POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER 7.2	PAGE NUMBER 1 of 5
	RELATED ACA STANDARDS: 2-CO-1E-05, 2-CO-1E-09	
CHAPTER: 7 CENTRAL OFFENDER RECORDS	SUBJECT: APPLICATION OF GOOD TIME	
APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:	3/14/2016	
APPROVED FOR PUBLIC RELEASE		

I. AUTHORITY: 10 *Del. C.* § 8805; 29 *Del. C.* § 8903 (4)(5)(7); 11 *Del. C.* § 4204 (k), 4214, 4346, 4372, 4373, 4381, 4382; 21 Del. C. § 4177(d).

II. PURPOSE: To establish an accurate and consistent system for recording and reporting statutory and meritorious good time credits.

III. APPLICABILITY: All Department staff, contract staff and offenders in Department custody.

IV. DEFINITIONS:

Delaware Automated Correctional System (DACS) – Department's offender management system.

Earned Statutory Good Time: Good time that is earned as authorized by statute for "good behavior".

Earned Meritorious Good Time: Good time that is earned through participation in education, rehabilitation, work or other programs as designated by the Commissioner.

Earned Meritorious Bonus Good Time: Good time that is earned for successful completion of an approved program designed to reduce recidivism and approved by the Commissioner.

Mandatory Sentence: Sentence requires a specific amount of incarceration; good time reduction is permitted unless otherwise stated by statute.

Minimum Sentence: Sentence shall not be subject to suspension by the court; good time reduction is permitted unless otherwise stated by statute.

Minimum/Mandatory Sentence: Sentence required is a minimum/mandatory term of incarceration; good time reduction is permitted unless otherwise stated by statute.

Non-TIS Sentence: Sentence imposed prior to the implementation of Truth in Sentencing.

Parole Eligibility Date (PED): The date in which an offender is eligible to apply for parole if applicable.

Truth in Sentencing (TIS): Sentencing law intended to ensure that an offender serves the sentence imposed, less any good time accrual. TIS applies to offenders sentenced for crimes committed on or after July 1, 1990, under Title 11 and 16 of Delaware Code and DUI Felony charges with an offense date on or after July 27, 2015, under Title 21 Del. C. § 4177.

V. POLICY: To ensure proper statutes and procedures are utilized, Department staff and contract staff will provide precise and consistent recording of good time credits once the good time has been approved.

VI. PROCEDURES: There are two categories of Good time sentence reductions: Statutory and Meritorious.

Statutory good time is provided by statute to all sentences for good behavior with the exception of those offenders sentenced to life under Title 11 *Del. C.* § 4214 or 4204(k). Rates of reduction of statutory good time are different for Non-TIS and TIS sentences.

Meritorious good time is earned by the individual offender for participation in education, rehabilitation, work or other programs and successful completion of designated programs. Rates of reduction of meritorious good time are the same for Non-TIS and TIS sentences.

For the purposes of computing the reduction of confinement time, consecutive sentences are regarded "back to back" (added together) and the total possible reduction in time is based on the total of the sentences.

For those offenders eligible for parole; they may be released on parole if they have served one-third of their sentence imposed by the Court, such terms to be reduced by statutory and meritorious credits where applicable.

The initial PED is calculated by the DOC upon sentence calculation. For purposes of calculating the PED for those offenders sentenced to life imprisonment, life shall be considered 45 years. Upon initial appearance before the Board of Parole (BOP) and denied; the BOP sets the PED, which is not eligible for reduction.

Statutory good time guidelines:

Non-TIS statutory good time computation applies to sentences imposed by the Courts for crimes committed prior to July 1, 1990. Certain offenders may earn diminution of their confinement by their behavior, fidelity and compliance with the rules.

An offender may have his release date reduced at the following rates:

Length of Sentence	Reduction of Sentence
1 year	5 days per month
Over 1 year and including 2 years	7 days per month
Over 2 years and including 3 years	9 days per month
Over 3 years and thereafter	10 days per month

Statutory Non-TIS good time allowances are shown on the table in Appendix I of this policy.

TIS statutory good time computation applies to sentences imposed by the Courts for crimes committed on or after July 1, 1990 although those offenders sentenced between January 1, 1990 and July 1, 1990 may choose to be sentenced under TIS or Non-TIS.

An offender sentenced under TIS is not eligible for work release programs until the last 180 days of the sentence with the exception of sentences of less than one year, where the offender is eligible for work release after serving 5 days of the sentence at Level V. Sentences imposed under TIS are not eligible for Parole. However, the Parole Board will review requests for sentence modifications.

An offender may have his release date reduced at the following rates:

Length of Sentence	Reduction of Sentence
1 year	2 days per month
Over 1 year and thereafter	3 days per month

No person shall be awarded more than 36 days of good time for good behavior in any 1 year consisting of 365 calendar days actually served. Statutory TIS good time allowances are shown on the table in Appendix II of this policy.

Meritorious good time guidelines:

Non-TIS and TIS meritorious good time computation may be earned by participation in education, rehabilitation, work or other programs as designated by the Commissioner. Good time may be awarded for satisfactory participation in approved programs at a rate of up to (5) days per calendar month.

Offender attendance and participation must be officially recorded; approved by facility staff, contract staff and submitted in hours no later than the first week of the following month and forwarded to Central Offender Records (COR) to award good time. The earned good time will be applied at the conclusion of the month per Title 11 *Del. C.* § 4381.

Offenders in education, rehabilitation, work or other programs will receive meritorious good time credit reduction according to the following schedule:

Combined Hours/Attended Per Month	Reduction of Sentence
101 or more	5 days
86 to 100.99	4 days
66 to 85.99	3 days
46 to 65.99	2 days
At least 12 to 45.99	1 day

Good time credits earned through participation in designated education/rehabilitation/work programs by non-sentenced offenders will be recorded and maintained just as a sentenced offender. Upon sentencing, all earned good time accumulated will be put towards reduction of the offender's sentence.

Meritorious Bonus Good Time:

Offenders who successfully complete certain designated programs may be awarded "bonus" good time credits up to 60 days. Listed below are the programs that qualify for the awarding of bonus good time and the number of bonus days that may be deducted:

Program	Number of Bonus Days
KEY	30 days
Crest	15 days
Women in Transitions	4 days
Greentree Program	4 days
Transitions Sex Offender Program	4 days
GED	4 days
High School Diploma	4 days
Computer Apprenticeship	4 days
Head Start	4 days
The Impact of Crime on Victims	4 days

No more than a total of 160 days of good time (statutory and meritorious combined) may be earned in any 1 year consisting of 365 days actually served.

Forfeiture and Restoration of Good Time:

Any offender subject to the custody of the Department at Level IV or V shall, upon the conviction of any crime committed during the term of the sentence, forfeit all good time accumulated to the date of the criminal act; this forfeiture is not subject to suspension.

Any offender subject to the custody of the Department at Level IV or V who is determined to have violated the rules of the Department shall forfeit all or part of the good time accrued to the date of such offense. Forfeiture under this subsection may be suspended by the Department for the purposes of encouraging rehabilitation or compliance with discipline.

When good time is actually forfeited by order, it may not be recovered by the incarcerated person.

Facility staff will inform Central Offender Records (COR) of such forfeitures.

Any offender subject to the custody of the Department at Level IV or Level V, who is found by a court to have filed a factually frivolous claim, malicious claim or legally frivolous claim and sanctioned by the court shall be deemed to have failed to earn behavior good time credits and shall have a portion of the good time credits accumulated forfeited to the extent and in accordance with the order issued.

Appendix I

Statutory Goodtime Table

Non-TIS Sentences

Sentence	Goodtime				Balance to Serve		
in years	years	mos	days	total days	years	mos	days
1 year	00	02	00	60	00	10	00
2 years	00	04	24	144	01	07	06
3 years	00	08	12	252	02	03	18
4 years	01	00	07	372	02	11	23
5 years	01	04	07	492	03	07	23
6 years	01	08	06	612	04	03	24
7 years	02	00	02	732	04	11	28
8 years	02	04	02	852	05	07	28
9 years	02	08	02	972	06	03	28
10 years	03	00	00	1092	07	00	00
11 years	03	03	27	1212	07	08	03
12 years	03	07	27	1332	08	04	03
13 years	03	11	27	1452	09	00	03
14 years	04	03	22	1572	09	08	08
15 years	04	07	12	1692	10	04	18
16 years	04	11	22	1812	11	00	08
17 years	05	03	17	1932	11	08	13
18 years	05	07	17	2052	12	04	13
19 years	05	11	17	2172	13	00	13
20 years	06	03	12	2292	13	08	18
21 years	06	07	12	2412	14	04	18
22 years	06	11	12	2532	15	00	18
23 years	07	03	07	2652	15	08	23
24 years	07	07	07	2772	16	04	23
25 years	07	11	07	2892	17	00	23
26 years	08	03	02	3012	17	08	28
27 years	08	07	02	3132	18	04	28
28 years	08	11	02	3252	19	00	28
29 years	09	02	27	3372	19	09	03
30 years	09	06	27	3492	20	05	03
31 years	09	10	27	3612	21	01	03
32 years	10	02	27	3732	21	09	03
33 years	10	06	27	3852	22	05	03
34 years	10	10	27	3972	23	01	03
35 years	11	02	27	4092	23	09	03

Appendix II

Statutory Goodtime Table

TIS Sentences

Sentence	Goodtime				Balance to Serve		
in years	years	mos	days	total days	years	mos	days
1 year	00	00	24	24	00	11	06
2 years	00	02	00	60	01	10	00
3 years	00	03	06	96	02	08	24
4 years	00	04	12	132	03	07	18
5 years	00	05	18	168	04	06	12
6 years	00	06	24	204	05	05	06
7 years	00	08	00	240	06	04	00
8 years	09	09	06	276	07	02	24
9 years	00	10	12	312	08	01	18
10 years	00	11	18	348	09	00	12
11 years	01	00	19	384	09	11	11
12 years	01	01	25	420	10	10	05
13 years	01	03	01	456	11	08	29
14 years	01	04	07	492	12	07	23
15 years	01	05	13	528	13	06	17
16 years	01	06	19	564	14	05	11
17 years	01	07	25	600	15	04	05
18 years	01	09	01	636	16	02	29
19 years	01	10	07	672	17	01	23
20 years	01	11	13	708	18	00	17