the return of disciplinary time in order to be eligible for review. In addition, an inmate must have been actively and productively participating in elected, recommended or required programs for the six months prior to the application to be eligible for review.
3. Inmates approved for the return of disciplinary time may only receive up to 50 days of the total amount of disciplinary time lost.
4. Requests to have disciplinary time restored should be submitted to the Offender Records Office. The Offender Records Office enters the date on which disciplinary time was lost and the disciplinary record since that time. The request will be forwarded to the Unit Manager/Captain for comment and recommendation. The Unit Manager/Captain will then forward the request to the Warden for final consideration.
5. When an inmate is paroled to a consecutive sentence, any remaining lost disciplinary time on the previous sentence will not be considered for restoration.
6. Less than one day of time is not restorable.

J. Calculations:

Because of the complexity of the various laws involved, staff members should refrain from attempting to calculate an inmate's dates. The official calculations are handled by the CORIS system and verified by the Bureau of Offender Records as necessary. Questions as to how sentences are calculated should be referred to that office.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards
2-CO-1E-05

Standards for Adult Correctional Institutions
Fourth Edition Standards
4-4097

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other

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