



**DEPARTMENT OF CORRECTIONS
AGENCY OF HUMAN SERVICES
STATE OF VERMONT**

NUMBER

316

**POLICY
DIRECTIVE
PROCEDURE**

SUBJECT REDUCTION OF TERM FOR GOOD BEHAVIOR	EFFECTIVE DATE 01/20/96	REVIEWED AND RE-ISSUED	SUPERSEDES 10/29/94
RECOMMENDED FOR APPROVAL BY: <i>[Signature]</i> SIGNATURE	AUTHORIZED BY: <i>[Signature]</i> SIGNATURE		

AUTHORITY

Pursuant to 28 V.S.A., Chapter 3, Sections 101-102; Chapter 9, Section 601; Chapter 11, Sections 811-813, and Sections 851-855, the Commissioner of the Vermont Department of Corrections shall provide for and administer a program of reduction of term for good behavior for offenders.

PURPOSE

A program that allows for the reduction of term for good behavior provides an effective incentive for appropriate behavior in a correctional system. It also serves as a responsible way to reduce terms of confinement by motivating the offender to participate in work, education, and treatment programs.

APPLICABILITY/ACCESSIBILITY

This policy shall apply to individuals committed to the custody of the Commissioner of Corrections. Anyone may have a copy of this policy.

DEFINITIONS

Regional Facility - Correctional facility for inmates serving short sentences, e.g., under two years. Generally there are programs for academic and vocational education, substance abuse, recreation, life skills and leisure time.

Central Facility - Correctional facility for inmates serving long sentences, e.g., over two years. Generally there are programs for academic and vocational education, institutional industries, and recreation.

Work Camp - Residential program where the focus is to provide offenders the opportunity to return value to the community.

POLICY STATEMENTA. Reduction of Term For Good Behavior - All Facilities

A reduction of term of confinement in the amount of five days will be automatically awarded after each month served, provided the inmate has faithfully observed the rules and regulations of the institution to which he/she is committed, pursuant to 28 V.S.A. Section 811(a).

B. Earned Reduction of Term - Central and Regional Facilities

An earned reduction of term of confinement is authorized by 28 V.S.A., Section 811(b). The areas in which an offender may earn this award are:

1. A reduction of up to ten additional days after each month served may be made if the offender participates in treatment, educational or vocational training programs or work identified by the department to address the offender's needs; or
2. A reduction of up to five days after each month served may be made if the offender refuses to participate in such programs or work identified by the department to address the offender's needs, but does participate in other treatment, educational or vocational training programs or work; or
3. A reduction of ten days after each month served shall be made where an offender agrees to participate in a treatment, educational or vocational program or work identified by the department to address the inmate's needs, but is unable to participate due to insufficient program opportunities provided by the department.

The total award of earned reduction of term for an offender shall not exceed ten days after each month served.

C. Work Camp

Additional Reduction in Term - Effective July 1, 1993, a reduction of up to an additional 15 days a month may be made pursuant to 28 V.S.A. ss811(d). The award shall be based upon satisfactory work and program performance as determined by the Superintendent of a community work camp program. This award may be in addition to any award as described above in A. and B. As intended by the Legislature this additional reduction, if awarded, shall be calculated on a day for day basis of time served at a work camp.

Earned Reduction of Term - Inmates earning reduction of term outlined in Section B shall be eligible for the award on a pro-rated basis for time served at a work camp.

D. Documentation

Offenders shall receive personal written notice each month informing them of any reduction in the minimum and maximum terms of confinement. If the maximum allowable amount was not awarded, the notice must explain why. The offenders' case files should contain a monthly cumulative record of such correspondence.

E. Directives and Procedures

The Director of Programs and the Director of Security and Supervision are authorized and responsible for promulgating directives that: (1) establish criteria for awards; (2) identify appropriate work, education and treatment programs discussed in B. above; and (3) establish the method of calculation for earned reduction of term.

District Managers and Superintendents of facilities, community correctional service centers, and work camps are authorized and responsible for developing procedures that: (1) establish criteria for measuring the offender's performance in each of the categories discussed in B., above; (2) establish methods for documenting the offender's performance in each of the categories discussed in B., above; and (3) permit offenders to appeal the award, or failure to award, any earned reduction of term credit.

F. Final Month of Confinement or Furlough

For offenders confined at central and regional facilities or on furlough, the award of earned reduction of term for the final month of confinement or furlough shall be computed where awarded on a pro-rated basis for time served that month.

G. Denial and Forfeiture of Reduction of Term

Any or all of an offender's reduction of term credit for good behavior as outlined in Section A may be forfeited if the offender commits a Major A or B infraction during the month for which the reduction of term was awarded. Additionally, up to five days previously awarded reduction of term credit for good behavior may be forfeited for each subsequent infraction during the same month, consistent with sanction guidelines described in Directive 410.03. Forfeiture or denial of earned reduction of term as outlined in Sections B and C may not be based upon the disciplinary process as outlined in Policy 1021 (new #410). However, program criteria may provide for denial of earned reduction of term credit for infraction of program performance standards.

H. Detentioners

Detentioners may volunteer to participate in case plan programs that would be deemed appropriate based on assessment if they were in a sentenced status and program space is available. Detentioners are not eligible for automatic awards of Earned Reduction of Term. To be eligible for the criteria of the award and loss of earned reduction of term credit, the period of detention must be ordered to be credited toward the service of the sentence, pursuant to 13 V.S.A., Section 7031(b).

I. Restoration of Denied Reduction of Term Credit

District Managers and Superintendents of facilities, community correctional service centers, and work camps may restore reduction of term credit previously forfeited, wholly or in part, with the approval of the Commissioner of Corrections.

J. Furloughs

For the purposes of this policy there is no distinction between offenders on furlough and offenders who are incarcerated.

SUBJECT

REDUCTION OF TERM FOR GOOD BEHAVIOR (316)

PAGE 4 OF

4 PAGES

K. Appeals of Earned Reduction of Term

Offenders wishing to contest an award or failure to award earned reduction of term must do so within the time limits prescribed by directives promulgated under Section E. above.