



Operating Procedure

Effective Date March 1, 2014	Number 830.4
Amended	Operating Level Department
Supersedes Operating Procedure 830.4 (3/1/11)	
Authority COV §53.1-116, §53.1-192 to 197, §53.1-202	
ACA/PREA Standards None	
Office of Primary Responsibility Chief of Operations, Offender Management Services	

Subject
GOOD TIME AWARDS FOR STATE OFFENDERS IN LOCAL JAILS

Incarcerated Offender Access
Yes No

FOIA Exempt Attachments Yes No
Yes No

I. PURPOSE

This operating procedure provides guidance for Sheriffs and Regional Jail Administrators to administer Good Conduct Time (GCT), Good Conduct Allowance (GCA), Earned Sentence Credit (ESC), Exemplary Good Time (EGT), and Judicial Good Time (JGT) systems to award good time to qualified Department of Corrections (DOC) offenders who are confined in local jails.

II. COMPLIANCE

This operating procedure applies to all qualified state offenders confined in local jails. Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Annual Review - A uniform yearly review of an offender's needs and objectives which utilizes the Initial Classification Date (ICD) (previously Date Received into Corrections) to establish the review date

Custody Responsibility Date (CRD) - The date on which an offender becomes state responsible whether located in a jail or a DOC facility

Earned Sentence Credit (ESC) - Time earned in accordance with COV §53.1-202.2 to 202.4 in one of four levels with rates ranging from 0 to 4.5 days earned per 30 days served, which shall be applied to reduce the offender's maximum term of incarceration. ESC applies to those offenders whose felony offenses were committed on or after January 1, 1995.

Exemplary Good Time (EGT) - Time awarded in accordance with COV §53.1-116 at the rate of 5 days for each 30 days served, awarded by a jailor to an offender for the performance of institutional work assignments, participation in classes, or participation in local work force programs. The total of all good time awarded to offenders serving felony sentences for crimes committed after January 1, 1995 is limited to 4.5 days per 30 days served.

Good Conduct Allowance (GCA) - Time earned in accordance with COV §53.1-198 to 53.1-202.1 in one of four classes with rates ranging from 0 to 30 days earned per 30 days served which shall be applied to reduce the offender's maximum term of imprisonment. GCA applies to those offenders whose felony offenses were committed on or after July 1, 1981 and before January 1, 1995 or who have opted into GCA from GCT. Misdemeanor convictions committed on or after July 1, 1981, will continue to be calculated under the GCA System. One-half of the credit should be applied to reduce the parole eligibility date. Misdemeanor convictions committed after July 1, 2008 are not eligible for parole in accordance with COV §53.1-153.

Good Conduct Time (GCT) - Time earned in accordance with COV §53.1-196 at a constant rate of 10 days earned per 20 days served only by those offenders whose offenses were committed prior to July 1, 1981, who do not opt to participate in the Good Conduct Allowance system. All such time earned will

reduce the term of imprisonment from which parole eligibility is computed.

Initial Classification Date (ICD) - The date on which the offender was initially assigned to a Security Level

Interim Review - A review of an offender's good time earning at a time or times between scheduled annual reviews

Judicial Good Time (JGT) - Time awarded in accordance with COV §53.1-129 by a Circuit Court to offenders for work performed on public property. The total of all good time awarded to offenders serving felony sentences for crimes committed after January 1, 1995 is limited to 4.5 days per 30 days served.

Qualified State Offender - To be qualified for good time awards under this operating procedure the offender must be confined in a local or regional jail and the Department of Corrections must compute the offender's time and authorize the offender's release.

IV. PROCEDURE

A. Eligibility

1. Good Conduct Time (GCT) - Under the GCT system, an offender is given 10 days good time credit for each 20 days served. This section addresses the additional 1 to 5 days per month Exemplary Good Time (EGT) that may be awarded based on behavior and participation in programs and work. To be eligible for Good Conduct Time awards an offender must:
 - a. Have committed his offense prior to July 1, 1981 and elected not to enter the Good Conduct Allowance (GCA) System.
 - b. Be in one of two categories:
 - i. Sentenced State Prisoner Awaiting Transfer - a state prisoner who has been tried, convicted, and sentenced on an offense, but has not yet been transferred to a state correctional facility. This prisoner is eligible to receive EGT (GCT) award consideration effective the date of the issuance of the current active custody responsibility date (CRD). Jail staff can only award EGT (GCT) for the time period during which the offender is confined locally after the issuance of the current active custody responsibility date (CRD).
 - ii. Assigned State Prisoner - a state prisoner who has been classified by the DOC and assigned to serve his sentence at a local jail facility. This offender may receive EGT (GCT) award consideration effective beginning the date of his arrival at the jail from a state facility, if applicable. Jail staff can only award EGT (GCT) for the time period during which the offender is confined locally.
 - c. Not be transferred from a state correctional facility to a local jail on a temporary basis. During a temporary transfer such as for court appearances, the jail staff may have opportunity to forward documentation of the offender's personal conduct related to EGT (GCT) consideration to the DOC upon the offender's return to a state correctional facility where EGT (GCT) awards will be considered in accordance with the offender's annual review cycle.
 - d. Not be confined in isolation. Upon confinement to isolation status as a result of a violation of jail rules or regulations, an offender is not eligible for EGT (GCT) award consideration. EGT (GCT) award consideration may resume the month following the offender's return to general population assignment. If the offender is not convicted of the institutional infraction for which he was placed in isolation, his EGT (GCT) eligibility is unaffected.
 - e. Not be pending a parole violation hearing. Upon return to confinement in a local jail for alleged parole violation, an offender's eligibility for EGT (GCT) award consideration will not resume until the offender's parole is revoked. At that time, EGT (GCT) consideration for the offender may be made retroactive to the date of return to a local jail facility in the absence of any new criminal conviction related to the revocation.
 - f. Not be convicted of a new felony or misdemeanor offense which was committed while in confinement. Any offender who commits a felony or misdemeanor while confined automatically

- becomes ineligible to earn EGT (GCT). The offender's eligibility for EGT (GCT) award consideration resumes the next annual review cycle date following conviction of the offense.
- g. Not be a returned escapee. An escapee returned to confinement automatically becomes ineligible for EGT (GCT) award consideration. The offender's eligibility for EGT (GCT) award consideration does not resume until the next annual review cycle date following conviction of the offense.
2. Good Conduct Allowance (GCA) - To be eligible for Good Conduct Allowance (GCA), the offender must:
- a. Have committed a felony offense on or after July 1, 1981 and prior to January 1, 1995, or committed misdemeanor offenses on or after July 1, 1981, or elected to enter under the GCA System if the offense was committed prior to July 1, 1981.
- b. Be in one of two categories:
- i. Classified State Prisoner Awaiting Transfer - a state prisoner who has been classified by the DOC, but has not yet been transferred to a state correctional facility. This offender is eligible to be reviewed for a change in his assigned GCA Class Level following classification and initial GCA Class Level assignment.
- ii. Assigned State Prisoner - a state prisoner who has been classified by the DOC and assigned to serve his sentence at a local jail. This offender may be reviewed for a change in GCA Class Level assignment following his arrival at the local jail from a state facility.
- c. Per COV §53.1-116, unclassified offenders that qualify for GCA earn good conduct credit
- i. At the rate of 15 days for each 30 days served with satisfactory conduct if eligible for parole
- ii. At the rate of 30 days for each 30 days served with satisfactory conduct if not eligible for parole
- iii. The jailor can take portions of this good time for disciplinary infractions.
- d. Not be transferred from a state correctional facility to a local jail on a temporary basis. During a temporary transfer such as for court appearances, the offender will remain in his present GCA Class Level. The jail staff may have the opportunity to forward documentation of the offender's personal conduct related to the need for a GCA Class Level change to the DOC upon the offender's return to a state correctional facility. In the event of a longer term jail assignment for such purposes as program participation, the local jail staff will have the option of changing the offender's GCA Class Level assignment, using the process outlined later in this operating procedure.
- e. Not be pending a parole violation hearing. Upon return to a local jail for alleged parole violation, the offender will earn jail Statutory Good Time at a rate of 15 days for each 30 days served. Once his parole has been revoked, and he has been reclassified by the DOC, his GCA Class Level assignment shall remain at level II for 12 months after which his GCA Class Level assignment may be reviewed by the jail staff if he remains confined locally.
- f. Not be convicted of a new felony or misdemeanor offense which was committed while in confinement. Any offender who commits a new felony or misdemeanor after their CRD and while confined is automatically reduced to GCA Class Level IV (0/30) effective the date of conviction. The offender becomes ineligible for advancement in GCA Class Level for a period of twelve months from the conviction date.
- g. Not be a returned escapee. Any offender returned to confinement as a result of escape and after being convicted of a new offense is automatically reduced to GCA Class Level IV (0/30) effective the date of his conviction and is not eligible for an advancement in GCA Class Level for a period of twelve months from the date of assignment to GCA Class Level IV.
- h. Not be serving a life sentence. An offender who is sentenced to a term of life imprisonment or two or more life sentences is restricted to earning statutory good time at a rate of 10 days for each 30 days physically served per COV §53.1-199. Therefore, this offender even if assigned to GCA Class Levels I or II will only earn at 10/30.

- i. Not be serving a sentence for conviction of first degree murder, rape, forcible sodomy, animate or inanimate object sexual penetration, or aggravated sexual battery with offense dates of July 1, 1993 or later and prior to January 1, 1995. An offender convicted of these offenses is restricted to earning statutory good time at a rate of 10 days for each 30 days physically served per COV §53.1-199. Therefore, this offender even if assigned to GCA Class Levels I or II will only earn at 10/30.
3. Earned Sentence Credits (ESC) - To be eligible for Earned Sentence Credits (ESC), the offender must:
- a. Have committed a felony offense on or after January 1, 1995
 - b. Be in one of two categories:
 - i. Classified State Prisoner Awaiting Transfer - a state prisoner who has been classified by the DOC but has not yet been transferred to a state correctional facility. This offender is eligible to be reviewed for a change in his assigned ESC Class Level following classification and initial ESC Class Level assignment.
 - ii. Assigned State Prisoner - a state prisoner who has been classified by the DOC and assigned to serve his sentence at a local jail. This offender may be reviewed for a change in ESC Class Level assignment following his arrival at the local jail from a state facility.
 - c. Unclassified offenders that qualify for ESC earn good conduct credit at the rate of 2.25 days for each 30 days served with satisfactory conduct.
 - i. Offenders cannot be placed into Class Level I, II, or III prior to being received by the DOC.
 - ii. The jailor can take portions of this good time for disciplinary infractions or reduce the rate by reducing the Class Level to III (1.5/30) or IV (0/30) based on a pattern of unsatisfactory conduct.
 - d. Not be transferred from a state correctional facility to a local jail on a temporary basis. During a temporary transfer such as for court appearances, the offender will remain in his present ESC Class Level. The jail staff may have the opportunity to forward documentation of the offender's personal conduct related to the need for an ESC Class Level change to the DOC upon the offender's return to a state correctional facility. In the event of a longer term jail assignment for such purposes as program participation, the local jail staff will have the option of changing the offender's ESC Class Level assignment, using the process outlined later in this operating procedure.
 - e. Not be convicted of a new felony or misdemeanor offense which was committed while in confinement. Any offender who commits a new felony or misdemeanor while confined is automatically reduced to ESC Class Level IV (0/30) effective the date of conviction. The offender becomes ineligible for advancement in ESC Class Level for a period of twelve months from the conviction date.
 - f. Not be a returned escapee. Any offender returned to confinement as a result of escape and after being convicted of a new offense is automatically reduced to ESC Class Level IV (0/30) effective the date of his conviction and is not eligible for an advancement in ESC Class Level for a period of twelve months from the date of assignment to ESC Class Level IV.
 - g. Not be serving a life sentence. An offender who is sentenced to a term of life imprisonment or two or more life sentences has no release dates, therefore Earned Sentence Credits are not a factor in their time computation.
- B. Evaluation of Offender Adjustment - Adjustment of an offender's good time class level or the awarding of Good Conduct Time (GCT) should occur only at the approval of the Sheriff/Regional Jail Administrator. While an offender should normally be reviewed by the local jail staff on his annual review date, interim reviews may be conducted if it is determined that a change of good time class level assignment or a GCT award is deemed to be appropriate by the administration of the local jail. The DOC recommends that a change of good time class level assignment or a GCT award should not be submitted within the last 90 days before an offender's release.

1. Good Conduct Time:

- a. The offender should be reviewed in all applicable areas of adjustment and performance to include personal conduct, work/vocational program assignment performance, educational program assignment performance, treatment program participation, and the number of disciplinary infractions, convictions, and their severity.
- b. In order for an offender to be recommended for GCT awards by the local jail, the offender's conduct/performance should equate to assignment to good time Class Level I as described later in this procedure.

2. Good Conduct Allowance:

- a. The offender should be reviewed in all applicable areas of his adjustment to include personal conduct, work/vocational program assignment performance, educational program assignment performance, treatment program participation, and the number of disciplinary infractions, convictions, and their severity.
- b. In evaluating the offender for GCA Class Level assignment, the local jail staff should apply the following standards to the full 12 month period of time following the offender's last annual review:
 - i. Class I (30/30) - Should have no more than one disciplinary infraction. Performance in all other applicable conduct and program areas should be above average or exemplary.
 - ii. Class II (20/30) - Should have no more than two disciplinary infractions. Performance in all other applicable conduct and program areas should be at least satisfactory. Offender should not be considered a management problem.
 - iii. Class III (10/30) - Should have no more than three disciplinary infractions. Performance in all other applicable conduct and program areas should be at least marginal. Offender has not participated in available programs and treatment which have been recommended to him.
 - iv. Class IV (0/30) - Should have three or more disciplinary infractions. Performance in all other applicable conduct and program areas is completely unacceptable. Offender refuses to accept responsibility for his actions and is not responsive to instruction or correction.

3. Earned Sentence Credits:

- a. The offender should be reviewed in all applicable areas of his adjustment to include personal conduct, work/vocational program assignment performance, educational program assignment performance, treatment program participation, and the number of disciplinary infractions, convictions, and their severity.
- b. In evaluating the offender for ESC Class Level assignment, the local jail staff should apply the following standards to the full 12 month period of time following the offender's last annual review:
 - i. Class I (4.5/30) - Should have no more than one disciplinary infraction. Performance in all other applicable conduct and program areas should be above average or exemplary.
 - ii. Class II (3/30) - Should have no more than two disciplinary infractions. Performance in all other applicable conduct and program areas should be at least satisfactory. Offender should not be considered a management problem.
 - iii. Class III (1.5/30) - Should have no more than three disciplinary infractions. Performance in all other applicable conduct and program areas should be at least marginal. Offender has not participated in available programs and treatment which have been recommended to him.
 - iv. Class IV (0/30) - Should have three or more disciplinary infractions. Performance in all other applicable conduct and program areas is completely unacceptable. Offender refuses to accept responsibility for his actions and is not responsive to instruction or correction.

C. Awarding Exemplary Good Time and Judicial Good Time

1. Exemplary Good Time (EGT) at the rate of 5 days for each 30 days served may be awarded by a jailor to an offender for the performance of institutional work assignments, participation in classes,

or participation in local work force programs. EGT can be awarded for time served up to the date the offender is classified by the DOC.

2. Judicial Good Time (JGT) may be awarded by a Circuit Court to offenders for work performed on public property. The rate of JGT is set by order of the Circuit Court awarding the JGT.
3. EGT awards are unlimited for offenders serving misdemeanor sentences or felony sentences for crimes committed before January 1, 1995. JGT awards are awarded as allowed by the order of the Court when serving misdemeanor sentences or felony sentences for crimes committed before January 1, 1995.
4. The total of all good time awarded to offenders serving felony sentences for crimes committed after January 1, 1995 is limited to 4.5 days per 30 days served.

D. Processing Good Time Awards and Adjusting GCA/ESC Class Level Assignment:

1. To award an offender EGT, JGT, GCT, or adjust the offender's GCA/ESC Class Level assignment, the local jail staff should complete the [Exemplary Good Time \(EGT\)/Judicial Good Time \(JGT\)/Class Level Evaluation](#) 830_F4 and forward it to:

Manager, Court and Legal Services Section
Offender Management Services
Department of Corrections
P.O. Box 26963
Richmond, VA 23261-6963

2. The offender is to be provided with a copy of the *Evaluation* and one copy of the document is to be retained in the offender's local jail folder.

E. Interim Reviews - Interim reviews are appropriate when necessary to ensure that the assigned good time earning rate accurately reflects the offender's sustained performance. The DOC recommends that a change of good time class level assignment or an EGT/JGT/GCT award should not be submitted within the last 90 days before an offender's release. Examples of where interim reviews may be appropriate are:

1. Release from custody is anticipated prior to the next annual review date and there exists a compelling reason, based on behavioral considerations, to change the offender's good time earning level.
2. There has been a dramatic change in adjustment which indicates the offender's current good time earning level is inappropriate.

F. Notification - Upon processing an EGT/JGT/GCT award or an advancement/reduction of good time class level assignments, the Manager, Court and Legal Services Section, will ensure that updated sentence computation forms are distributed to:

1. The offender's institutional file
2. The Court and Legal Section file
3. The local jail facility (2 copies, one should be given to the offender)

G. Offender Appeals - If an offender desires to appeal a decision regarding his assigned good time earning level, he may do so by initiating the approved grievance procedure which is in place at the local jail facility.

V. REFERENCES

None

VI. FORM CITATIONS

[Exemplary Good Time \(EGT\)/Judicial Good Time \(JGT\)/Class Level Evaluation](#) 830_F4

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

Signature Copy on File

1/23/14

A. David Robinson, Chief of Corrections Operations

Date