

Good Time

A system established by law whereby someone who is sentenced to imprisonment is credited a set amount of time for good behavior and engagement with work/programs that is subtracted from their sentence.

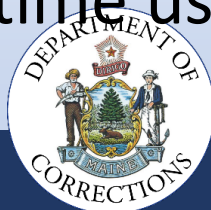
There are three codes that dictate deductions residents may receive:

1983 Code (17-A MRSA § 2310), 1995 Code (17-A MRSA § 2309),
2004 Code (17-A MRSA §§ 2307 - 2308)



Eligibility

- Currently, MDOC's adult population is 1,646
 - 1589 of the 1646 residents are eligible for good time
 - 57 are not eligible because they are serving a life sentence
- Criteria for good time deductions include: engaging in work, education, and other programming and demonstrating consistent good behavior.
- When there is a suspended sentence, the length not suspended is used when calculating good time.
 - For example, if someone is sentenced to 15 years with all but 8 suspended, MDOC will calculate their good time using the 8 years.



1983 Good Time Code

If a resident committed a crime on or after May 1, 1976 and before October 1, 1995 their good time deductions are calculated using the 1983 good time code.

55 of the 1589 residents eligible for good time receive deductions based on the 1983 code.

This code applies a bulk deduction off the sentence when the person first arrives to an MDOC facility, taking 10 days off a month (about 1/3) of their sentence.

This is awarded “up front” on the assumption residents will exhibit good conduct.

Under the 1983 code residents are also eligible to have 3 days a month deducted from their sentence for work/program participation. For those who are minimum or community custody, an additional 2 days a month (on top of the 3 days) is available for participation in minimum security or community programs.



1995 Good Time Code

If a resident committed a crime on or after October 1, 1995 and before August 1, 2004 their good time deductions are calculated using the 1995 good time code monthly in a “earn as you go” model.

Residents whose good time is calculated under the 1995 code are eligible to have up to 5 days a month deducted from their sentence.

- 2 days for good conduct

- 3 days for work/program participation.



2004 Good Time Code, Part 1

If a resident is convicted of a murder, sex offense or domestic violence on or after August 1, 2004 their good time deductions are calculated under the 2004 code monthly in a “earn as you go” model

Residents convicted of these crimes calculated under the 2004 code are eligible to have up to 5 days a month deducted from their sentence.

- 2 days for good conduct

- 3 days for work/program participation.



2004 Good Time Code, Part 2

If a resident is convicted of a crime that is not a murder, sex offense or domestic violence on or after August 1, 2004 their good time deductions are also calculated under the 2004 code monthly in a “earn as you go” model.

The difference is that these residents are eligible to have 7 days a month deducted from their sentence

- 4 days for good conduct

- 3 days for work/program participation

- 2 additional days may be awarded to residents in certain work, education, or rehabilitation programs



Supervised Community Confinement Program

SCCP is a community-based program that allows incarcerated adult clients to be transferred from a MDOC correctional institution to an approved residence in the community while finishing their sentence.

SCCP is governed by statutory criteria and APA rule.

Individuals who are approved to be part of SCCP are still considered to be in the legal custody of the MDOC but have the privilege to live and work in the community.

Statute covering SCCP: 34-A MRSA §3036-A



SCCP by the Numbers

2022 SCCP

66: Current number of SCCP participants (50 male, 16 female)

102: Number of adult residents who have participated in SCCP to date in 2022. (79 men, 23 women)

To date there is a 78% successful completion rate.



Process for Residents, Part 1

- At intake residents are provided written information about SCCP, including eligibility requirements, the review and approval process, and conditions.
- Residents work with their case manager on an individualized plan that may include the goal of transferring to SCCP when eligible.
- Residents learn about suitable living options for SCCP clients and behavioral expectations.



Process for Residents, Part 2

- The application process requires that residents:
 - Are classified as minimum or community custody
 - Have no pending warrants, detainers, etc.
 - Be participating satisfactorily in programs
 - Have no discipline within the last 90 days
 - Meet sentence length criteria, which includes:
 - Having a current release date of no more than 30 months after good time is taken into account, **and**:
 - If a resident has 5 years or less, the individual must have served $\frac{1}{2}$ of the sentence after good time is taken into account.
 - If the sentence is more than 5 years, the individual must have served $\frac{2}{3}$ of the sentence after good time is taken into account.



Process for Residents, Part 3

- When it's the appropriate time, a resident fills out an application which asks about the resident's housing, employment, treatment, and community-based supports. They are assisted in this by their case manager.
- The facility unit team reviews documentation and works with the resident on necessary changes/improvements.
- SCCP application is then sent to the facility CAO, adult community corrections and the Department's Director of Classification for review.



SCCP and Good Time in Practice: Example 1

- Resident Jane is serving a 6-year sentence. Under the 2004 code she is earning 7 days of good time per month because she's participating in work/programming and is well behaved.
She maintains her good time because she has no disciplinary actions
- Based on SCCP criteria Jane will be eligible for SCCP after she has served approximately 3 ½ years because of the good time deductions.
- If she were not earning the good time deductions she'd have to wait until she'd served 4 years, which is 2/3rd of her 6-year sentence to be eligible for SCCP.



SCCP and Good Time in Practice: Example 2

- Resident Sam is serving a 12-year sentence. Under the 2004 code he is earning 7 days of good time per month because he's participating in his work/programs and is well behaved.
He maintains his good time because he has no disciplinary actions.
- Sam will be eligible after he's served approximately 8 years because:
 1. SCCP criteria says that if a resident is serving more than 5 years, the individual must serve 2/3 the sentence **and also** be no more than 30 months from the end of the sentence calculated with good time credits.
 2. Taking just good time into account, Sam will be eligible for SCCP after he has served approximately 7 years—which gets him to 2/3rd his sentence, but because he'd still be more than 30 months from the end of his sentence he'll have to wait until he's served approximately 8 years.
 3. If good time wasn't factored in, Sam would serve 9 ½ years before being eligible for SCCP.



SCCP and Good Time in Practice

Example 3

- Resident Karl is serving a 4-year sentence. Under the 2004 code he is earning 7 days a month of good time because he's participating in work/programming and is well behaved. He maintains his good time because he has no disciplinary actions.
- SCCP criteria says that if a resident is serving 5 years or less, the individual must serve $\frac{1}{2}$ the sentence to be eligible **and also** be no more than 30 months from the end of the sentence calculated with good time credits.
- Taking his good time into account, Karl will be eligible for SCCP after serving approximately 1 year and 7 months, bringing him within the 30 months to release.
- If good time wasn't factored in Karl would serve 2 years.

