



Virginia Department of Corrections

Offender Management and Programs

Operating Procedure 830.4

Good Time Awards for State Inmates in Local Jails

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

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

Earned Sentence Credit (ESC) - Time earned in accordance with COV §53.1-202.3, *Rate at which sentence credits may be earned; prerequisites*, in one of four levels with rates ranging from 0 to 4.5 days earned per 30 days served for ESC-1 or 0 to 15 days earned per 30 days served for ESC-2, which will be applied to reduce the inmate's maximum term of incarceration. ESC-1 and ESC-2 apply to those inmates whose felony offenses were committed on or after January 1, 1995.

Exemplary Good Time (GCT/EGT) - Time awarded in accordance with COV §53.1-116, *What records and policy jailer shall keep; how time deducted or added for felons and misdemeanants; payment of fine and costs by person committed to jail until he pays*, at the rate of 5 days for each 30 days served, awarded by a jailor to an inmate for the performance of institutional work assignments, participation in classes, or participation in local work force programs.

Extraordinary Good Time (EGT) - Time earned in accordance with COV §53.1-197, *Credit allowed for career and technical educational or other educational training* at a rate ranging from 1 to 5 days earned per month served for those inmates whose offenses were committed prior to July 1, 1981, who do not elect to participate in the Good Conduct Allowance System (GCA). All such time earned will reduce the term of imprisonment from which parole eligibility is computed.

Good Conduct Allowance (GCA) - Time earned in accordance with COV §53.1-198, *Certain persons to choose good conduct system to COV §53.1-202.1, Limitation upon applicability of this article* in one of four classes with rates ranging from 0 to 30 days earned per 30 days served which will be applied to reduce the inmate's maximum term of imprisonment. GCA applies to those inmates 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, *Eligibility of persons sentenced to jails for more than twelve months*.

Good Conduct Time (GCT) - Time earned in accordance with COV §53.1-196, *Good conduct credits of persons convicted after October 1, 1942; effect of credit upon eligibility for parole at a constant rate of 10 days earned per 20 days served only by those inmates whose offenses were committed prior to July 1, 1981, who do not opt to participate in the Good Conduct Allowance (GCA) 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 inmate was initially assigned to a security level.

Inmate - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

Interim Review - A review of an inmate's good time earning level that covers the last 12 month period and is conducted at a time prior to the inmate's next scheduled annual review.

Jail Annual Review - A uniform yearly review of an inmate's classification, needs, and objectives. The Custody Responsibility Date (CRD) is used to establish the review date.

Judicial Good Time (JGT) - Time awarded in accordance with COV §53.1-129, *Order permitting prisoners to work on state, county, city, town, certain private property or nonprofit organization property; bond of person in charge of prisoners*, by a Circuit Court to inmates for work performed on public property.

Unclassified Inmate - New intakes into the Department of Corrections (DOC) who do not have a Custody Responsibility Date (CRD) and Parole Violators before their revocation date.



PURPOSE

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

PROCEDURE

I. Good Time Award Eligibility and Processing

A. The inmate must be confined in a local or regional jail to qualify for good time awards under this operating procedure and DOC staff must compute the inmate's time and authorize the inmate's release.

B. Processing Good Time Awards and Adjusting GCA and ESC Class Level Assignments:

1. To award an inmate GCT/EGT, EGT, JGT, or adjust the inmate's GCA or ESC Class Level assignment, jail staff will complete the *Class Level Evaluation and GCT/EGT/JCT Awards 830_F4* and forward to courtandlegal@vadoc.virginia.gov or by mail to:

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

2. Jail staff should provide a copy of the *Class Level Evaluation and GCT/EGT/JCT Awards 830_F4* to the inmate and maintain one copy of the document in the inmate's local jail file.

3. A copy of the *Class Level Evaluation and GCT/EGT/JCT Awards 830_F4* will be uploaded as an external document to the *Facility Notes* section of VACORIS.

C. Notification

1. The Manager of Court and Legal Services will ensure that proper entries are made in VACORIS when processing an inmate's GCT/EGT, EGT or JCT award and an adjusting and inmate's GCA or ESC Class Level assignment.
2. The Manager of Court and Legal Services or designee will distribute the legal update printed from VACORIS to:
 - a. The Court and Legal Section file
 - b. The local jail facility
 - c. The inmate

II. Good Conduct Time (GCT)

A. To be eligible for GCT an inmate must:

1. Have committed their offense prior to July 1, 1981 and elected not to enter the GCA System
2. Be in one of two categories:
 - a. Sentenced Inmate Awaiting Transfer - Inmate tried, convicted, and sentenced of an offense but is awaiting transferred to a DOC institution
 - b. Assigned Inmate - Inmate classified by DOC staff and assigned to serve their sentence at a local jail facility
3. Not be transferred from an institution to a local jail facility on a temporary basis
4. Not be confined in non-general population housing for disciplinary reasons
5. Not be pending a parole violation hearing



6. Not be convicted of a new felony or misdemeanor offense committed while in confinement
7. Not be a returned escapee

B. Inmates under the GCT system are awarded good time at a constant rate of 10 days earned per 20 days served.

C. Extraordinary Good Time (GCT/EGT) Eligibility and Restrictions

1. Jail staff may award an additional 1 to 5 days GCT/EGT per month based on the inmate's behavior and participation in programs and work.
 - a. Inmates are eligible to receive GCT/EGT award consideration effective the date of the issuance of their current active CRD.
 - b. After issuance of the CRD, jail staff can only award GCT/EGT for the period that the inmate is confined to their jail facility.
2. Jail staff may award GCT/EGT the date of the inmate arrives at the jail facility from an institution, when applicable.
3. Jail staff cannot award GCT/EGT during a temporary transfer such as for court appearances from an institution to the jail facility.
 - a. Jail staff will forward documentation of the inmate's personal conduct to the DOC for GCT/EGT consideration.
 - b. DOC staff will consider the GCT/EGT award upon the inmate's return to the institution at the inmate's next annual review.
4. Criteria for Restrictions for Special Status
 - a. Parole Violations
 - i. Upon return to confinement in a local jail facility for an alleged parole violation(s), an inmate's eligibility for GCT/EGT will not resume until the Parole Board revokes the inmate's parole.
 - ii. At the time of an inmate's revocation, GCT/EGT consideration for the inmate may be retroactive to the date of the inmate's return to the jail facility absent any new criminal conviction related to the revocation.
 - b. Commission of a Felony or Misdemeanor
 - i. Any inmate who commits a felony or misdemeanor while confined or in parole revocation status automatically becomes ineligible for GCT/EGT.
 - ii. The inmate's eligibility for GCT/EGT award consideration resumes at the next annual review cycle following conviction of the offense.
 - c. Escape
 - i. Any escapee returned to confinement automatically becomes ineligible for GCT/EGT.
 - ii. The inmate's eligibility for GCT/EGT should resume at the next annual review cycle following the inmate's conviction of the offense.
 - d. Non-General Population Housing
 - i. Inmates assigned to a non-general population setting for violating jail rules or regulations is not eligible for GCT/EGT.
 - ii. GCT/EGT award consideration may resume the month following the inmate's return to a general population setting.
 - iii. If the inmate is not convicted of the infraction for which they were placed in a non-general population setting then the inmate's GCT/EGT eligibility is not affected.

III. Good Conduct Allowance (GCA)

A. To be eligible for GCA the inmate must:

1. Have committed a felony offense on or after July 1, 1981 and prior to January 1, 1995, 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
2. Be in one of two categories:
 - a. Classified Inmate Awaiting Transfer - An inmate classified by DOC staff, but not yet transferred to an institution. Jail staff may review the inmate for a change in their assigned GCA Level following classification and initial GCA Class Level assignment.
 - b. Assigned Inmate - An inmate classified by DOC staff and assigned to serve their sentence at a local jail facility. Jail staff may review the inmate for a change in their assigned GCA Class Level following the inmate's arrival at the local jail facility from an institution.
 3. Not be transferred from an institution to a local jail facility on a temporary basis
 - a. The inmate will remain in their present GCA Class Level during a temporary transfer such as for court appearances.
 - b. Jail staff will forward documentation related to the inmate's personal conduct and indicate the need for a GCA Class Level change to the DOC for consideration.
 - c. DOC staff will consider the Class Level change upon the inmate's return to the institution.
 - d. In the event of a long-term jail assignment for such purposes as program participation, jail staff can change the inmate's Class Level assignment using the *Class Level Evaluation and GCT/EGT/JCT Awards 830_F4*.
 4. Not be pending a parole violation hearing
 - a. Upon return to a local jail facility for an alleged parole violation, the inmate will earn jail statutory good time at a rate of 15 days earned for each 30 days served.
 - b. At the time of the inmate's revocation and once DOC staff has reclassified the inmate, the inmate's GCA Class Level assignment will remain at Level II for 12 months.
 - c. After 12 months, jail staff may review the inmate's GCA Class Level assignment when the inmate remains confined at the local jail facility.
 5. Not be convicted of a new felony or misdemeanor offense committed while in confinement
 - a. Any inmate who commits a new felony or misdemeanor after their CRD and while confined is automatically reduced to a Class Level IV effective the date of conviction.
 - b. The inmate is ineligible for advancement in GCA Class Level for 12 months from the conviction date.
 6. Not be a returned escapee
 - a. Any escapee returned to confinement as a result of escape and after being convicted of a new offense is automatically reduced to Class Level IV effective the date of their conviction.
 - b. The inmate is not eligible for an advancement in Class Level for 12 months from the date of assignment to Class Level IV.
 7. Not be serving a life sentence
 - a. Inmates 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 earned for each 30 days physically served; see COV §53.1-199, *Eligibility for good conduct allowance; application*.
 - b. Inmates sentenced to life imprisonment or two or more life sentences even if assigned to GCA Class Levels I or II will only earn 10 days for every 30 days physically served.
 8. 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
 - a. Inmates convicted of first-degree murder, rape, forcible sodomy, animate or inanimate object sexual penetration, or aggravated sexual battery are restricted to earning statutory good time at a

rate of 10 days earned for each 30 days physically served; see COV §53.1-199, *Eligibility for good conduct allowance; application*.

- b. Inmates convicted of any of these offenses even if assigned to Class Level I or II will only earn 10 days per 30 days physically served.

B. Unclassified inmates that qualify for GCA, earn good time at the following rate; see COV §53.1-116, *What records and policy jailer shall keep; how time deducted or added for felons and misdemeanants; payment of fine and costs by person committed to jail until he pays*

1. At the rate of 15 days earned for each 30 days served with satisfactory conduct, if eligible for parole
2. At the rate of 30 days earned for each 30 days served with satisfactory conduct, if not eligible for parole
3. Jail staff can take portions of this good time for disciplinary infractions.

IV. Earned Sentence Credits (ESC)

A. To be eligible for ESC the inmate must:

1. Have committed a felony offense on or after January 1, 1995
2. Be in one of two categories:
 - a. Classified Inmate Awaiting Transfer - An inmate classified by DOC staff, but not yet transferred to an institution. Jail staff may review the inmate for a change in their assigned ESC Level following classification and initial ESC Class Level assignment.
 - b. Assigned Inmate - An inmate classified by DOC staff and assigned to serve their sentence at a local jail facility. Jail staff may review the inmate for a change in their assigned ESC Class Level following the inmate's arrival at the local jail facility from an institution.
3. Not be transferred from an institution to a local jail facility on a temporary basis
 - a. The inmate will remain in their present ESC Class Level during a temporary transfer such as for court appearances.
 - b. Jail staff will forward documentation related to the inmate's personal conduct and indicate the need for an ESC Class Level change to the DOC for consideration.
 - c. DOC staff will consider the Class Level change upon the inmate's return to the institution.
 - d. In the event of a long-term jail assignment for such purposes as program participation, jail staff will can change the inmate's Class Level assignment using the *Class Level Evaluation and GCT/EGT/JCT Awards 830_F4*.
4. Not be convicted of a new felony or misdemeanor offense committed while in confinement
 - a. Any inmate who commits a new felony or misdemeanor while confined is automatically reduced to ESC Class Level IV effective the date of conviction.
 - b. The inmate is ineligible for advancement in ESC Class Level for 12 months from the conviction date.
5. Not be a returned escapee
 - a. Any inmate returned to confinement as a result of escape and after being convicted of a new offense is automatically reduced to ESC Class Level IV effective the date of their conviction.
 - b. The inmate is not eligible for an advancement in ESC Class Level for 12 months from the date of assignment to Class Level IV.
6. Not be serving a life sentence

Inmates sentenced to a term of life imprisonment or two or more life sentences have no release date; therefore, ESC is not a factor in their time computation.

B. Unclassified inmates earn ESC at the rate of a maximum of 2.25 days applied for ESC-1 and ESC-2 per



30 days served.

1. Jail staff cannot place an inmate into any class level prior to the inmate's CRD.
2. Jail staff can take portions of an inmate's good time prior to CRD for disciplinary infractions.

V. Evaluation of Inmate Adjustment for Classified Inmates

A. The adjustment of an inmate's good time class level or the awarding of GCT/EGT should occur only with approval of the Sheriff/Regional Jail Administrator.

1. Jail staff will review an inmate's good time class level at least once annually on the inmate's jail annual review date, all records from this review, including an explanation of the reasons why an inmate's classification level was or was not adjusted, will be maintained in the jail file; see COV §53.1-202.3, *Rate at which sentence credits may be earned; prerequisites*.
2. Jail staff may conduct an interim review when the administration of the local jail facility determines that a change in the inmate's good time class level or GCT/EGT awarded is appropriate.
3. The DOC recommends that jail staff not submit a change of the inmate's good time class level or GCT/EGT awarded within the last 60 days before an inmate's release.
4. Jail staff will not lower or reduce an inmate's classification level due to the unavailability of educational, program, vocational, or work opportunities at the jail.

B. Good Conduct Time

1. Jail staff should review the inmate in all applicable areas of adjustment and performance to include the inmate's personal conduct, work, vocational, and educational program performance, treatment program participation and the number of disciplinary infractions, convictions, and their severity.
2. In order for jail staff to recommend an inmate for a GCT/EGT award, the inmate's conduct and performance should equate to a GCA or ESC good time Class Level I assignment.

C. Good Conduct Allowance

1. Jail staff should review all applicable areas of adjustment and performance to include the inmate's personal conduct, work, vocational, and educational program performance, treatment program participation, and the number of disciplinary infractions, convictions, and their severity.
2. Jail staff should apply the following criteria for the full 12 month period following the inmate's last annual review when evaluating the inmate for GCA Class Level assignment:
 - a. Class I - Inmate earns 30 days GCA for every 30 days served.
 - i. The inmate should have no more than one minor disciplinary infraction and no serious disciplinary infractions.
 - ii. The inmate's performance in all other applicable conduct and program areas should be above average or exemplary.
 - b. Class II - Inmate earns 20 days GCA for every 30 days served.
 - i. The inmate should have no more than two disciplinary infractions.
 - ii. The inmate's performance in all other applicable conduct and program areas should be at least satisfactory.
 - iii. The inmate should not be a management problem.
 - c. Class III - Inmate earns 10 days GCA for every 30 days served.
 - i. The inmate should have no more than three disciplinary infractions.
 - ii. The inmate's performance in all other applicable conduct and program areas should be at least marginal.
 - iii. The inmate has not participated in recommended available programs and treatment.
 - d. Class IV - Inmate earns no days GCA.



- i. The inmate should have three or more disciplinary infractions.
- ii. The inmate's performance in all other applicable conduct and program areas is completely unacceptable.
- iii. The inmate refuses to accept responsibility for their actions and is not responsive to instruction or correction.

D. Earned Sentence Credits

1. Jail staff should review the inmate in all applicable areas of adjustment to include personal conduct, work, vocational, and educational program performance, treatment program participation, and the number of disciplinary infractions, convictions, and their severity.
2. Whether an inmate is awarded good time under ESC-1 or ESC-2 as determined by the offense or underlining offense as outlined in COV §53.1-202.3 A:1-17 and B, *Rate at which sentence credits may be earned; prerequisites*. Any sentence or portion of a sentence imposed with an offense enumerated in COV §53.1-202.3 A, will limit all earned sentence credit sentences, being served or to be served, to a maximum of 4.5 days per 30 days served.
3. Jail staff should apply the following criteria to the full 12 month period following the inmate's last annual review when evaluating the inmate for ESC-1 or ESC-2 Class Level assignment:
 - a. Class Level I - Inmate earns 4.5 days ESC-1 or 15 days ESC-2 for every 30 days served.
 - i. The inmate should have no more than one minor disciplinary infraction and no serious disciplinary infractions.
 - ii. The inmate's performance in all other applicable conduct and program areas should be above average or exemplary.
 - b. Class Level II - Inmate earns 3 days ESC-1 or 7.5 days ESC-2 for every 30 days served.
 - i. The inmate should have no more than two disciplinary infractions.
 - ii. The inmate's performance in all other applicable conduct and program areas should be at least satisfactory.
 - iii. The inmate should not be a management problem.
 - c. Class Level III - Inmate earns 1.5 days ESC-1 or 3.5 days ESC-2 for every 30 days served.
 - i. The inmate should have no more than three disciplinary infractions.
 - ii. The inmate's performance in all other applicable conduct and program areas should be at least marginal.
 - iii. The inmate has not participated in recommended available programs and treatment.
 - d. Class Level IV - Inmate earns 0 days ESC-1 or ESC-2.
 - i. The inmate should have three or more disciplinary infractions.
 - ii. The inmate's performance in all other applicable conduct and program areas is completely unacceptable.
 - iii. The inmate refuses to accept responsibility for their actions and is not responsive to instruction or correction.

- E. An inmate may appeal a decision related to their assigned good time earning level by initiating the grievance procedure that is in place at the local jail facility.

VI. Awarding Extraordinary Good Time and Judicial Good Time

- A. Jail staff may award EGT at the rate of 5 days for each 30 days served to an inmate for the performance of institutional work assignments, participation in classes, or participation in local work force programs.
1. Jail staff can award EGT for time served up to issuance of the inmate's CRD.
 2. EGT awards are unlimited for inmates serving misdemeanor or felony sentences for crimes committed before January 1, 1995.
- B. The Circuit Court may award JGT to inmate's for work performed on public property.



1. The rate of JGT is set by order of the Circuit Court awarding the JGT.
 2. JGT awards are granted by Court order when an inmate is serving misdemeanor or felony sentences for crimes committed before January 1, 1995.
- C. The total of all good time awarded to inmates serving felony sentences for crimes committed after January 1, 1995 is limited to 4.5 days earned per 30 days served for ESC-1 or 15 days earned per 30 days served for ESC-2.

VII. Interim Reviews

- A. Interim reviews are appropriate when it is necessary to ensure that the assigned good time earning rate accurately reflects the inmate's sustained performance.
- B. The DOC recommends that jail staff not submit a change in an inmate's good time class level or an inmate's EGT, JGT, and GCT award within the last 60 days of an inmate's expected discharge date.
- C. An interim review may be appropriate when jail staff:
 1. Anticipate the inmate's release from custody prior to the next annual review date and there exists a compelling reason, based on behavioral considerations, to change the inmate's good time earning level.
 2. Observes a dramatic change in the inmate's adjustment that indicates the inmate's current good time earning level is inappropriate.

REFERENCES

COV §53.1-116, *What records and policy jailer shall keep; how time deducted or added for felons and misdemeanants; payment of fine and costs by person committed to jail until he pays*

COV §53.1-129, *Order permitting prisoners to work on state, county, city, town, certain private property or nonprofit organization property; bond of person in charge of prisoners*

COV §53.1-153, *Eligibility of persons sentenced to jails for more than twelve months*

COV §53.1-196, *Good conduct credits of persons convicted after October 1, 1942; effect of credit upon eligibility for parole*

COV §53.1-197, *Credit allowed for career and technical educational or other educational training*

COV §53.1-198, *Certain persons to choose good conduct system*

COV §53.1-199, *Eligibility for good conduct allowance; application*

COV §53.1-202.1, *Limitation upon applicability of this article*

COV §53.1-202.3; A: 1-17 and B, *Rate at which sentence credits may be earned; prerequisites*

ATTACHMENTS

None

FORM CITATIONS

Class Level Evaluation and GCT/EGT/JCT Awards 830_F4

