

<b>POLICY TITLE: CALCULATION OF PRISONER RELEASE DATE</b>		<b>PAGE 1 OF 14</b>
<b>POLICY NUMBER: 11.5</b>		
<b>CHAPTER 11: PRISONER RECORDS</b>		
	<b>STATE of MAINE DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>  <i>DR. Joseph R. Fitzpatrick</i>	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> <b>February 1, 2002</b>	<b>LATEST REVISION</b> <b>June 1, 2014</b>	<b>CHECK ONLY IF APA [ ]</b>

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403 and 17-A M.R.S.A. Section 1253.

## II. APPLICABILITY

All Departmental Adult Facilities

## III. POLICY

It is the policy of the Department of Corrections that designated staff shall be responsible for ensuring the accurate calculation and recording of sentences and the appropriate and timely release of prisoners. As part of this process, staff shall be responsible to determine appropriate awards of meritorious good time or deductions and the withdrawal and restoration of statutory good time or deductions in accordance with legal requirements and Departmental policies and procedures.

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**VI. PROCEDURES**

**Procedure A: Sentence Calculations, General Guidelines**

1. The Central Office Director of Classification, or designee, shall ensure the prescribed calculation methods are used to accurately determine each prisoner’s sentence(s) and release date consistent with applicable legal requirements and Department policies and procedures.
2. Before a prisoner may receive meritorious good time or deductions for a work, education, or rehabilitation program, the program must be approved by the Commissioner, or designee, as one for which good time or deductions may be awarded, and it must be assigned to the prisoner in his or her case plan.
3. The Central Office Director of Classification, or designee, shall perform the following duties pertaining to a prisoner’s release date calculation:
  - a. Review the judgment and commitment documents to determine the period(s) of incarceration;
  - b. Review detention time documents;
  - c. Review statutory good time, meritorious good time, and deductions documents;
  - d. When applicable, obtain additional information or clarification from Departmental staff, county jail staff, prosecuting attorney’s office, etc.;
  - e. When applicable, obtain interpretations from the Department’s legal representative in the Attorney General’s office regarding sentence structure or sentence calculation or other matters relevant to determining a release date;
  - f. Calculate the prisoner’s release date and, when applicable, calculate the prisoner’s parole eligibility date;
  - g. When applicable, coordinate with Adult Community Corrections regarding split sentences;

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- h. Review all relevant prisoner documents to identify and verify problems that may affect the prisoner's release date; and
  - i. When applicable, coordinate with other criminal justice authorities regarding detainers, warrants, or other legal holds, or notification requests.
4. In addition, the Central Office Director of Classification, or designee, shall:
    - a. Provide a monthly report to the facility Chief Administrative Officer, the Central Office Victim Services Coordinator, the Central Office Director of Classification, and other designated Departmental staff, of prisoners projected for release in the following one hundred twenty days (120) days; and
    - b. Provide a report, at least quarterly, to each prisoner of his or her current projected release date.
  5. The calculation of sentences for crimes committed before October 1, 1983 shall be determined in consultation with the Department's representative in the Attorney General's Office.
  6. No prisoner shall be released unless authorized by the facility Chief Administrative Officer, or a Deputy Chief Administrative Officer.

**Procedure B: Awarding Statutory Good Time, Meritorious Good Time, and Deductions, General**

1. Statutory good time and meritorious good time for sentences for crimes committed on or after October 1, 1983 but before October 1, 1995 (1983 Code) shall be awarded in accordance with the legal requirements in effect at the time of the commission of the crimes. Statutory good time is awarded at the beginning of the sentence in anticipation of the prisoner's later good conduct. Meritorious good time is awarded during the sentence for satisfactory past participation in work, education, or rehabilitation programs.
2. Deductions for sentences for crimes committed on or after October 1, 1995 (1995 Code) shall be awarded in accordance with the legal requirements in effect at the time of the commission of the crimes. Deductions are awarded during the sentence for past good conduct and satisfactory past participation in work, education, or rehabilitation programs.
3. Deductions for sentences for crimes committed on or after August 1, 2004 (2004 Code) shall be awarded in accordance with the legal requirements in effect at the time of the commission of the crimes. Deductions for sentences for crimes listed as exceptions to the 2004 Code shall be calculated in accordance with the 1995 Code. Deductions are awarded during the sentence

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for past good conduct and satisfactory past participation in work, education, or rehabilitation programs.

4. Crimes that are exceptions to the 2004 Code (and therefore come under the 1995 Code) are:
  - a. **Title 17-A crimes (regardless of who is the victim)**
    - 1) Section 201: Murder
    - 2) Sections 253 to 261: Sex Offenses
    - 3) Sections 282 to 284: Sexual Exploitation of Minors
    - 4) Section 556: Incest
    - 5) Section 854, excluding Subsection 1, Paragraph A, Subparagraph (1) (Indecent Conduct, except for the Class E crime of Engaging in a Sexual Act in a Public Place)
  - b. **Title 17-A crimes (only if the victim is a family or household member)**
    - 1) Sections 202 to 213: Offenses Against the Person
    - 2) Sections 301 to 303: Kidnapping or Criminal Restraint
    - 3) Section 506-B: Violation of a Protective Order
    - 4) Section 554: Endangering the Welfare of a Child
    - 5) Section 555: Endangering the Welfare of a Dependent Person
    - 6) Section 758: Obstructing the Report of a Crime or Injury
  - c. **Other crimes (only if the victim is a family or household member)**
    - 1) Title 5, Section 4659: Violation of a Protection from Harassment Order
    - 2) Title 15, Section 321: Violation of a Protective Order
    - 3) Title 19-A, Section 401: Violation of a Protection from Abuse Order
5. The determination of whether a crime has been committed against a family or household member shall be based solely on the charging instrument (i.e., indictment, information, or complaint) filed in court. Only if the charging instrument states that the crime was one against a family or household member or states that it was a crime of domestic violence or includes a reference to Title 19-A, Section 4002(4) will the crime be considered an exception to the 2004 Code under number 4. b. and c. above.

The only times it is not necessary to refer to the charging instrument are for the crimes of Violation of a Protective Order under Title 15, Section 321, and Violation of a Protection from Abuse Order under Title 19-A, Section 4011

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since these crimes, by definition, are always committed against a family or household member.

**Procedure C: Completion of Prisoner Performance Reports – Work, Education or Rehabilitation Program Supervisors**

1. The Chief Administrative Officer, or designee, of each adult facility shall ensure that case managers make every reasonable effort to assign to prisoners in their individualized case plans available programs, including work, education, and rehabilitation programs, that will make the prisoners eligible to earn the maximum allowable meritorious good time or deductions for program(s).
2. The Chief Administrative Officer, or designee, of each adult facility shall establish practices for work, education, and rehabilitation program supervisors to track which prisoners are assigned to them during each month and how many days they worked or participated in the program.
3. At the end of each month, the work, education, or rehabilitation program supervisor shall complete the appropriate Prisoner Performance Report (Attachment A) for any prisoner who, through no fault of the prisoner, did not actually work or did not actually participate in the education or rehabilitation program for the full number of days the prisoner was assigned (e.g., at court, in the hospital, sick, assigned to a work pool and available for work but not called, laid off from a job in the community, facility emergency or lockdown, etc.).
4. At the end of each month, the work, education, or rehabilitation program supervisor shall complete the appropriate Prisoner Performance Report (Attachment A) for any prisoner who has an unexcused absence, who failed to follow work/program rules, who failed to satisfactorily complete any mandatory component of the work, education, or rehabilitation program, or whose conduct at the work/program site or whose participation in the work/program was otherwise unsatisfactory.
5. At the end of each month or at the time of failure to report, suspension, or termination, the work, education, or rehabilitation program supervisor shall complete the appropriate Prisoner Performance Report (Attachment A) for any prisoner who failed to report for an available work, education, or rehabilitation program assigned in his or her case plan or whose participation in the work, education, or rehabilitation program was suspended or terminated.

If the assigned program is one that the prisoner cannot begin or resume by the next month, the Prisoner Performance Report shall encompass the entire time period until the prisoner can begin or resume the program up to a six (6) month time period. During this time period, the prisoner shall not receive any meritorious good time or deductions for programs. After three (3) months, the

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prisoner's unit management team may review the prisoner's individualized case plan to determine whether to change the assigned programs so that the prisoner may start earning meritorious good time or deductions for participation in programs.

6. Supervisors shall submit all completed Prisoner Performance Reports to the Unit Manager, who shall submit these to the facility Classification Officer or Records Officer, or designee, by the tenth (10<sup>th</sup>) day of the next month. The facility Classification Officer or Records Officer, or designee, shall immediately forward the reports to the Central Office Director of Classification, or designee. The facility Classification Officer or Records Officer, or designee, shall also be responsible for placing a copy of any Prisoner Performance Record into the prisoner's Administrative Record.

**Procedure D: Completion of Prisoner Performance Reports – Housing Unit Supervisors**

1. The Chief Administrative Officer, or designee of each adult facility, shall establish practices for housing unit supervisors to track which prisoners are assigned to his or her housing unit during each month.
2. At the end of each month or at the time of the conduct, the housing unit supervisor shall complete the appropriate Prisoner Performance Report (Attachment A) for any prisoner whose conduct in the housing unit or at any location, except for the prisoner's assigned work/program site, was unsatisfactory.
3. Supervisors shall submit all completed Prisoner Performance Reports to the Unit Manager, who shall submit these to the facility Classification Officer or Records Officer, or designee, by the tenth (10<sup>th</sup>) day of the next month. The facility Classification Officer or Records Officer, or designee, shall immediately forward the reports to the Central Office Director of Classification, or designee. The facility Classification Officer or Records Officer, or designee, shall also be responsible for placing a copy of any Prisoner Performance Record into the prisoner's Administrative Record.

**Procedure E: Completion of Prisoner Performance Reports – Disciplinary Hearing Officers**

1. At the time a disciplinary finding of guilt becomes final, the facility Disciplinary Hearing Officer, or other staff designated by the Chief Administrative Officer, shall complete the appropriate Prisoner Performance Report (Attachment A) for any prisoner who received a disciplinary report and was found guilty.
2. Disciplinary Hearing Officers, or designees, shall submit all completed Prisoner Performance Reports to the Unit Manager, who shall submit these to the facility Classification Officer or Records Officer, or designee, by the tenth (10<sup>th</sup>)

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day of the next month. The facility Classification Officer or Records Officer, or designee, shall immediately forward the reports to the Central Office Director of Classification, or designee. The facility Classification Officer or Records Officer, or designee, shall also be responsible for placing a copy of any Prisoner Performance Record into the prisoner's Administrative Record.

**Procedure F: Review of Prisoner Performance Reports - 1983 Code Prisoners**

1. A prisoner under the 1983 Code shall receive the maximum meritorious good time for which the prisoner is eligible each calendar month or partial month unless a work, education, or rehabilitation program supervisor completes a Prisoner Performance Report for that prisoner. For a prisoner on Supervised Community Confinement, the supervising probation officer is the supervisor for purposes of this procedure.
2. If a prisoner under the 1983 Code does not receive any Prisoner Performance Reports, it shall be deemed that the prisoner's work, education or rehabilitation program participation and conduct at the work/program site was satisfactory for the full number of days the prisoner was assigned to the program(s) for that month. In this case, the prisoner's meritorious good time shall be calculated using the appropriate program chart based on the number of days the prisoner was assigned to the program(s).
3. If a prisoner under the 1983 Code receives a Prisoner Performance Report from any work, education, or rehabilitation program supervisor, the prisoner shall not receive any meritorious good time for program(s) for that month, unless the prisoner's failure to work or participate in the education or rehabilitation program was through no fault of the prisoner, in which case the prisoner shall receive meritorious good time for a partial month based on the number of days the prisoner actually worked or participated in the education or rehabilitation program.
4. Meritorious good time for a prisoner under the 1983 Code shall be calculated using Chart B1 (up to three (3) days per month for work/program).
5. Meritorious good time for a prisoner under the 1983 Code who is assigned to and working in a minimum security program (a program in which only minimum custody prisoners are eligible to participate) or community program (a program in which only community custody prisoners are eligible to participate) shall also be calculated using Chart B2 (up to two (2) days per month for work in the minimum security or community program) and the prisoner shall receive meritorious good time based on combining the two (2) charts.

**Procedure G: Review of Prisoner Performance Reports - 1995 Code Prisoners**

1. A prisoner under the 1995 Code shall receive the maximum deductions for which the prisoner is eligible each calendar month or partial month unless a

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work, education, or rehabilitation program supervisor, a housing unit supervisor, or a disciplinary hearing officer completes a Prisoner Performance Report (Attachment A) for that prisoner. For a prisoner on Supervised Community Confinement, the supervising probation officer is the supervisor for purposes of this procedure.

2. If a prisoner under the 1995 Code does not receive any Prisoner Performance Reports, it shall be deemed that the prisoner's work, education or rehabilitation program participation and conduct at the work/program site was satisfactory for the full number of days the prisoner was assigned to the program(s) for that month. In that case, the prisoner's deductions for programs(s) shall be calculated using the appropriate program chart based on the number of days the prisoner was assigned to the program(s). It shall also be deemed that the prisoner's conduct elsewhere was satisfactory for that month, and the prisoner's deductions for conduct shall be calculated using the appropriate conduct chart.
3. If a prisoner under the 1995 Code receives a Prisoner Performance Report from any work, education, or rehabilitation program supervisor, the prisoner shall not receive any deductions for program(s) for that month, unless the prisoner's failure to work or participate in the education or rehabilitation program was through no fault of the prisoner, in which case the prisoner shall receive meritorious good time for a partial month based on the number of days the prisoner actually worked or participated in the education or rehabilitation program.
4. If a prisoner receives a Prisoner Performance Report from any housing unit supervisor, the prisoner shall not receive any deductions for conduct for that month.
5. If a prisoner receives a Prisoner Performance Report from any disciplinary hearing officer, the prisoner shall not receive any deductions for conduct for the month in which the misconduct occurred.
6. Deductions for a prisoner under the 1995 Code shall be calculated using Chart B3 (up to three (3) days per month for work/program) and B4 (up to two (2) days per month for conduct) and the prisoner shall receive deductions based on combining the two (2) charts.

**Procedure H: Review of Prisoner Performance Reports - 2004 Code Prisoners**

1. A prisoner under the 2004 Code shall receive the maximum deductions for which the prisoner is eligible each calendar month or partial month unless a work, education, or rehabilitation program supervisor, a housing unit supervisor, or a disciplinary hearing officer completes a Prisoner Performance Report (Attachment A) for that prisoner. For a prisoner on Supervised

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Community Confinement, the supervising probation officer is the supervisor for purposes of this procedure.

2. If a prisoner under the 2004 Code does not receive any Prisoner Performance Reports, it shall be deemed that the prisoner's work, education or rehabilitation program participation and conduct at the work/program site was satisfactory for the full number of days the prisoner was assigned to the program(s) for that month. In that case, the prisoner's deductions for programs(s) shall be calculated using the appropriate program chart based on the number of days the prisoner was assigned to the program(s). It shall also be deemed that the prisoner's conduct elsewhere was satisfactory for that month, and the prisoner's deductions for conduct shall be calculated using the appropriate conduct chart.
3. If a prisoner under the 2004 Code receives a Prisoner Performance Report from any work, education, or rehabilitation program supervisor, the prisoner shall not receive any deductions for program(s) for that month, unless the prisoner's failure to work or participate in the education or rehabilitation program was through no fault of the prisoner, in which case the prisoner shall receive meritorious good time for a partial month based on the number of days the prisoner actually worked or participated in the education or rehabilitation program.
4. If a prisoner receives a Prisoner Performance Report from any housing unit supervisor, the prisoner shall not receive any deductions for conduct for that month.
5. If a prisoner receives a Prisoner Performance Report from any disciplinary hearing officer, the prisoner shall not receive any deductions for conduct for the month in which the misconduct occurred.
6. Deductions for a prisoner under the 2004 Code shall be calculated using Chart B5 (up to three (3) days per month for work/program) and B6 (up to four (4) days per month for conduct) and the prisoner shall receive deductions based on combining the two (2) charts.
7. Deductions for a prisoner under the 2004 Code who is assigned to and participating in a community work, education or rehabilitation program shall also be calculated using Chart B7 (up to two (2) days per month for participation in a community work/education/rehabilitation program) and the prisoner shall receive deductions based on combining the three (3) charts.

A community work/education/rehabilitation program is a program approved by the Commissioner, or designee, as one for which the additional two (2) days a month deductions under the 2004 Code (Chart B7) may be awarded and:

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- a. the prisoner is living in the community on supervised community confinement; or
- b. as an integral component of the program, the prisoner leaves the facility to participate in a community-based activity or program; or
- c. the prisoner participates in a facility-based comprehensive, dedicated community transition program in a minimum security or community security facility (e.g., the transitional recovery academy).

**Procedure I: Withdrawing Statutory Good Time and Deductions**

- 1. Statutory good time (conduct good time) for a prisoner under the 1983 Code may only be withdrawn as a result of disciplinary proceedings in accordance with Department Policy 20.1, Prisoner Discipline. Meritorious good time (program participation good time) for a prisoner under the 1983 Code, once awarded, cannot be withdrawn.
- 2. Deductions for a prisoner under the 1995 Code, whether already awarded or yet to be awarded, may be withdrawn as a result of disciplinary proceedings in accordance with Department Policy 20.1, Prisoner Discipline, regardless of whether the deductions are for conduct or program participation.
- 3. Deductions for a prisoner under the 2004 Code, whether already awarded or yet to be awarded, may be withdrawn as a result of disciplinary proceedings in accordance with Department Policy 20.1, Prisoner Discipline, regardless of whether the deductions are for conduct or program participation.

**Procedure J: Restoring Withdrawn Statutory Good Time or Deductions**

- 1. A prisoner may apply, in writing, for the restoration of withdrawn statutory good time or deductions to the Unit Manager, or designee, of the unit where the prisoner is currently housed. A prisoner may apply at any time provided it is no later than ninety (90) days prior to the prisoner’s projected date of release from incarceration and if there is no disciplinary matter pending. In addition, if the prisoner has been found guilty of a Class A or B disciplinary violation within the year prior to the application, the prisoner shall include as part of the application the exceptional circumstances in terms of outstanding conduct and outstanding participation in programs since the finding of guilt that warrant the restoration of good time or deductions.
- 2. The Unit Manager, or designee, in collaboration with the Unit Team, shall review the request and make a recommendation on the request, specifying the reasons for the recommendation, within fifteen (15) days of receiving the request and no later than seventy-five (75) days prior to the prisoner’s projected date of release from incarceration. The Unit Manager, or designee, shall send the recommendation and reasons to the Chief Administrative Officer, or designee, for a final decision.

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3. The Chief Administrative Officer, or designee, may grant or deny the request for restoring good time or deductions in his or her sole discretion if the Chief Administrative Officer, or designee, determines the prisoner's good conduct and positive participation in work, education and rehabilitation programs since the disciplinary proceedings warrant restoration. The Chief Administrative Officer, or designee, shall make the final decision within seven (7) days of receiving the recommendation and notify the Director of Classification, or designee, Unit Manager, or designee, appropriate other staff and the prisoner in writing.
4. Any decision to restore withdrawn statutory good time or deductions shall not result in there being any fewer than forty-five (45) days prior to the prisoner's projected date of release from incarceration at the time the decision is made, unless the Commissioner, or an Associate Commissioner, in consultation with the Director of Victim Services, determines there are exigent circumstances that cannot be resolved through an alternative means, such as furlough or supervised community confinement.

**Procedure K: Good Time and Deductions, Miscellaneous**

1. The Central Office Director of Classification, or designee, shall review Prisoner Performance Reports submitted by work, education, and rehabilitation program supervisors regardless of the Code under which the sentences are calculated. Prisoner Performance Reports submitted by housing unit supervisors and disciplinary hearing officers shall be reviewed only for prisoners with sentences calculated under the 1995 Code or the 2004 Code.
2. Conduct constituting a disciplinary violation which is the subject of a Prisoner Performance Report by a work, education, or rehabilitation program supervisor shall result in a decision not to award meritorious good time or deductions for program(s), as applicable, for that month, regardless of whether the disciplinary process is initiated and, if initiated, regardless of whether the conduct leads to an informal resolution or formal resolution of the violation. The decision not to award the meritorious good time or deductions for program(s) shall stand even if there is a dismissal of a disciplinary report or a finding of not guilty.
3. Conduct constituting a disciplinary violation which is the subject of a Prisoner Performance Report by a housing unit supervisor shall result in a decision not to award deductions for conduct for that month, regardless of whether the disciplinary process is initiated and, if initiated, regardless of whether the conduct leads to an informal resolution or formal resolution of the violation. The decision not to award the deductions for conduct shall stand even if there is a dismissal of a disciplinary report or a finding of not guilty.

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4. A prisoner who does not receive a Prisoner Performance Report from any work, education, or rehabilitation program supervisor and who is assigned to a twelve (12) hour work shift shall be credited with one and a half (1½) days of participation for each 12 hour shift completed for purposes of determining meritorious good time or deductions for that month.
5. No adjustments shall be made to a prisoner's good time or deductions once awarded, withdrawn, or restored, whichever is applicable, except as set out in this policy, without consulting the Department's legal representative in the Attorney General's Office.
6. A prisoner who is not assigned, is on unassigned status, or is unable to work or participate in any program (even with reasonable accommodations for a disability if applicable) for any reason shall not be eligible to receive any meritorious good time or any deductions for work or another program.
7. Cell placement is not considered a work assignment, and, therefore, a prisoner who does not participate in other programs while on cell placement is not eligible to receive meritorious good time or deductions for programs.
8. A prisoner who is not classified or is on reception status shall not be eligible to receive any meritorious good time or any deductions for work or another program, regardless of whether the prisoner is voluntarily working or participating in another program. For a prisoner on reception status who is voluntarily working or participating in another program, this will be taken into consideration when the prisoner is assigned to work or another program.
9. A prisoner on disciplinary segregation status or administrative segregation status shall not be eligible to receive any meritorious good time or any deductions for work or another program, except that a prisoner on administrative segregation status is eligible for meritorious good time or deductions, up to the statutory maximum, for program participation, as specified in the prisoner's administrative segregation case plan and as determined by the Unit Manager, or designee, and in consultation with the unit team.
10. A prisoner on disciplinary segregation status or administrative segregation status shall not be eligible for any deductions for conduct, except that a prisoner on administrative segregation status is eligible for deductions, up to the statutory maximum, for conduct, as specified in the prisoner's administrative segregation case plan and as determined by the Unit Manager, or designee, and in consultation with the unit team.
11. In addition, a prisoner on administrative segregation status who has been determined at an administrative segregation review to need protective custody and is awaiting a protective custody bed or has been placed or retained on

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administrative segregation status while awaiting a bed in general population is eligible for deductions for conduct.

12. For a prisoner who is serving a Maine sentence out of state, the Central Office Director of Classification, or designee, shall, on a semi-annual basis, send an Out of State Prisoner Progress Report (Attachment C) to the facility where the prisoner is housed.
13. The Central Office Director of Classification, or designee, shall then determine the awarding of meritorious good time or deductions under the appropriate code based on the information received from the facility where the prisoner is housed.
14. The Central Office Director of Classification, or designee, shall also determine the withdrawal of statutory good time or deductions based on the information received from the facility where the prisoner is housed.
15. The Central Office Director of Classification, or designee, shall also determine the restoration of statutory good time or deductions based on the information received from the facility where the prisoner is housed and as approved by the Chief Administrative Officer, or designee, of the departmental facility where the prisoner was last housed.

**Procedure L: Deductions for Pre-Sentenced Jail Prisoners**

1. A Prisoner Performance Report shall be completed by the housing unit supervisor on any pre-sentenced jail prisoner held in a departmental facility whose conduct is not satisfactory and by the disciplinary hearing officer on any pre-sentenced jail prisoner held in a departmental facility who is found guilty of a disciplinary offense once the finding of guilt becomes final.
2. A pre-sentenced jail prisoner whose crime was committed on or after August 1, 2004, regardless of the crime, is eligible to earn deductions based on his or her conduct, while detained pre-sentence. This shall apply only to jail boarders (including transfers to the Prison’s Intensive Mental Health Unit), not jail safe keepers.
3. If a jail boarder receives a Prisoner Performance Report from any housing unit supervisor or disciplinary hearing officer at any time while the prisoner is held in a departmental facility and the prisoner is subsequently sentenced to the Department, the prisoner shall not receive any deductions for conduct for the time period the prisoner was held pre-sentence in a departmental facility.
4. A jail boarder who does not receive any Prisoner Performance Report during the time period the prisoner is held in a departmental facility and who is subsequently sentenced to the Department, shall receive up to two (2) days

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per month for conduct for the time period the prisoner was held pre-sentence in a departmental facility, calculated using Chart B4.

5. A jail safe keeper who does not receive a Prisoner Performance Report at the end of two (2) consecutive months shall be returned to a county jail, if a bed is available.
6. A jail safe keeper who is subsequently sentenced to the Department shall not receive any deductions for conduct for the time period the prisoner was held pre-sentence in a departmental facility.

## **VII. PROFESSIONAL STANDARDS**

### **ACA:**

**ACI – 4-4097** Written policy, procedure, and practice provide that inmate time is accurately computed and recorded in conformance with applicable statutes and regulations.

**ACI - 4-4429** Written policy, procedure, and practice prohibit discrimination on the basis of disability in the provision of services, programs, and activities administered for program beneficiaries and participants.

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