


NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE Pursuant to RSA 21-H:8(III) Internal Practices and Procedures	CHAPTER <u>Classification & Client Records</u> STATEMENT NUMBER <u>465</u>
SUBJECT: COMPUTATION OF SENTENCE, LOSS AND RESTORATION OF GOOD TIME PROPONENT: <u>Director of Security and Training</u> <small>Name/Title</small> <u>Commissioner's Office 271-8016</u> <small>Division Phone #</small>	EFFECTIVE DATE <u>8/23/2021</u> REVIEW DATE <u>8/23/2024</u> SUPERSEDES PPD# <u>1.15</u> DATED <u>4/25/11</u>
ISSUING OFFICER:  <small>Helen E. Hanks, Commissioner</small>	DIRECTOR'S INITIALS: _____ DATE : _____ YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

- (a) **PURPOSE:**
To provide a method for the New Hampshire Department of Corrections (NHDOC) to accurately compute and record a resident's sentence, in conformity with applicable statutes and regulations.
- (b) **APPLICABILITY:**
To all staff, and residents.
- (c) **POLICY:**
NHDOC shall accurately compute sentences under the appropriate statutes, and develop a method of recording good time, both forfeited and restored, as referenced in RSA 651-A:22, and earned time credits pursuant to RSA 651-A:22-A, so that both staff and residents shall be knowledgeable of release dates and good time credits.
- (d) **DEFINITIONS:**
- (1) Good time is earned automatically pursuant to RSA 651-A:22, and may only be lost based on disciplinary action, pursuant to PPD 390 *Disciplinary Standards for Resident Behavior*.
 - (2) Earned time credit (ETC) is time off a sentence earned by completing programming or education after an application process, pursuant to RSA 651-A:22-a, and PPD 457 *Earned Time Credit*.
- (e) **PROCEDURE:**
- (1) The client records office shall receive all sentencing and commitment documents on newly incarcerated residents from the delivering entity upon arrival; shall be responsible for determining the appropriate method of computation and sentencing; and, shall enter each resident's sentence into the electronic client record (ECR).
 - (2) Sentence calculations shall be based on the sentencing laws in effect at the time of the crime:
 - a. Crimes committed prior to August 22, 1979;
 - b. Crimes committed on or after August 22, 1979 and on or before May 22, 1982;
 - c. Crimes committed on or after May 22, 1982 and on or before January 1, 1988; or
 - d. Crimes committed after January 1, 1988.

- (3) The actual date of the crime, or, in the case of a crime that spans a length of time, the earliest date the offense occurred, will be the determining factor for the sentencing law used in the computation of the sentence.
- (4) Crimes committed prior to August 22, 1979; RSA 65:55-b (Repealed).
- a. Minimum Computation.
 1. The resident's minimum release date shall be computed from the date of sentencing.
 2. Pre-trial confinement credit awarded by the court is deducted day for day.
 3. Statutory good time (SGT) at the rate of 90 days for each year of the minimum term shall be deducted.
 4. Meritorious good time (MGT) at the rate of 5 days per month for each month of meritorious service (maximum 60 days per year) shall be deducted based on the minimum term.
 5. The result shall be the minimum parole date with all SGT and MGT good time credits awarded.
 6. Sentencing information shall be manually calculated and entered into the ECR.
 - b. Maximum Computation.
 1. The resident's maximum release date shall be computed from the date of sentencing.
 2. Pre-trial confinement credit awarded by the court shall be deducted day for day.
 3. SGT at the rate of 90 days for each year of the minimum term shall be deducted.
 4. The result shall be the maximum release date with all the SGT and MGT good time credits awarded that apply to the minimum sentence.
 5. If parole is denied and the resident 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) shall be deducted from the remainder of the maximum sentence.
 6. If the resident is paroled after their minimum release date and they have been given good time credit towards their maximum release date, client records shall calculate the unearned portion of good time and shall issue a revised maximum release date.
 7. Sentencing information shall be manually calculated and entered into the ECR.
- (5) Crimes committed on or after August 22, 1979 and on or before May 22, 1982; RSA 65:55-b (Repealed).
- a. Minimum Computation
 1. The sentence shall be computed from the date of sentencing.
 2. Pre-trial confinement credit awarded in court shall be deducted day for day.
 3. SGT at the rate of 90 days for each year of the minimum term shall be deducted.
 4. MGT shall be deducted at the rate of 5 days per month for each month of meritorious service, based on length of sentence.
 - (i) 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.
 - (ii) As the resident serves his or her sentence over the minimum, deductions shall be made from the maximum sentence for MGT.
 - (iii) Calculations for MGT shall be ongoing. For example, if a resident has a 5-10 year sentence and serves over his minimum, he could expect to earn 300 days of MGT (60 x 5). However, since MGT refers to time served, we would deduct the 300 days of MGT from the time served. In this example, the 300 days are 10 months of unearned MGT. Therefore, 10 x 5 = 50 days of MGT that would not be earned because that part of the sentence would not be served. As a result, this resident who earned the maximum MGT would actually get 250 days cut from their sentence (300 - 50).
 5. The result shall be the minimum parole date with all the good time credits awarded.
 6. Sentencing information shall be manually calculated and entered into the ECR.
 - b. Maximum Computation (no SGT is awarded):
 1. The sentence shall be computed from the date of sentencing.
 2. Pre-trial confinement credit awarded in court shall be deducted day for day.

3. MGT shall be deducted at the rate of 5 days per month for each month of meritorious service based on length of sentence.
 - (i) 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.
 - (ii) As the resident serves their sentence over the minimum, deductions shall be made from the maximum sentence for MGT.
 - (iii) Calculations for MGT shall be ongoing. For example, if a resident has a 5-10 year sentence and serves over his minimum, he could expect to earn 300 days of MGT (60 x 5). However, since MGT refers to time served, we would deduct the 300 days of MGT from the time served. In this example, the 300 days are 10 months of unearned MGT. Therefore, 10 x 5 = 50 days of MGT that would not be earned because that part of the sentence would not be served. As a result, this resident who earned the maximum MGT would actually get 250 days cut from their sentence (300 - 50).
 4. The result shall be the maximum release date with all the good time credits awarded that apply to the minimum sentence.
 5. If parole is denied and the resident 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) shall be deducted from the remainder of the maximum sentence.
 6. Sentencing information shall be manually calculated and entered into the ECR.
- (6) Crimes committed on or after May 22, 1982 and on or before January 1, 1988; RSA 651:55 (Repealed).
- a. The resident's minimum release date shall be calculated as follows:
 1. Client records staff shall enter the sentence information noted on the Mittimus into the ECR system. The ECR will calculate 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 release dates.
 2. The calculation of resident's good time days shall be 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 shall be prorated.
 - b. The resident's maximum release date shall be calculated as follows:
 1. Client records staff shall enter the sentence information into the ECR system. The ECR will calculate 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.
 2. The calculation of resident's good time days shall be 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 shall be prorated.
- (7) Crimes committed on or after January 1, 1988; RSA 651:2.
- a. The resident's minimum release date shall be calculated as follows:
 1. Client records staff shall enter the sentence information on the ECR system. The ECR will calculate 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.
 2. The calculation of resident's good time days shall be 12.5 days per month for a maximum of 150 days per year. The first month's earned good time shall be prorated.
 - b. The maximum computation shall be a flat sentence with no good time days earned or deducted. The maximum computation shall not be reduced or changed.
- (8) Computation for Violation of Parole.
- a. The remaining maximum sentence shall be calculated the same on all sentence laws for parole violators, except that monthly earned good time days are determined from the original sentence calculation using the date the crime was committed.
 - b. All violation of parole commitments shall be calculated using the dates on the Parole Violation Warrant, from the Adult Parole Board.

1. The date the violation warrant was issued shall be deducted from the original maximum release date, resulting in the time remaining to be served on the sentence.
 2. This remaining sentence shall be added to the date the resident was returned to prison, resulting in a new maximum release date with no good time credits awarded.
 3. From the date a warrant is issued to the date a resident is returned to prison shall not be considered time served and shall not count toward the sentence, unless the parole officer certifies that the detention period following arrest was as a result of the parole warrant and not new or other charges.
- (9) Notification Procedures.
- a. When a change in sentencing occurs that results in a change in a resident's minimum or maximum dates, Client records staff shall notify the resident via a written or electronic notification of the ECR entry changing the dates.
 - b. When a resident loses good time days or has good time days restored, Client records staff shall notify the resident via a written or electronic notification of the ECR entry changing the dates.
- (10) Good Time Computation.
- a. Good time credits at the appropriate rate per month shall be awarded for those serving under all laws above.
 - b. Good time credits shall be awarded and deducted in the ECR as earned under RSA 651-A:22.
 - c. The ECR will automatically calculate minimum and maximum release dates according to the law in effect at the time of the offense.
 - d. The current release dates change when a resident loses good time days or when previously lost good time days are restored.
 - e. The maximum release date on those serving sentences for crimes committed after January 1, 1988 shall not change.
- (11) Loss of Good Time.
- a. No loss of good time shall occur except as a punishment through a disciplinary process, pursuant to PPD 390 *Disciplinary Standards for Resident Behavior*, or for punishment for escape from official custody.
 - b. Good time taken through a disciplinary process shall be limited to 100 days per major violation as defined in Cor 402 and PPD 390 *Disciplinary Standards for Resident Behavior*, except for escape from official custody, where all accrued good time shall be taken pursuant to RSA 651-A:22 (IV)(a).
 - c. The lost days shall be entered in the ECR disciplinary record, and the resident shall be informed of the loss prior to leaving the disciplinary hearing.
 - d. When a resident enters a guilty plea, the investigating officer shall, in writing, justify the taking of good time on the disciplinary report form, and entered into the ECR disciplinary record.
 - e. All resident pleas recommending the loss of good time shall be referred to the Chief of Security or designee for final review and approval.
 - f. The taking of good time shall be a last resort option, not a routine initial sanction.
- (12) Loss of Good Time/Disciplinary Days for NH Residents Placed In Another Jurisdiction Through the Interstate Compact/Administrative Transfer Process.
- a. The institution that has custody of the resident shall forward the disciplinary report to client records that clearly states a request for loss of good time (or equivalent terminology) as part of the disposition.
 - b. Once received, client records will forward the documents to the hearings bureau.
 - c. The hearings bureau shall determine the equivalent charge in New Hampshire and shall determine the amount of disciplinary days that shall be assessed.
 - d. The hearings bureau shall issue a formal decision in writing and forward the decision to client records to have the disciplinary days assessed.
 - e. Client records will scan the original into the electronic data storage area, enter the information into the ECR disciplinary record, and forward a copy of the decision to the resident.

- (13) Restoration of Lost Good Time. Residents apply for the restoration of lost good time if the following criteria are met:
- a. Residents must be in C-3, C-2 or C-1 custody status in order to apply for the return of good time. Residents in Pending Administrative Review (PAR) status are not eligible to apply for the return of good time.
 - b. Residents must be disciplinary-free for six months, and not have applied for restoration of lost good time in the past six months in order to be eligible for review. In addition, a resident must have been actively participating, or attempting to participate, in elected, recommended or required programs for the six months prior to the application.
 - c. Requests to have lost good time restored shall be submitted to the client records office on a resident *Request Slip*, pursuant to Cor 312.
 - d. The client records office shall initiate the process using a *Request for Restoration of Lost Good Time Form* (Attachment 1), and shall forward the form to the resident's unit captain/lieutenant for comment and recommendation.
 - e. The unit captain/lieutenant shall then forward the form to the warden for final consideration.
 - f. Wardens may approve the restoration of up to 50 days of the total amount of lost good time, per request. The restoration of more than 50 days of lost good time shall require the commissioner's approval.
 - g. When a resident is paroled to a consecutive sentence, any remaining lost good time on the previous sentence shall not be considered for restoration.
 - h. Less than one day of lost good time is not restorable.

(14) Earned Time Credit

Residents may apply for Earned time Credit pursuant to RSA 651-A:22-a. No ETC shall be awarded except as provided for by RSA 651-A:22-a (*See also PPD 457 Earned Time Credit*).

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
 RSA 651-A:22
 RSA 651-A:22-a
 Cor 312
 PPD 390 *Disciplinary Standards for Resident Behavior*
 PPD 457 *Earned Time Credit Provisions*

Attachment
 Attachment 1 *Request for Restoration of Lost Good Time Form*

KENCH/