

**REPORT OF THE  
VIRGINIA STATE CRIME COMMISSION ON**

**Good Conduct Allowances  
for Prisoners in Local  
Correctional Facilities**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 50**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1993**



# COMMONWEALTH of VIRGINIA

## VIRGINIA STATE CRIME COMMISSION

General Assembly Building

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EXECUTIVE DIRECTOR

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November 17, 1992

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GEORGE F. RICKETTS, SR.  
ATTORNEY GENERAL'S OFFICE  
H. LANE KNEEDLER

TO: The Honorable L. Douglas Wilder, Governor of Virginia  
and Members of the General Assembly

House Joint Resolution 14, agreed to by the 1992 General Assembly directed the Virginia State Crime Commission to "study the operation of Virginia's good time laws with particular emphasis on the application of such provisions to state-responsible prisoners being held in local correctional facilities" and "to submit its findings to the Governor and the 1993 Session of the General Assembly."

In fulfilling this directive, a study was undertaken by the Virginia State Crime Commission. I have the honor of submitting herewith the study report on good conduct allowances for prisoners in local correctional facilities.

Respectfully submitted,

Robert B. Ball, Sr.  
Chairman

RBB:sc

**Members of the  
Virginia State Crime Commission, 1992**

**From the Virginia Senate:**

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**Attorney General's Office:**

H. Lane Kneedler

**Crime Commission Subcommittee Studying  
Good Conduct Allowances (HJR 14)**

**Crime Commission Subcommittee Members**

Reverend George F. Ricketts, Sr., Subcommittee Chmn.  
Senator Elmo G. Cross, Jr.  
Delegate V. Thomas Forehand, Jr.  
Delegate Raymond R. Guest, Jr.  
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Senator Edgar S. Robb

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**Study of Good Conduct Allowances  
House Joint Resolution 14 (1992)**

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## **Study of Good Conduct Allowances**

### **House Joint Resolution 14 (1992)**

#### ***I. Authority for Study***

During the 1992 Session of the Virginia legislature, Delegate Harry J. Parrish sponsored House Joint Resolution No. 14 , requesting and authorizing the Virginia State Crime Commission to "study the operation of Virginia's good time laws with particular emphasis on the application of such provisions to state-responsible prisoners being held in local correctional facilities." (See, Appendix A.)

Sec. 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission "to study, report, and make recommendations on all areas of public safety and protection." Sec. 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Sec. 9-125, and to formulate its recommendations to the Governor and the General Assembly." Sec. 9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study of Good Conduct Allowances as requested and authorized by HJR 14.

#### ***II. Members Appointed to Serve***

At the April 21, 1992, meeting of the Crime Commission, Chairman, Robert B. Ball, Sr., Delegate from Henrico, selected the Reverend George F. Ricketts, Sr., to serve as Chairman of the subcommittee (Subcommittee No. III) assigned to study "good conduct allowances." The following members of the Crime Commission were selected to serve on the subcommittee:

The Reverend George F. Ricketts, Sr.  
Senator Elmo G. Cross, Jr.  
Delegate V. Thomas Forehand, Jr.  
Delegate Raymond R. Guest, Jr.  
H. Lane Kneedler  
Senator Edgar S. Robb

### **III. Study Design**

In accordance with the implicit directives of HJR 14 (1992), the subcommittee conferred with, and received extensive testimony from interested representatives in the community of jailers. The subcommittee also conferred with those representatives from the Virginia General Assembly with an interest in the study. Significant correspondence, both solicited and unsolicited, was received and reviewed by the subcommittee. Commission staff researched the practical implications of modifying the standards for good conduct allowances and of granting further control of the calculation of felon release dates to local jailers and surveyed all Virginia sheriff's offices, regional jails and jail farms on those issues. (See, Appendix C.) The subcommittee carefully reviewed, with the full advice of those persons listed above, the full array of complex information before it and made findings and recommendations, as necessary and appropriate, to the full Commission. Meetings of, and reports to, the subcommittee were scheduled as follows:

Initial Report/Meeting ..... June 23, 1992  
Interim Report ..... August 25, 1992  
Final Report/Meeting ..... September 22, 1992

The subcommittee presented its findings and recommendations to the full Commission on November 17, 1992.

### **IV. Executive Summary**

The study of good conduct allowances, authorized by House Joint Resolution 14 (1992), sponsored by Delegate Harry J. Parrish, sought to determine and correct

the disparities in treatment of parole eligible and parole ineligible inmates held in local jails. The major issues discussed were:

**A. Whether good conduct computations for parole eligible inmates should be conducted in-house by the jailers responsible for those inmates rather than be conducted (as they are now) by the Department of Corrections.**

This issue arose because of the delays frequently encountered by local jails in the return from the Department of Corrections (DOC) of release dates computed by DOC for the jail inmates. The recommended good conduct classification is made by the jailer with respect to all of his inmates. In the case of local inmates, he is able to instantly implement his recommended good time allowance. In the case of state responsible inmates, he must send the recommended classification to DOC and await the calculation and return to the jail of a prospective inmate release date. This process can take six to eight weeks or more, sometimes resulting in the return of a calculated release date which has already passed. (E.g., the inmate should have been released on June 1 according to the calculation but the jailer receives the calculation on June 15.)

**B. Whether the disparity in time served by similarly sentenced felons (or parole eligible inmates) and misdemeanants (locally responsible - with twelve months or less to serve) should be reduced by increasing the "good time allowance" for locally responsible inmates to two days for each day served instead of one day served.**

This issue arose because a misdemeanor sentenced to twelve months in jail will typically serve six months (with good time allowances). A felon sentenced to a year, however, will (with good time and parole allowances) typically serve approximately only 90 days. An increase in good time for a "local" inmate from one to two days for each day served would almost eliminate the disparity.

**C. Whether the disparity in initial good time earned by jail-sentenced felons (15 days for 30 served) and prison-sentenced felons (20 days for 30 served) should be removed.**

This issue responds to a five-day good time allowance disparity that is based on the possibility that the jail-sentenced inmate could receive an additional 5 days



good time for "performance of institutional work assignments." If such assignments are not available (as would often be the case in an overcrowded institution) such an inmate would be limited to 15 days for 30 served even though his conduct is exemplary. A prison-sentenced inmate initially receives 20 days for 30 served - unless and until his behavior suggests a different classification.

The subcommittee considered each of the major issues carefully and, responding to testimony from the patron, interested jailers, DOC and other interested parties, recommended that the process of calculating release dates for parole eligible inmates housed in local facilities should remain with DOC. To transfer the responsibility to the local facilities would tax those facilities beyond their capabilities. In the meantime, the subcommittee requested that the DOC periodically report to the Crime Commission on the status of their ongoing efforts to improve the response time for release date calculations.

On the issues of increasing "good time" rates for prisoners held in local facilities, the subcommittee recommended that both of the rates should be increased. The subcommittee ultimately concurred with the recommendation of the Commission on Prison and Jail Overcrowding (COPJO) that misdemeanants (parole ineligible inmates) should receive two days of good time for each one served. (See, Appendix B for COPJO report excerpts.) The subcommittee also recommended that, given the disparate application of the five days' "extraordinary good time" for locally held parole eligible inmates, their initial good time rate should be increased from 15 to 20 days for each 30 served (equivalent to their counterparts in prison).

Upon review of the subcommittee recommendations, the full Commission voted a.) to remove the disparity between the jail terms served by parole ineligible inmates and similarly classified parole-eligible inmates, b.) to remove the discrepancy in initial good time allowance given to jail-sentenced parole eligible inmates and prison-sentenced inmates, and c.) to request that the Department of Corrections periodically report to the Crime Commission the status of any review of, or improvement to, the good conduct allowance computations, specifically with reference to computations performed for jail-sentenced inmates.

## **V. Issue Outline**

### **A. Four Categories of Inmates to Distinguish:**

1. Felons in prison (See, §53.1- 192 et seq.)
2. Felons in jail serving time (See, §53.1-116.)
3. Parole eligible inmates (typically felons) in jail
4. Parole ineligible inmates (typically misdemeanants) in jail

### **B. Issues Affecting Actual Release Date:**

1. "Extraordinary Good Time" (See, §53.1-191.)
2. Mandatory release six months prior to actual release date (See, §53.1- 159.)
3. Classification for Good Conduct Allowance (See, §53.1-201.)

### **C. Questions of Jailers re State Responsible Inmates:**

1. Whether to award good time to prisoners a) who will eventually be transferred, or b) who will never be transferred?
2. Whether the responsibility for computing good conduct time for both parole eligible and non-parole eligible inmates should reside solely with the jailer?

### **D. Whether Similarly Situated Prisoners Should Be Given Similar Time:**

1. A Class 1 misdemeanor with twelve months to serve will actually serve approximately six months; a felon with one year to serve will serve approximately 90 days (assuming both receive maximum good time allowances).
2. A Class 6 felon may receive up to twelve months in jail (non-parole eligible) or one year in jail (parole eligible). Two similarly convicted but dissimilarly sentenced individuals guilty of the same crime would be released from jail at six months and 90 days, respectively.
3. A parole eligible inmate sentenced to serve time in jail receives initial good time at a maximum of 15 days for 30 served (See, §53.1-116.) whereas had he been sentenced to serve his time in prison, he would receive 20 for 30 (a Class II classification per §53.1-202).

**VI. Findings and Conclusions Regarding Existing Inequities  
in the Good Conduct Allowance System**

**A. Finding: "Local inmates" serve more time than similarly sentenced felons.**

§53.1-116 provides for one day of good time for each one day served by an inmate who is ineligible for parole pursuant to §53.1-151, 152, and 153. This rule encompasses local inmates serving time for, e.g., a misdemeanor (12 month sentence or less). (This also would seem to encompass those persons ineligible for parole because their crimes are so numerous or wanton as to deny them parole, though there is no indication that the statute has been applied that way.)

Because of mandatory parole provisions, an inmate who is sentenced to a year in prison for a felony and classified in Class II (20 days for 30) can expect to serve approximately 3.6 months in jail.<sup>1</sup> However, a misdemeanant sentenced to twelve months and exhibiting good behavior can only earn one day for one and will spend six months in jail. In 1989, the Commission on Prison and Jail Overcrowding (COPJO) recommended amending the law to provide for two days for each one day served by jail inmates serving twelve months or less instead of the then current law which allowed 15 days for 30. The General Assembly passed a compromise provision in 1990 which is the current law (one day for one).

**Conclusion: This existing inequity in the good time system could be corrected by an amendment to §53.1-116:**

The good conduct allowance provision for parole-ineligible inmates (misdemeanants with 12 months or less to serve) could be amended to more closely approximate that of parole-eligible inmates (felons or those with more than 12 months to serve).

**B. Finding: Parole eligible inmates in local jails initially receive less good time than their counterparts in prison.**

§53.1-116 provides for 15 days of good time for each 30 days served by an inmate who is eligible for parole. This rule encompasses those prisoners who are serving more than twelve months due to a combination of misdemeanors or of misdemeanors and felonies or felonies alone, who may or may not be "state

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<sup>1</sup>Final Report of the Commission on Prison and Jail Overcrowding, p. 45, 1989.

responsible.” §53.1-201 sets forth the good conduct allowance (GCA) levels established for state responsible inmates. A Class II inmate earns 20 days for each 30 served upon initial classification in the department and until his behavior suggests a higher or lower classification. Thus, a prisoner held in jail earns at most 15 days for 30 days good behavior whereas a similarly situated prisoner held in prison earns at least 20 days for each such 30 days served.

**Conclusion: This existing inequity in the good time system could be corrected by an amendment to §53.1-116:**

Amend the good conduct allowance for parole-eligible inmates held in local facilities to make it equivalent to the initial allowance given prison inmates.

**C. Finding: Good Time Allowance computations are confusing to and distant from parole eligible jail inmates.**

The Code sections defining the good time computation and parole are difficult to understand for both inmates and jail personnel. The computation itself is complex and relies on a considerable amount of data from many sources concerning the inmate. The Department of Corrections is responsible for determination of parole eligible inmate release dates based upon their statutory parole eligibility and good time allowances even though the inmates are governed by the rules and regulations of another institution (the jail). A possible inmate perception is that the jail staff are not key figures in the good time process and have little control over release dates.

**Conclusion: All good conduct allowance computations could be turned over to the jailers but this would potentially create more problems than it solves:**

Jailers would likely require additional personnel and significant training and, in some cases, additional equipment; time computation for felons is difficult, time consuming, paper record intensive and requires computer connection to VCIN and NCIC.

A jailer would have to find out if the inmate had any prior felonies in order to determine his present parole eligibility status. A jailer would have to determine prior FTT's (felony term indicators) to assure that the inmate's parole eligibility is not affected by a prior felony conviction. The inmate may have done time for a

felony in prison or in any jail in the Commonwealth and the jailer would have to know. (Most jails probably doesn't have access to NCIC and VCIN.) And a jailer would have to verify whether the time served actually was a "felony term" or not. This is complicated by the fact that a Class 6 felony is counted as a felony term now whether the inmate is sentenced to twelve months or a year. Formerly it was considered a felony term only if he was sentenced to a year.

**D. Finding: There is a significant time lag between the jail's review of the good conduct allowance for a state responsible inmate and the receipt of a recomputed release date.**

In addition to the fairness issue associated with the different methods of computation of good time for local and state inmates, there is an immediate determination of a release date made for a local inmate because the good time computation is done by the jailer. However, because the computation is not done by the jail for a state-responsible inmate, the recomputed release date is not available to the inmate until as much as six to eight weeks after the assessment is made by the jailer that the inmate is eligible for a different classification. In some cases, the delay is longer.

**Conclusion: 1. Turn over all good conduct allowance computations to the jailers. (See , Conclusion C., above.) 2. Update the database management system at the Department of Corrections (DOC):**

DOC has approved payment for an in-house assessment by the Department of Information Technology of the current system used to enter inmate data into the vast database. Data entry is apparently a significant bottleneck in the release date calculation process. DOC hopes that the assessment will reveal a reasonably inexpensive solution and, if implemented, expects that improved data input will speed the process.

## ***VII. Recommendations***

### **Recommendation No. 1.**

Recommend that §53.1-116 be amended to a.) remove the disparity between the terms served by parole ineligible inmates and similarly classified parole eligible inmates, and b.) to remove the discrepancy in initial good time allowance given to jail-sentenced parole eligible inmates and prison-sentenced inmates.

### **Recommendation No. 2.**

Recommend that the Department of Corrections periodically report to the Crime Commission the status of any review of, or improvement to, the good conduct allowance computations, specifically with reference to computations performed for jail-sentenced inmates.

Appendix A

House Joint Resolution 14  
and  
Representative Code Sections

1992 SESSION  
ENGROSSED

HP4004396

HOUSE JOINT RESOLUTION NO. 14

House Amendments in [ ] - January 21, 1992

*Requesting the Virginia State Crime Commission to study good conduct allowances for prisoners in local correctional facilities.*

Patrons—Parrish, Brickley and Marshall; Senators: Chichester and Colgan

Referred to the Committee for Courts of Justice

WHEREAS, current statutory standards for the award of good conduct allowances (“good time”) distinguish among prisoners in state correctional facilities, prisoners in local correctional facilities serving felony sentences, prisoners in local correctional facilities serving misdemeanor sentences, and prisoners in local correctional facilities awaiting transfer to state correctional facilities; and

WHEREAS, the release date of a prisoner in a state correctional facility may also be affected by other factors such as the award of “extraordinary good time,” mandatory parole release six months prior to the conclusion of a sentence, and the classification system for good conduct allowances; and

WHEREAS, there appears to be some uncertainty among local correctional facility officials regarding the propriety of awarding good conduct allowances (i) to prisoners held in local facilities awaiting transfer to a state facility or (ii) to such prisoners who serve their entire sentences before transfer can occur; and

WHEREAS, the aforementioned issues may result in similarly situated prisoners being treated in dissimilar ways; and

WHEREAS, fairness and due process require equal treatment of all prisoners regardless of their place of incarceration; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be requested to study the operation of Virginia’s good time laws with particular emphasis on the application of such provisions to state-responsible prisoners being held in local correctional facilities.

The Commission shall complete its work in time to submit its findings to the Governor and the [ 1992 1993 ] Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing legislative documents.

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**§ 53-116. What records jailer shall keep; how time deducted or added; payment of fine and costs by person committed to jail until he pays.** - A. The jailer shall keep a record describing each person committed to jail, the terms of confinement, for what offense or cause he was committed, and when received into jail. The jailer shall keep a record of each prisoner. **Each prisoner not eligible for parole under §§ 53.1-151, 53.1-152 or § 53.1-153 shall earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail prior to conviction and sentencing, in which the prisoner has not violated the written rules and regulations of the jail unless a mandatory minimum sentence is imposed by law. Prisoners eligible for parole under §§ 53.1-151, 53.152 or § 53.1-153 shall earn good conduct credit at a rate of fifteen days for each thirty days served with satisfactory conduct. The jailer may grant the prisoner additional credit for performance of institutional work assignments at the rate of five days for every thirty days served. The time so deducted shall be allowed to each prisoner for such time as he is confined in jail. For each violation of the rules prescribed herein, the time so deducted shall be added until it equals the full sentence imposed upon the prisoner by the court. So much of an order of any court contrary to the provisions of this section shall be deemed null and void.**

B. Notwithstanding the provisions of § 19.2-350, in the event a person who was committed to jail to be therein confined until he pays a fine imposed on him by the court in which he was tried should desire to pay such fine and costs, he may pay the same to the person in charge of the jail. The person receiving such moneys shall execute and deliver an official receipt therefor and shall promptly transmit the amount so paid to the clerk of the court which imposed the fine and costs. Such clerk shall give him an official receipt therefor and shall properly record the receipt of such moneys.

**§ 53.1-129. Order permitting prisoners to work on state, county or city property; bond of person in charge of prisoners.** - The judge of the circuit court of any county or city may, by order entered of record, allow persons confined in the jail of such county or city who are awaiting disposition of, or serving sentences imposed for, misdemeanors or felonies to work on state, county or city property on a voluntary basis with the consent of the county, city or state agency involved. The judge of the district court of any county or city may allow persons confined in the jail of such county or city who are awaiting disposition of, or serving sentences imposed for, misdemeanors to work on state, county or city property on a voluntary basis with consent of the county, city or state agency involved. **Prisoners performing work as provided in this paragraph shall receive credit on their respective sentences for the work done, whether such sentences are imposed prior or subsequent to the work done, as the court may in the order prescribe.**

The judge may, by order entered of record, require a person convicted of a felony to work on state, county or city property, with the consent of the county, city or state agency involved, for such credit on his sentence as the judge may prescribe in his order.

In the event that a person other than the sheriff is designated by the court to have charge of such prisoners while so working, the court shall require a bond of the person, in an amount to be fixed by the court, conditioned upon the faithful discharge of his duties. The sheriff shall not be held responsible for any acts omission or commission on the part of such person.



**§ 53.1 - 192. Applicability of article.** - The provisions of this article shall be applicable only to those persons who were convicted, sentenced and committed to the Department prior to July 1, 1981, and who, in accordance with § 53.1-198, are not governed by the system of good conduct allowances established in Article 3 (§ 53.1-198 et seq.) of this chapter. (1982, c. 636.)

**§ 53.1-193. Good conduct credits for persons convicted prior to October 1, 1942; effect of credit upon eligibility for parole.** - Every person convicted of a felony before October 1, 1942, except those referenced in § 53.1-194, shall, for every month that he is held in confinement after June 24, 1944, in any state correctional facility, without violating any prison rule or regulation, be allowed a credit of thirty days upon the total term of confinement to which he has been sentenced, in addition to the time he actually serves. Any credit allowed under the provisions of this section shall also be considered as reducing the term of imprisonment to which the prisoner was or is sentenced for the purpose of determining his eligibility for parole.

**§ 53.1-194. Good conduct credits for prisoners committing crimes, pardon violators and escapees convicted prior to October 1, 1942; effect of credit upon eligibility for parole.** - Every person convicted of a felony before October 1, 1942, who had once before been convicted of a felony and regularly discharged from the state corrections system, or who, prior to June 24, 1944, had been returned to a state correctional facility for violating the terms of a conditional pardon, or who had been convicted of a crime while serving his sentence in a state correctional facility or from a local correctional facility while awaiting trial or transfer to a state correctional facility, shall, for every month he is confined in any state correctional facility after such date, without violating any prison rule or regulation, be allowed credit of fifteen days upon the total term of confinement to which he has been sentenced, in addition to the time he actually serves. Every person convicted of a felony before October 1, 1942, who is returned thereafter to a state correctional facility for violating the terms of a conditional pardon, or who commits a crime while serving his sentence in a state correctional facility, or who escapes or attempts to escape from a state correctional facility, shall, for every twenty days he is held in confinement after his return to a state or attempted escape, without violating any prison rule or regulation, be allowed a credit of only ten days upon the total term of confinement to which he has been sentenced, in addition to the time he actually serves.

Any credit allowed under the provisions of this section shall also be considered as reducing the term of imprisonment to which the prisoner was or sentenced for the purpose of determining his eligibility for parole.

So much of an order of any court contrary to the provisions of this section shall be deemed null and void.

**§ 53.1-195. Credits earned prior to 1944.** - Such credit as any person may have earned pursuant to § 53.1-193 or § 53.1-194 and not forfeited prior to June 24, 1944, shall remain to his credit, unless forfeited as hereinafter provided.

**§ 53.1-196. Good conduct credits of persons convicted after October 1, 1942; effect of credit upon eligibility for parole.** - Every person convicted of a felony on or after October 1, 1942 and every person convicted of a misdemeanor and confined in any state correctional facility shall, for every twenty days of confinement after sentence, either in a local correctional facility awaiting transfer to the Department or in any state correctional facility serving the sentence imposed upon him, without violation of any written jail or prison rule or regulation, be allowed a credit of ten days upon his total term of confinement to which he has been sentenced, in addition to the time he actually serves. So much of the credit allowed to misdemeanants by this section as applies to time served prior to June 24, 1944, shall be in lieu of, and not in addition to, any credit they may have earned under the law as it existed prior to such date.

Any credit allowed under the provisions of this section shall also be considered as reducing the term of imprisonment to which the prisoner was or is sentenced for the purpose of determining his eligibility for parole.

So much of an order of any court contrary to the provisions of this section shall be deemed null and void.

**§ 53.1-197. Credit allowed for vocational or educational training.** - Every person sentenced to the Department, while in a local or state correctional facility, who participates in vocational or educational training while confined, or who shows such interest and application in his work assignment as to exhibit unusual progress toward rehabilitation, may, in the discretion of the Director be allowed a credit toward his parole eligibility date and upon the total term of confinement to which he has been sentenced. Such credit may be from one day to five days for each month he has been engaged in such vocational or educational training or has applied himself in excess minimal work assignment requirements. Any credit accumulated prior to June 1, 1975, toward the term of confinement may, in the discretion of the Director, be credited toward such prisoner's parole eligibility date.

**§ 53.1-198. Certain persons to choose good conduct system.** - Every person who, on or before June 30, 1981, was convicted of a felony and every person convicted of a misdemeanor, and to whom the provisions of §§ 53.1-151, 53.1-152 or § 53.1-153 apply, may choose the system of good conduct allowances established in §§ 53.1-199 through 53.1-202 to govern the computing of his discharge date and eligibility for parole. A person who chooses the system established in this article may not thereafter be governed by the laws establishing good conduct allowances in effect prior to July 1, 1981.

**§ 53.1-199. Eligibility for good conduct allowance; application.** - Every person who, on or after July 1, 1981, has been convicted of a felony and every person convicted of misdemeanor and to whom the provisions of §§ 53.1-151, 53.1-152 or § 53.1-153 apply, and every person who, in accordance with § 53.1-198, chooses the system of good conduct allowances set out herein, may be entitled to good conduct allowance not to exceed the amount set forth in § 53.1-201. Such good conduct allowance shall be applied to reduce the person's maximum term of confinement while he is confined in any state correctional facility.

One-half of the credit allowed under the provisions of § 53.1-201 shall be applied to reduce the period of time a person shall serve before being eligible for parole.

A person who has been sentenced to a term of life imprisonment or two or more life sentences shall be classified within the system established by § 53.1-201. Such person shall be eligible for no more than ten days good conduct credit for each thirty days served, regardless of the class to which he is assigned. One-half of such credit shall be applied to reduce the period of time he shall serve before being eligible for parole. Additional good conduct credits may be approved by the Board for such persons in accordance with § 53.1-191.

**§ 53.1-200. Conditions for good conduct allowance.** - Rules and regulations approved by the Board shall govern the earning of good conduct allowance. The amount of good conduct allowance to be credited to those person eligible therefor shall be based upon compliance with written prison rules or regulations; a demonstration of responsibility in the performance of assignments; and a demonstration of a desire for self-improvement.

**§ 53.1-201. Classification system for good conduct allowance.** - Good conduct allowances shall be based upon a four-level classification system. Such system shall be established as follows:

1. Class I at a rate of thirty days credit for each thirty days served. Class I shall be reserved for persons whose initiative, conduct and performance in their assignments are exemplary. Consideration for Class I credit shall be given to persons who perform in assignments requiring a high degree of trust, extra long hours or specialized skills.

2. Class II at a rate of twenty days credit for each thirty days served. Class II shall be reserved for persons whose initiative, conduct and performance in their assignments are satisfactory. Consideration of Class II credit shall be given to persons who require moderate supervision in their assignments and whose assignments require responsibility in the care and maintenance of property.

3. Class III at a rate of ten days credit for each thirty days served. Class II shall be reserved for persons whose conduct and performance in their assignments are marginal. Persons requiring intensive supervision in their assignments and exhibiting minor disciplinary problems may be assigned to Class III.

4. Class IV at a rate of no credit for each thirty days served. Class IV shall be reserved for persons who are in isolation or segregation status for disciplinary or security reasons and persons whose conduct and performance in their assignments are so unsatisfactory as to eliminate consideration for good conduct allowance.

Persons may be reclassified for an increase or decrease in class according to rules and regulations established pursuant to § 53.1-200.

**§ 53.1-202. Good conduct allowance for previous confinement; entry level.** - Upon receipt by the Department, persons who have been confined while awaiting transfer to a state correctional facility shall be credited with such time as is certified to the Department in accordance with §§ 53.1-116 and 53.1-129 and as is otherwise provided by law. Certified good conduct allowance shall be applied to

reduce the person's maximum term of confinement, and one-half of such credit shall be applied to reduce the period of time the person shall serve before being eligible for parole.

After admission to a state correctional facility, a person shall be credited at the rate of fifteen days for each thirty days of time served with satisfactory conduct. The person shall remain in this credit level until classified in accordance with § 53.1-201.

## **Appendix B**

### **COPJO and JLARC Report Excerpts**

**1.**

#### **EXCERPTS FROM FINAL REPORT OF THE COMMISSION ON PRISON AND JAIL OVERCROWDING, DECEMBER, 1989**

Changes in "Good Time" Computations: Under current "good time credit" allowances (GCA), felons serving a one year sentence earn "good time" at the state rate of 20 days "good time" credit for every 30 days served, if they do not violate the rules of the institution. Additionally, the Mandatory Parole Release Act requires that felons be released on parole supervision six months before the expiration of their sentence. The purpose of this Act was to require that all felons, following their incarceration, be subject to a period of supervision to increase the chances of their successful re-entry into the community. The combined result of mandatory parole and "good time" earnings is that a felon with a one year sentence who follows the disciplinary standards of the institution generally serves 3.6 months. An offender serving time for a misdemeanor earns "good time" at the jail rate of 15 days for 30 days served, and is not eligible for discretionary or mandatory parole. The result is that a misdemeanant serving a 12 month sentence actually serves 8.17 months.

Because this seemed unjust and counter to a reasonable approach to punishment for the two categories of offenses, the Commission sought a way to provide parity of time served between the one year felon sentence and the 12 month misdemeanant sentence, on the premise that a less serious offense should not result in more time spent in incarceration than the more serious felony offense.

While parity can be achieved on the issue of "good time" credit alone, at a rate of 20 days earned for 30 served, this will not achieve parity on time served because of the 6 month mandatory release provision which applies to all felons in Virginia. The Committee considered eliminating mandatory parole for the one year felon but discovered that such an action would dramatically increase the jail population and would undermine the benefits sought by supervision of felons in the community. Granting mandatory parole to misdemeanants was also considered and dismissed as generally unnecessary for these less serious offenders and because of the impact on parole supervision caseloads.

Therefore, the closest to parity of time served that can be achieved using GCA alone as the equalizing tool for misdemeanant sentences is a GCA rate of two days earned for one day served in which the prisoner has not violated the rules of the jail. This would result in a twelve-month misdemeanant with no institutional infractions serving four months in jail, which would still be slightly more than a comparable one year felon sentence.

There is currently a statutory provision that allows sheriffs discretion to award "exemplary good time" at a rate of five days per month. While "good time" is

awarded for following the rules of the institution , "exemplary good time" implies conduct that exceeds the established standards of behavior. This award is rarely used by sheriffs because it is difficult to define and defend.

Changes in the rate of jail "good time" credit would have the effect of bringing time served by misdemeanants in jails in line with time served by felons, eliminating the present practice of less serious offenders serving more time, while retaining important insurances of public safety - mandatory parole - for the more serious felony offenders. Because approximately 16 percent of the statewide jail population is misdemeanants, changes in the rate of jail "good time" could also have the additional advantage of relieving overcrowding and freeing up costly and limited institutional space for more serious offenders. Commission staff estimate a statewide reduction of as much as 8 percent of the jail population as a result of a change in "good time" credit, although the effect would vary for specific jails according to the composition of each local jail population.

At the state level, the use of the level system of "good time" provides an incentive for successful institutional adjustment. The Department of Corrections is in the process of implementing procedures which would require a review of inmates' progress on an annual schedule, rather than every six months. The Commission does not agree with this decision. A valid review of adjustment can occur after six months and this more expeditious change in "good time" levels can serve to contribute to reduced length of stay, and immediately reinforce good behavior, particularly for those in higher custody levels.

**Recommendation 13:** The General Assembly should consider amending Section 53.1-116 of the *Code of Virginia* to 1) provide a rate of "good time credit" for local misdemeanants at two days for every one day served in which the prisoner has not violated the written rules of the jail, unless a statutory provision for a mandatory minimum sentence applies; and 2) eliminate the provision for exemplary conduct credit. The Department of Corrections should revise its instructions to the jails on calculating good time to reflect this change of rate and to base the calculation on days served.

**Recommendation 14:** The Department of Corrections should maintain its current practice of assigning all incoming inmates into "Good Time Credit" allowance Level II. However, "good time" reviews should be completed every six months for inmates in Levels II, III and IV, and once a year for inmates in Level I.

**Taken from the 1989 Commission on Prison and Jail Overcrowding, pages 45 through 47**

2.

**EXCERPTS FROM JLARC REPORT:**

**"REVIEW OF VIRGINIA'S PAROLE PROCESS", JULY, 1991**

**How Virginia Parole System Works**

There are two types of parole available to most prisoners in Virginia's correctional system: mandatory and discretionary. Mandatory parole release occurs without parole board action according to Section 53.1-159 of the Code of Virginia. Basically, this law requires that all inmates who are within six months of the end of their sentence, minus any credits for good behavior, be released from prison to the supervision of a parole officer. This includes those inmates who may have been denied discretionary parole during the course of their imprisonment.

With discretionary parole, an inmate agrees to abide by certain conditions in exchange for release from prison. The authority to grant discretionary parole is vested exclusively in the State's Parole Board.

Figure 2 illustrates how the discretionary parole process is implemented. After a prisoner has been convicted, sentenced and institutionalized, DOC determines the date on which the person will be eligible for discretionary parole. As the inmates's eligibility date approaches, the Board schedules an interview and parole examiners conduct the inmate interview. Board members then review the case and decide whether inmate should be paroled. Finally, DOC's Parole Release Unit processes the Board's release orders for all inmates who are granted parole.

*Determining Eligibility for discretionary Parole.* DOC's Court and Legal Services Unit is responsible for computing the parole eligibility date for each felon serving time in a State prison or local jail. To determine this date, DOC must account for all of the factors which impact an inmate's discretionary parole eligibility.

Each inmate's parole eligibility date is tied in part to a State law that increases the proportion of a sentence that must be served based on the number of commitments to DOC. For example, prior to establishing eligibility for parole, persons who are committed to DOC for the first time must serve one-fourth of their sentence or a maximum of 12 years, whichever is less. By comparison, persons committed for a second time must serve one-third of their sentence or a maximum of 13 years.

DOC must also account for the prison term reductions that inmates can accrue through the good-time system. Good time is the amount of time an inmate has reduced from his or her prison term as a reward for conforming to certain rules. These credits are usually earned at a fixed amount for every 30 days served. Prisoners can accumulate good time from any or all of the following three sources: (1) the courts, (2) local sheriffs, and (3) the Department of Corrections.

Credits earned through the court system (referred to as judicial good time)

are provided at the discretion of judges. Once a person is sentenced and confined to a local jail, judges have the authority to allow that person to voluntarily work on State, county, or city property. As a reward, judges can award these inmates credits toward their total time of confinement, thereby impacting the date at which they become eligible for parole.

The sheriffs manage the good-time system in local jails. State law requires sheriffs to reward local inmates with prison term credits for every 30 days they serve without violating the rules of the institution. As an added incentive, sheriffs can reward exemplary conduct with additional credits.

DOC implements two different good-time systems for all State felons. Persons incarcerated prior to July 1, 1981, can receive statutory good time under one set of rules. These persons can also receive what is often referred to as discretionary good time if the Director of DOC judges their behavior to be extraordinary.

The second good-time system was established for persons incarcerated after July 1, 1981. With this system, DOC varies the amount of good time to be received according to the inmate's good conduct allowance (GCA) level. The GCA level for each inmate is determined by a scoring system that evaluates inmates on a combination of five institutional, program, and behavioral factors. Unlike the other forms of State good time, only one-half of the credits earned under this system are applied to the inmate's total time of confinement for purposes of determining parole eligibility.

In addition to good-time awards, inmates can also receive credits toward their sentence if they perform an extraordinary service, help prevent an escape, donate blood to other prisoners, or receive a serious injury while in prison.

DOC's Court and Legal Services Section collects data on all of these factors and uses a computer model to determine the date the inmate officially establishes eligibility. During the course of the inmates' imprisonment, these computations are repeated whenever a change occurs in any of the factors that impact their dates of parole eligibility.

**Taken from the Report of the Joint Legislative Audit and Review Commission on "Review of Virginia's Parole Process" to the Governor and The General Assembly of Virginia, pages 4 - 7.**

### **Parole Eligibility Laws and Policies in Virginia**

The State's good-time system, which is responsible for a portion of the credits that inmates earn towards parole eligibility was completely restructured in 1981 and again in 1990. This new system requires DOC to award good-time credits in amounts that vary based on inmates' behavior and their demonstrated desire for self improvement. The policies that DOC initially adopted to govern the



implementation of this system fostered inconsistent and subjective evaluations of inmate progress. Although it is too soon to assess the impact of the latest policy changes made in this area, staff in the prisons and field units generally give the system high marks. Concern was expressed, however, that a lack of resources for treatment programs may undermine the rehabilitative goal of the good-time system.

The application of a good-time system for State felons housed in local jails appears to be problematic. Though many jails are conducting evaluations of the behavior and progress of State felons, there is little consistency in the methods used to perform the evaluations. Moreover, because of DOC's policy regarding the classification of felons in the jails, some of these inmates do not earn good time at the same rate as their counterparts in the State prison system. DOC attempted to address some of these problems with the issuance of new operating procedures during 1990, but it appears that neither communication nor guidance from DOC regarding the implementation of these procedures has been sufficient.

**The preceding information was taken from the Report of the Joint Legislative Audit and Review Commission on "Review of Virginia's Parole Process" to the Governor and The General Assembly of Virginia, pages 29 - 30.**

### **Administration of Good Time in Local Jails**

Due to prison overcrowding, State felons in Virginia are often forced to serve some portion of their sentences in local jails. Further, because of the credits available to State felons, many of these inmates can be released from jail without ever serving time in a State prison. DOC has indicated that State inmates with sentences of less than eight years who are housed in jails are likely to be paroled without being transferred to a State prison. On the other hand, inmates in the jails with sentences of more than eight years remain in the jail temporarily until bedspace is available in a State institution. If the needed bedspace cannot be immediately identified, these inmates can also earn substantial amounts of good time before they are actually transferred.

For these reasons, when State felons are housed in a jail because of prison overcrowding, DOC and the jail staff must work together to coordinate a system of good time. Current practices have led to questions about whether these inmates have the same opportunities to advance their parole eligibility date as inmates in State correctional facilities. In particular, there have been problems with getting these inmates into the GCA system in a timely manner so that they can begin accruing good time at the same rate as their counterparts in State prisons. In addition, once the inmates are placed in the GCA system, there is some question as to whether evaluations are conducted consistently throughout the jails to determine whether changes in good-time status are warranted.

## **Establishing Initial Good-time Rates for Felons in Jails**

Until inmates are formally brought into DOC's GCA system, they earn jail good time at a rate of 15 days for every 30 days served. Because this is only half of what could be earned at the highest GCA level, for equity considerations, it is important that the inmate be brought into the GCA system in a timely manner.

Prior to December 1990, inmates in local jails were not brought in to the GCA system until they were officially classified by DOC. At classification, the inmate was interviewed, fingerprinted, and photographed, and an initial parole plan was established. Also at this time, the inmate was assigned to GCA class level II - 20 days of good time for every 30 days served. While DOC policy requires that inmates be classified within 90 days of sentencing, both DOC and jail staff indicated that it was not unusual for it to take up to five months to classify an inmate.

Recognizing that the delay in classification was preventing many State inmates in local jails from accruing a significant amount of good time, DOC revised its policy in December 1990. Local jail inmates can now be placed in the GCA system once they receive their State inmate number. This occurs as soon as DOC receives sentencing information from the courts. DOC staff indicated that the courts take from a few days to a few weeks after sentencing to send this information, but this is still far in advance of when the inmate would normally be classified.

While this new policy alleviates the problem with delays in GCA assignments for inmates with sentences of less than eight years, many inmates with sentences of more than eight years can still experience significant delays in GCA placement. In July 1989, there were 6,435 state felons housed in local jails. Of the 5,591 inmates for whom sentencing data were available, 16 percent had sentences of eight years or more.

Present DOC policy precludes classifying these inmates as long as they remain in the jail. Because they will eventually be transferred to State facilities, DOC waits until this time so that a more comprehensive classification procedure can be conducted. According to local jail officials, some inmates in this category remain in the jail for as long as two years before they are transferred. In cases for which sentencing information was available, reports from DOC show that the average amount of time served for inmates with sentences of at least eight years of July 1989, was five months. Further, in two jails the average amount of time served by this group was almost two years.

This creates obvious inequities in the allocation of good time because of the lower credit rates for inmates who have not been moved into the State's GCA system. DOC officials maintain that these discrepancies are offset by the ability of the sheriff to award extraordinary good time to inmates that have not been classified. At their discretion, sheriffs are authorized by statute to award extraordinary good time at a maximum rate of five days for every 30 days served in which the prisoner has not violated the rules of the jail. However, even with the

addition of five days of extraordinary good time, inmates that have not been classified cannot earn more than the equivalent of GCA level II.

Moreover, the rate at which sheriff choose to award extraordinary good time to the State felons in their jails varies substantially. Of the 21 randomly selected jails contacted by JLARC staff, only seven indicated that they regularly award good time to State felons. Another seven indicated that they never award extraordinary good tie to State felons and the remaining seven indicated that it is occasionally awarded or awarded only under special circumstances.

***Recommendation (5).*** The Department of Corrections should ensure that all State custody inmates housed in local jails and awaiting transfer to State correctional facilities receive a GCA class assignment within 90 days of their incarceration.

### **Evaluation of GCA Status in Local Jails**

Once inmates with sentences of less than eight years have been classified and assigned to GCA level II, they remain in that class until the jail administrator or sheriff initiates a change. Prior to May 1990, DOC had no formal policy on how or when jail staff were to determine whether an inmates's GCA level should be changed. As a result, both the structure of the GCA evaluation system and the frequency with which the evaluations were conducted varied a great deal. Moreover, many jail officials interviewed by JLARC staff were unaware that they could change an inmate's GCA level. Inmates in those jails did not advance beyond GCA level II.

***Structure of Evaluations.*** Without any formal criteria for assessing inmate behavior, the structure of the evaluations conducted by the jails varied. Four of the 13 jails that evaluated inmate performance indicated that evaluations were based strictly on the absence of negative behavior. This means that if an inmate did not violate the rules of the jail, he would not have his good time reduced. However exemplary conduct or performance was not rewarded.

Another jail official indicated that evaluations were based on the inmate's work performance. Staff at the remaining seven jails indicated that they looked at a combination of factors including the inmates's personal conduct and program participation.

***Frequency of Evaluations.*** The frequency with which evaluations are conducted also varied greatly among the jails contacted by JLARC staff. Of the 21 jails surveyed, only seven had been conducting regular evaluations of inmate behavior. Among these seven, the frequency of evaluations ranged from every 30 days to once a year. Other jails indicated that evaluations were triggered by specific incidents or at the request of the inmate. Eight jails indicated that they did not conduct any evaluations.

To address the lack of consistency in evaluations, DOC implemented a policy in May of 1990 that provided jail staff with a checklist to use when requesting changes to an inmates's GCA level. The checklist focuses on the same

five areas of behavior that inmates in State facilities are rated on. While the policy is specific about the number of infractions that can be tolerated for each GCA level, there is still a great deal of room for interpretation about how to rate inmates in other areas. Raters are instructed only to rate the inmate as exhibiting exemplary, average, marginal, or poor behavior. Beyond this, no description is provided about what type of behavior must be exhibited to warrant a particular rating.

The new policy also does not ensure that evaluations are conducted at regular intervals. It states that while evaluations are normally conducted annually, interim reviews may be conducted if deemed appropriate by the local jail staff. DOC personnel responsible for establishing the policy indicated that they cannot impose requirements for more frequent evaluations on jails because DOC does not have direct authority over sheriffs. Accordingly, the policy is designed to serve strictly as guidance.

Despite this view, the Department could be given some leverage to ensure that the GCA evaluations are conducted in a consistent fashion for State felons in the jail. The Department is authorized to pay local jail facilities a per diem rate of as much as \$14.00 for each State felon awaiting transfer to a State correctional facility. DOC could be given the authority to withhold this per diem if local sheriffs failed to comply with a departmental request to annually evaluate inmate behavior for GCA purposes.

***Recommendation (6).*** The Department of Corrections should require that all State felons housed in local jail facilities be evaluated annually for GCA purposes. In addition, the Department should ensure that local jail personnel conducting these evaluations attain a working knowledge of DOC policies regarding GCA evaluations.

The preceding information was taken from the Report of the Joint Legislative Audit and Review Commission on "Review of Virginia's Parole Process" to the Governor and The General Assembly of Virginia, pages 48 - 51.

***Identifying Parole-Eligible Inmates in Jails.*** The problems experienced by the Parole Board in retrieving information for parole candidates are heightened when the inmates are housed in local jails. According to Parole Board staff, the review process is delayed for a substantial number of these inmates because the Board does not always receive prompt notification of their eligibility dates. Because of these delays, staff contend that some inmates in the jail are never scheduled for a parole hearing and must therefore wait until they reach their mandatory release date to leave the system.

An analysis of data from DOC's automated files suggests that this is a problem. Although most inmates in the jails have short sentences and are typically viewed as good candidates for discretionary parole, Virginia's mandatory release law was responsible for 61 percent of all inmates paroled from the jails in 1989. This compares to a 43 percent rate for inmates released from a DOC facility.

One staff member at DOC who is responsible for calculating parole eligibility dates acknowledged that this a problem. This staff person stated that before sentencing information can be entered into the system and a parole eligibility date determined, the following steps must be performed:

- DOC receives court orders and jail credit data from the courts and local sheriffs;
- DOC staff investigate the inmate's criminal background to determine the number of prior prison commitments;
- Information from this investigation is sent to the warrants section where decision is made to keep the inmate in a jail or send him to a reception unit; and
- Staff in the warrants section classifies the inmate and issues a State inmate number.

Once these steps are completed, a time clerk in DOC's Court staff Services Unit enters the sentencing information and a quality control check is initiated. At this point, a parole eligibility date can be computed.

Because of increases in the number of new felony commitments, DOC staff indicate that backlogs have developed in entering sentencing information. In order to avoid the delay in release of parole eligible inmates, the Court and Legal Services Unit has tried to prioritized the input of sentencing information. The first priority is for inmates who are approaching their mandatory release dates. The second is for inmates who are approaching their discretionary parole eligibility dates. DOC staff concede, however, that even with this prioritization, it is impossible to avoid delays for some inmates. In the past, Court and Legal Services staff have dealt with the backlog in cases by working overtime. However, recent budget cuts have precluded the continuation of this practice.

In order to ensure the efficiency of the parole review process, it is necessary that DOC work with the Parole Board to provide timely access to the files needed to schedule and conduct a comprehensive review of each inmate's case.

***Recommendation (8).*** The Department of Corrections should ensure that pre- and post-sentence investigative reports are prepared in a timely fashion as required by law and the Department should ensure that these reports are automated at least six months prior to inmates' parole eligibility dates. In addition, the Department should take the necessary steps to ensure that the Parole Board is promptly notified of the pending discretionary parole eligibility dates for inmates housed in the local jails.

The preceding information was taken from the Report of the Joint Legislative Audit and Review Commission on "Review of Virginia's Parole Process" to the Governor and The General Assembly of Virginia, pages 58 - 60.

## Appendix C

### Results of Jails Survey

#### Survey Exemplar with Overall Answers

1. SHERIFFS AND JAIL FARM AND REGIONAL JAIL OFFICE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CONTACT: \_\_\_\_\_ PHONE: \_\_\_\_\_

2. DO YOU HAVE A JAIL? \_\_\_\_\_ IF NO, YOU NEED NOT COMPLETE THIS SURVEY.

3. HOW MANY INMATES ARE IN YOUR JAIL? Range 1 to 1363  
HOW MANY ARE AWAITING TRIAL? Range 0 to 428 (Avg. 39%)  
HOW MANY ARE "STATE RESPONSIBLE"? Range 0 to 445 (avg. 38%)  
HOW MANY ARE "LOCAL" (MISDEMEANANTS)? Range 1 to 258 (avg. 14%)

4. CURRENTLY, STATE RESPONSIBLE INMATES RECEIVE GOOD CONDUCT ALLOWANCE IN FOUR POSSIBLE LEVELS (ZERO, TEN, TWENTY OR THIRTY DAYS FOR THIRTY SERVED). WOULD YOU FAVOR A SIMILAR SYSTEM FOR LOCAL INMATES (WHO CURRENTLY RECEIVE EITHER ZERO OR ONE FOR ONE DAY SERVED)? \_\_\_\_\_ WHY OR WHY NOT?

*Of those jailers responding:*  
*24 of 65 (37%) would favor a similar system*  
*39 of 65 (60%) would not favor a similar system*  
*2 of 65 (3%) stated no preference*

5. DO YOU ENCOUNTER ANY PROBLEM(S) WITH THE PROCESS OF RAISING OR LOWERING A "GOOD TIME" ALLOWANCE TO "STATE RESPONSIBLE" INMATES AS OPPOSED TO "LOCAL" INMATES? \_\_\_\_\_ IF YES, PLEASE EXPLAIN.

*Of those jailers responding:*  
*18 of 65 (28%) encounter problems*  
*47 of 65 (72%) do not encounter problems*

6. DO YOU PERCEIVE ANY CLEAR INEQUITIES IN THE TREATMENT OF "STATE RESPONSIBLE INMATES" AND "LOCAL INMATES" REGARDING THEIR "GOOD TIME" ALLOWANCES? IF SO WHAT ARE THEY?

*Of those jailers responding:*  
*22 of 65 (34%) perceive inequities*  
*38 of 65 (59%) do not perceive inequities*  
*5 of 65 (8%) did not respond to the question*

7. PLEASE ADD COMMENTS OR EXPLANATIONS IF YOU WISH:

## **Synopsis of Respondent Comments**

Following is a synopsis of the comments added by the respondents. Most jailers responded by checking a "yes" or "no" box without further comment.

### **Question no. 4 - Would you favor similar systems for GCA Computation for state and local inmates?**

#### **Yes. (37% of the answers)**

1. (10 comments) There would be a clear and uniform (singular) method for awarding good time.
2. (5 comments) It could properly reward local inmates with extra good time for cooperation with the jail management.
3. (4 comments) It would greatly reduce the no. of local inmates (alleviate overcrowding).
4. (2 comments) It would reduce disciplinary problems.
5. (2 comments) A local misdemeanant should be treated as well (get as much good time) as a felon.
6. Inmates do not understand the reason for, or the operation of, the two different systems.
7. It would allow for greater local control of the system.

#### **No. (60% of the answers)**

1. (10 comments) The current system for local inmates is easy for jails to understand and use. ("If it ain't broke, don't fix it.")
2. (7 comments) The additional manpower required to compute time on a larger scale for local inmates is not justified.
3. (4 comments) Local inmate time calculation is acceptable; state responsible inmate time computation should be changed; all prisoners in a jail should get one for one.
4. (3 comments) Management would be difficult. Decisions would be arbitrary and computation would be an administrative nightmare.
5. (3 comments) Inmates already get enough good time.

6. Any inequities are “corrected” by the fact that a felon must answer to a parole officer but a local inmate does not.

7. Any reduction to less than 30 for 30 would exacerbate the existing overcrowding problem.

**Question no. 5 - Do you encounter any problems with good time computation re local versus state inmates?**

**Yes. (28% of the answers)**

1. (11 comments) It sometimes takes too long for DOC to process a request for a change in a state prisoner’s GCA.
2. (4 comments) Because of delays in GCA computation, actual release dates occur later than computed release dates.
3. (3 comments) The state’s records for state inmates are sometimes inaccurate (or misplaced); the system should be simplified.
4. (2 comments) The process of determining state responsible parole eligibility and release dates is out of the hands of the jail but the jail must bear the brunt of the inmate management problems.
5. The process of reclassifying a state responsible inmate is very cumbersome and the results uncertain.
6. The state does not always “accept” jail’s good time suggestions.

**No. (72% of the answers)**

1. We do not change a local inmate’s GCA anyway and state inmates have parole.

**Question no. 6 - Do you perceive any inequities between good time allowances for state and local inmates?**

**Yes. (34% of the answers)**

1. (9 comments) It is unfair; local inmates serve more time (~183 days) than state inmates (~91 days) for a “one year/twelve month” sentence.
2. (2 comments) A first term habitual offender sentenced to 12 months will serve 183 days; whereas, one sentenced to one year will serve 91 days. (Staff note: The same holds true for Class 6 felony convictions.)
3. (2 comments) A local inmate’s time is easy to compute; however, there is much less control over what is going to happen to a state inmate or when.



4. State responsible inmate terms should be longer.
5. Local inmates should receive 2 for 1 good time to make the system more equitable.

**No. (59% of the answers)**

1. The present method is fair

**Additional Comments**

1. State should not be involved in the computation of any good time for any misdemeanants, no matter how much time they are sentenced to serve.
2. Inmates should serve the time to which they are sentenced. There should be no good time or parole.
3. It will eventually happen that a state responsible inmate will file a suit because he was released after his computed release date.
4. If jails had more (classification) staff, a graduated good time system for local inmates would be feasible.
5. Regardless of criminal conviction, all inmates in jails should receive one for one. However, if the state continues to compute time for state responsible inmates, the inmates should be "in the system" before GCA level is computed.
6. Because of the increase in state responsible inmates, there should be an additional classification officer in local jails to compute their time.

**SURVEY RESULTS RELATED TO GOOD CONDUCT ALLOWANCE**

<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
ACCOMACK COUNTY	yes	76	48	17	7	no preference	no	no
ALBEMARLE COUNTY	no							
ALBEMARLE/ C'VILLE JT. COMPL.	yes	236	93	72	22	no	no	no
CITY OF ALEXANDRIA	yes	448	123	236	65	yes	no	no
ALLEGHANY COUNTY	yes	12	6	4	2	no	no	no
AMELIA COUNTY	no							
APPOMATTOX	yes	21	10	7	4	yes	no	no
ARLINGTON COUNTY	yes	399	197	146	56	no	yes	yes
AUGUSTA COUNTY	yes	120	44	63	13	yes	no	yes
BLAND	yes	1	0	0	1	yes	no	
BOTETOURT CO.	yes	42	9	21	1	yes	no	no
BRUNSWICK CO.	yes	22	10	7	5	yes	no	no

<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
BUCHANAN COUNTY	yes	38	18	17	3	yes	yes	yes
CAMPBELL COUNTY	yes	70	27	28	11	no	no	no
CAROLINE COUNTY	yes	17	9	14	3	yes	no	no
CARROLL COUNTY	yes	23	9	8	6	yes	no	yes
CENTRAL VA. REGIONAL JAIL		98	47	49	2	no	yes	yes
CHARLES CITY	no							
CHARLOTTESVILLE	no							
CHESTERFIELD COUNTY	yes	340	124	149	67	no	no	no
CLARKE-FREDERICK-WINCHESTER REG. ADULT DET. CTR.		233	31	80	27	no	no	yes
CLIFTON FORGE	yes	6	3	0	4	no	no	no
COLONIAL HEIGHTS	no							
CULPEPER	yes	53	25	21	7	no	yes	no

<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
DANVILLE	yes	134	39	61	7	no	yes	
DANVILLE ADULT DETENTION CENTER		108	0	58	50	no	no	yes
DICKENSON COUNTY	yes	26	2	19	7	yes	no	no
EMPORIA	no							
ESSEX COUNTY	no							
FAIRFAX COUNTY	yes	947	428	296	132	yes	no	yes
CITY OF FALLS CHURCH	no							
FLOYD COUNTY	yes	14	4	8	2	no	no	yes
FRANKLIN COUNTY JAIL		64	21	25	18	no	no	yes
FREDERICK COUNTY	no							
CITY OF FREDERICKSBURG	no							
GILES COUNTY	yes	24	5	16	3	yes	no	no

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<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
GLOUCESTER COUNTY	yes	46	16	2	28	no	yes	no
GOOCHLAND COUNTY	no							
GRAYSON COUNTY	yes	17	5	6	9	yes	no	
GREENSVILLE	yes	43	27	18	2	yes	no	no
HALIFAX COUNTY	yes	64	46	13	5	yes	no	yes
HAMPTON	yes	340	188	141	11	no	no	no
HANOVER COUNTY	yes	114	62	43	9	no	no	no
HENRICO COUNTY	yes	552	200	146	41	no	no	no
HENRY COUNTY	yes	57	28	25	4	no	yes	yes
HIGHLAND COUNTY	yes	4	0	4	0	no	yes	no
HOPEWELL CITY	yes	77	40	20	17	no	no	
ISLE OF WIGHT COUNTY	no							
KING GEORGE COUNTY	no							

<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
KING & QUEEN COUNTY	no							
LANCASTER COUNTY	yes	22	8	12	2	no	yes	yes
LOUDON COUNTY	yes	86	44	24	15	yes	no	no
LUNENBURG COUNTY	no							
MARTINSVILLE CITY	yes	30-40	25	17	5	yes	no	no
MATTHEWS COUNTY	no							
MECKLENBURG COUNTY	yes	80	19	37	24	no	yes	yes
MID. PENINSULA REGIONAL SECURITY CENTER		59	26	28	5	no	no	no
MIDDLESEX COUNTY	no							
MONTGOMERY COUNTY	yes	106	41	47	18	no	no	no
NEW KENT COUNTY	no							

<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
NEWPORT NEWS	yes	399	238	143	13	yes	no	
NORTHAMPTON	yes	22	15	3	1	no	yes	no
NORTH-UMBERLAND	yes	30	15	13	2	no	no	no
NOTTOWAY COUNTY	no							
PATRICK COUNTY	yes	19	7	9	2	no	no	no
PIEDMONT REG. JAIL		183	93	65	25	no	no	no
PITTSYLVANIA COUNTY	yes	64	23	29	12	no	no	yes
POWHATAN COUNTY	no							
PRINCE GEORGE COUNTY	no							
PRINCE WILLIAM-MANASSAS REG. ADULT DETENTION CENTER		511	189	227	71	no	yes	yes
PULASKI COUNTY	yes	96	22	58	16	yes	no	no
RADFORD CITY	yes	13	2	11	0	yes	no	yes

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<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
RAPPAHANNOCK	yes	14				no	yes	
RICHMOND CITY	yes	1,363	370	445	258	no	no	no
RICHMOND COUNTY	yes	15	8	2	6	no	no	no
ROANOKE CITY	yes	440	222	196	22	no	yes	yes
ROANOKE COUNTY	yes	142	65	63	10	no	no	no
ROCKBRIDGE COUNTY	no							
ROCKINGHAM COUNTY	yes	92	40	27	25	yes	yes	yes
CITY OF SALEM	no							
SCOTT COUNTY	yes	24	6	14	4	no	no	no
SMYTH COUNTY	yes	33	8	17	8	no	no	no
SOUTHAMPTON	yes	85	40	25	20	no	no	yes
CITY OF STAUNTON	no							
SUFFOLK	no							
SURRY COUNTY	no							



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<u>JURISDICTION</u>	<u>JAIL</u>	<u># OF INMATES</u>	<u># AWAITING TRIAL</u>	<u># STATE RESPONSIBLE</u>	<u># "LOCAL" MISDEMEANANTS</u>	<u>FAVOR SIMILAR SYSTEM</u>	<u>PROBLEMS</u>	<u>INEQUITIES</u>
SUSSEX COUNTY	yes	54	27	21	8	yes	yes	no
TAZEWELL	yes	40-50	22	13	5	yes	no	no
WARREN COUNTY	yes	62	20	32	10		yes	yes
WASHINGTON COUNTY	yes	51	14	17	10	yes	no	no
WAYNESBORO	no							
WESTMORELAND COUNTY	yes	29	13	14	2	no	yes	yes
WILLIAMSBURG	yes	65	14	30	17	no opinion	no	no
WINCHESTER COUNTY	no							

**Appendix D**

**Sentencing Structures in Other States**

**Truth in Sentencing Concepts**

**Virginia Sentences vs. Other States'**

Corrections

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# COMPENDIUM

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The National Journal For Corrections Professionals

May, 1990

## GOOD TIME

By  
*Su Perk Davis*

Call it good time, gain time, earned time, statutory time, meritorious time or commutation time. Identify it as provisional credits, good conduct credits, disciplinary credits. Whatever the term, it's corrections' carrot for good behavior, and a management tool of long standing in United States prisons.

In most states, good time is a critical factor affecting that most important of all dates to an inmate — the time when he or she is released from prison.

For administrators faced with crowding, it is also critical: good time is a badly needed incentive to good behavior when quarters are cramped. And the earlier one inmate can be released, the sooner another can be housed — or moved from the floor to a bed, or from double bunking to single.

It is also, in it's frequent complexity, a headache for some records staff to figure and the public to understand.

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*No surprise...  
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According to a new survey by *Corrections Compendium*, more than 40 of the nation's prison systems use time off a sentence as an

ranges from 4.5 days a month given by the Federal Bureau of Prisons to 75 days a month in Alabama. Missouri was the lowest of the states, with 5 days a month.

Good time generally falls into three categories—statutory or good behavior time, earned or extra earned good time, and meritorious time.

Statutory is usually that given automatically if an inmate serves his or her time without problems. Earned can refer either to time "earned" by general good behavior or specifically earned by participation in work or educational programs. Meritorious time is usually for some exceptional act or service, and is only granted in a few states. ("Meritorious" is also the term used for earned good time in some states.)

Regardless of why given, the good time earned applies to the inmate's parole eligibility date in 19 systems, and to his or her discharge date in 35.

About half the systems deduct good time up front, when an inmate enters the system. In half the systems, the credits are not given until after they are earned—either through "continuous orderly deportment" (as in New Jersey) or by specifically working or going to school to earn the credits. Some states use both methods—applying statutory or good behavior time on entry, and earned good time as earned.

Except for Minnesota, Ohio, and the Federal Bureau of Prisons, all systems can take away good time for disciplinary infractions. All except the above three, plus Louisiana and South Carolina, also can restore part or all of the good time after an inmate has served a period without problems.

In asking about the use of good time to reduce prison overcrowding, the *Compendium* survey found 18 systems had used good time laws to relieve crowding, while 26 hadn't.

The survey also found legislation on good time laws directed to opposing ends: get prisoners out quicker, or keep 'em in longer.

In some states, "truth in sen-

# GOOD TIME

incentive for inmates to serve disciplinary-free time in prison. Six do not award good time under current law.

Forty-seven states, the District of Columbia and the Federal Bureau of Prisons responded to the *Compendium* survey on **Good Time Credits for Inmates**. Only Kansas, Maryland, and Tennessee did not participate.

Of the responding systems, 43 had statutes providing some kind of good time off sentences; six—Georgia, Hawaii, Idaho, Pennsylvania, Utah and Wisconsin—did not, though some of them had in the past and might still have some prisoners receiving the credits.

One of the six. Wisconsin, replaced its good time provisions with a mandatory release system for inmates sentenced after June 1, 1984. The good time law allowed up to 20 days a month off for each month served; mandatory release is given when inmates have served two-thirds of their sentence.

In another state, Michigan, incoming inmates now earn up to 7 days a month "disciplinary credits." Those serving time for crimes committed before April 1, 1987, however, can still earn up to 22 days a month under the previous good time law.

The amount of time prisoners can receive off their sentences

Oklahoma, which now allows 44 days a month maximum, had given up to 137 days a month before a law change in November 1988.

Altogether, eight states allow more than 30 days a month to be earned for every month served. Day for day time, or 30 days a month for each month served, is granted in nine states, and five give 20 days. Twelve states and the District of Columbia allow one

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*The amount of time prisoners can receive off their sentences ranges from 4.5 days a month given by the Federal Bureau of Prisons to 75 days a month in Alabama.*

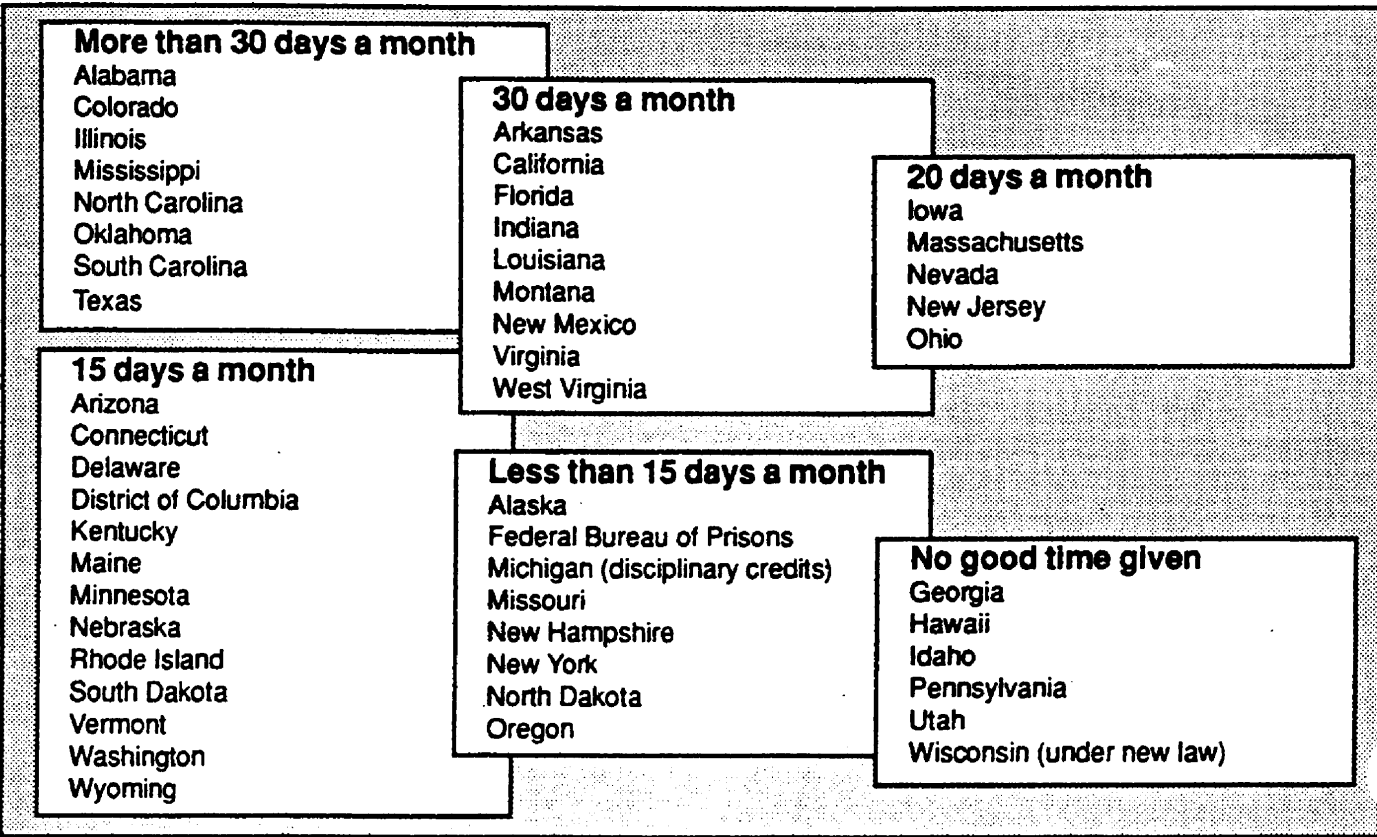
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day for every two served, or 15 days a month. Eight systems give less than 15.

Good time for the lowest grantor, the federal bureau, is now a maximum of 54 days a year. For inmates sentenced before Nov. 1, 1987, however, when the law was changed, a total of 15 days a month good time credits can be earned. A respondent noted that the good time allowances "as previously structured" had encouraged good behavior.

# Good Time Laws in the U.S.

**M**aximum amount of good time given, including both statutory (good behavior) and meritorious or earned good time (All states' provisions translated to an approximate equivalent per month.)



States not responding to survey: Kansas, Maryland and Tennessee.

sentencing" laws were enacted to decrease the amount of time off allowed so that the actual time served would be closer to that given in the original sentence. Delaware, for example, eliminated statutory good time and capped meritorious good time at a maximum of 60 days. Before July 1, 1989, the state had given 15 days a month plus overtime credits—more than three times as much.

New Hampshire made a more unusual switch. Before 1982, that state had allowed up to 150 days good time to be deducted each year from both the minimum and maximum sentences. But in 1982 the legislature passed a new "truth in

sentencing" law which did away with the old good time allowances and provided instead for adding 150 disciplinary days to the minimum term which could be reduced at the rate of 12 1/2 days a month for exemplary conduct. Any offender failing to earn the good time must serve the extra disciplinary time in addition to his or her sentence.

Most law changes, though, were directed at reducing crowding crunches.

Alaska increased maximum good time from one-fourth to one-third of a sentence, South Dakota added to the amount that can be earned off a sentence and the District of Columbia is re-implementing a code providing for industrial and meritorious good time. In Ohio, the legislature expanded the amount of good time

allowable by creating an "earned credit" category. Officials estimated that 1,700 beds would be saved.

From February 1987 to June 1988, Florida had awarded administrative gain time to select inmates as a means of early release to relieve overcrowding. A new early release law is now in effect, using provisional credits rather than gain time.

In California, under a law passed in 1983, worktime credits can lop 30 days a month off a prisoner's sentence. Before that time, one day was given for each two days served.

In the District of Columbia, the mayor can declare a state of emergency and reduce minimum or mandatory release dates whenever the population of the prison sys-

*Su Perk Davis is a research staff member of Corrections Compendium.*

tem exceeds the rated design capacity for 30 consecutive days. Under the Emergency Powers Act, the minimum sentences of all prisoners who have minimum terms is reduced by 90 days, and the maximum sentence of all eligible prisoners reduced by 90 days or 10 percent, whichever is less.

**I**f this does not reduce the population to 95 percent of rated design capacity within 90 days, then the mayor must again reduce by 90 days the minimum and maximum sentences of all eligible prisoners. Prisoners with 180 days remaining on minimum and maximums, and prisoners serving life sentences or sentences for a violent felony, cannot be reduced.

For some states, as Arkansas and Nebraska, restoration of good time previously lost has led to the release of more inmates and helped with overcrowding. In South Carolina, on the other hand, a law was passed to stop restoration of good time, and "flat" sentences were introduced with no parole and no good time for certain crimes.

Meritorious time is given in some states for exceptional acts.

In Nevada, fire fighting and life saving efforts are among those acts.

In North Carolina, added sentence reductions can be given to inmates working over a regular 40 hours per week; working in inclement weather (defined as a chill factor below 20° Fahrenheit or a high temperature above 95°), performing work in emergency conditions such as rain, sleet or snow, and other exemplary acts. All North Carolina prisoners are also eligible for additional sentence reduction credits for good conduct "during prison population reduction pursuant to statute," according to the survey.

Rhode Island gives up to three days per month off for "heroic acts affecting the lives and welfare of the institutional personnel, inmates or the general public, or

## Canada gives "remission time"

In Canada, good time is called "earned remission," and operates very much like programs in the U. S.

Inmates can earn 10 to 15 days a month off a sentence, and the remission credits can be taken away for disciplinary reasons, according to Canadian responses to the *Corrections Compendium* survey on good time.

Five Canadian provinces or territories and the Correctional Service of Canada (CSC) participated in the survey. Three of the systems — Newfoundland, Quebec, and the Yukon — allow one-third of aggregate time (10 days a month) off a sentence as remission time. Three, including the federal CSC, give 15 days a month time off.

Two systems applied the time to parole dates; all others to discharge.

All considered remission useful in running an institution, and none found it a problem. The CSC respondent, however, noted that "although, generally speaking, remission is considered an effective management tool, encourages good behaviour, and has not been problematic, it is an ongoing concern to maintain it as a visible incentive to inmates and prevent it from becoming routine exercise for managers involved in the process of awarding remission."

CSC also reported that a variety of options to modify the remission system are currently being explored, ranging from "the total abolition of remission to minor modifications to the existing process.

*For system-by-system information, see charts beginning on opposite page.*

when an inmate has submitted extraordinary and useful ideas and plans which have been implemented for the benefit of the state of Rhode Island resulting in substantial savings and/or a higher degree of efficiency or performance." The state also gives days off for useful ideas for educational programming.

**P**ennsylvania, one of the states that does not give good time, has been looking at enacting a time-off law for some time. The media, the public, the legislature and prisoner rights groups are all interested. "Earned time has been supported by the governor's office, but the General Assembly voted against it," the survey respondent noted.

Some other states are considering making additional good time credits available, and one—Mississippi—hopes to streamline laws to make the system more manageable and efficient and to relieve

overcrowding.

At least one state, Washington, expects changes to be made to reduce good time for violent offenders.

Most problems reported with good time have to do with its being time consuming for staff, disagreements with inmates on calculations, and difficulties with calculating the time when inmates have been sentenced under as many as three different good time laws. Computations are not automated in some states. In Alabama, no good time is allowed on sentences of 10 years or more, causing overcrowding by longer sentences.

Overall, though, good time looks like a tradition that's likely to continue. Thirty-six survey respondents found it encouraged good behavior and considered it an effective management tool, while only four—Connecticut, Oregon, Rhode Island and Wisconsin—indicated it wasn't. □

# Survey

## GOOD TIME CREDITS FOR INMATES

SYSTEM	INMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CAN BE TAKEN AWAY AFTER GIVEN; BY WHOM	GOOD TIME TAKEN AWAY CAN BE RESTORED; BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
ALABAMA	Yes	75 days for each 30 served	Yes. Half of sentence if offense prior to 5/19/80	Yes. 75 days maximum	X	X	X		Yes; disciplinary board or by escape or parole violation	Yes; recommended by warden, final approval by commissioner
ALASKA	Yes	One third of sentence	Yes. One third of sentence	No.			X		Yes; disciplinary board	Yes; warden or superintendent
ARIZONA	Yes	15 days per month	Yes. 15	Yes. 15		X	X		Yes; director	Yes; director
ARKANSAS	Yes	30 days per month	Yes. 8-30 if sentenced prior to 4-1-71	Yes. 0-30	X	X		X	Yes; disciplinary board	Yes; director
CALIFORNIA	Yes	For every day worked, an extra day off is earned	Yes. 15 (Prior to 1-1-83)	Yes. 30 (After 1/1/83)	X		For offenses (non-lifers) prior to 1/1/83	For offenses (non-lifers) after 1/1/83	Yes; classification committee	Yes; classification committee
COLORADO	Yes	35 days a mo. until new law effective 7-1-90; after that, 40 days	Yes. Day for day to 7-1-90; after that law sets presumptive parole date at 50% of sentence for non-violent offenders, 75% of sentence for violent offenders	Yes. 5 days maximum; will be 10 days after 7-1-90	X	X	X		Yes; disciplinary board	Yes; director
CONNECTICUT	Yes	12 days per mo. and 1 day per week work credit	Yes. 10 days first five yrs., 12 days following yrs.	Yes. 1 day per 7 day week		X		X	Yes; disciplinary board or other committee	Yes; director
DELAWARE	Yes	After 7-1-89, max. of 60 days; before, 15 days a mo. plus overtime credits	No, after 7-1-89; yes before. 10	Yes. 60 days max. after 7-1-89; 5 days plus overtime before	X	X	X	X	Yes; bureau chief	Yes; bureau chief
DISTRICT OF COLUMBIA	Yes	10 days per mo.	Yes. 10	Yes. 5 days maximum (Ed. credit)	X	X	X (Institutional)	X (Educational)	Yes except educational credits; director	Yes; director, or, if appealed, Institutional Appeals Board
FLORIDA	Yes	30 days per mo.	Yes. 10	Yes. 1-20		X	X (Statutory)	X (Incentive work)	Yes; disciplinary board	Yes; director
GEORGIA	No									
HAWAII	No									
IDAHO	No									
ILLINOIS	Yes	Inmates earn day-for-day good conduct credits	Yes. 30	Yes. Up to 90 days r incarceration	Release date			X	Yes; director	Yes; director

# Survey

## GOOD TIME CREDITS FOR INMATES

SYSTEM	INMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CAN BE TAKEN AWAY AFTER GIVEN; BY WHOM	GOOD TIME TAKEN AWAY CAN BE RESTORED; BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
INDIANA	Yes	1 day credit time for each day served	Yes. Day for day credit time	No.	Applies only to release on mandatory parole			X	Yes; disciplinary board	Yes; director, warden or superintendent
IOWA	Yes	Up to half of sentence plus 5 days per mo.	Yes. 15	Yes. 5		X	X	X	Yes; disciplinary board	Yes; director
KANSAS	No response									
KENTUCKY	Yes	15 days	Yes. 10	Yes. 5		Conditional release date	X		Yes; disciplinary board recommends; warden or superintendent; cabinet secretary approves	Yes; classification/ treatment officer recommends; warden, cabinet secretary approves.
LOUISIANA	Yes	30 days per mo.	Yes. 30	Yes. 30	Mandatory Parole		X		Yes; for escape and parole violations	No
MAINE	Yes	15 days per mo.	Yes. 10	Yes. 5	X	X	X (old law)	X (new law)	Yes; warden or superintendent	Yes; warden or superintendent
MARYLAND	No response									
MASSACHUSETTS	Yes	20 days	Yes. 12½ days maximum	Yes. 7½	X	X	X (Statutory)	X (Earned)	Yes, except for earned good time; director	Yes; director
MICHIGAN	Disciplinary credits	7 days per mo. disciplinary credits, after 4-1-87 22 days per mo. good time if crime committed before 4-1-87	No.	Yes. Up to 7 days disciplinary credits; 22 days per mo. good time before 4-1-87	X	X		X	Yes; warden or superintendent; parole board	Yes; deputy director
MINNESOTA	Yes	1 day for each 2 days	Yes. 1 day for each 2 days	Yes. 1 day for each 2 days	Accrues to a period of supervised release			X	No	No
MISSISSIPPI	Yes	40 days per mo.	Meritorious time-10 days per mo. not to exceed 180 days	Yes. 30 days maximum	Meritorious earned time only		Earned, prorated in advance	Meritorious	Yes; classification committee	Yes; commissioner
MISSOURI	Yes	Up to 2 calendar mo. for each year of sentence (5 days per mo.)	No. statutory conditional release period, serves as a form of good time.	Yes.	X		Application for good time credit is made to Parole Board combining these two.		Yes; parole board	Yes; parole board
MONTANA	Yes	30 days per mo.	Yes. 10-15	Yes. 13-15	X	X		X	Yes; division administrator	Yes; director or division administrator
NEBRASKA	Yes	15 days per mo.	Yes. 4 mo. per year maximum	Yes. 2 mo. per year	X	X	X		Yes; recommended by disciplinary board, approved by warden or superintendent, parole board	Yes; director, warden, superintendent or parole board



# Survey

## GOOD TIME CREDITS FOR INMATES

SYSTEM	INMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CAN BE TAKEN AWAY AFTER GIVEN; BY WHOM	GOOD TIME TAKEN AWAY CAN BE RESTORED; BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
NEVADA	Yes	20 days per mo. plus meritorious time	Yes. 10 days under 1985 law	Yes. 10 days per mo. plus 90 days per yr. maximum for exceptional meritorious service	X	X		X	Yes; director, parole board	Yes; director or parole board
NEW HAMPSHIRE	Yes	12½ days per mo.	Law changed in 1982 to add 150 disciplinary days a yr. to minimum term which can be reduced 12½ days a mo. for exemplary conduct		X			X	Yes; disciplinary board, approved by warden or superintendent	Yes; director, warden or superintendent
NEW JERSEY	Yes	9-21 days per mo.	Yes. 6 up to 16 days after 30 yrs.	Yes. 3-5 in minimum custody	X	X	X		Yes; disciplinary board, warden or superintendent	Yes; warden or superintendent
NEW MEXICO	Yes	30 days per mo.	No.	Yes. 30	X	X		X	Yes; disciplinary board, warden, superintendent, or director	Yes; director, warden or superintendent
NEW YORK	Yes	One third off maximum sentence	Yes. 10, to one-third of sentence	No.		X	X		Yes; disciplinary board	Yes; director, warden, superintendent, or Time Allowance Committee
NORTH CAROLINA	Yes	36 days per mo. plus meritorious time	Yes. 30	Yes. 6 "gain" time plus up to 30 days for meritorious acts	X	X	X		Yes; disciplinary board	Yes; warden or superintendent
NORTH DAKOTA	Yes	10 days per mo.	Yes. 5-10	No.				X	Yes; disciplinary board	Yes; director
OHIO	Yes	20 days per mo. up to one-third of the minimum or flat sentence	Yes. 13	Yes. Up to 7 days	Indeterminate sentences	Determinate sentences		X	No, awarded and vested on a month-by-month basis	No, but extra earned credit can offset loss
OKLAHOMA	Yes	44 days per mo. if crime committed after 11-1-88 137 days if before	Before 11-1-88. 5 mo. per year	Yes. 44 (137 before 11-1-88)		X	Prior to 9/8/76	After 9/8/76	Yes; disciplinary board	Yes; director, warden, or superintendent or classification committee
OREGON	Yes	6 days per mo. since 11-1-89; 15 days before	No under sentencing guidelines 11-1-89; 10 days before	Yes. 20% of sentence under guidelines after 11-1-89; 2-5 days before		X	Statutory	Meritorious	Yes; disciplinary board, warden, superintendent or director	Yes; director or parole board
PENNSYLVANIA	No									
RHODE ISLAND	Yes	12 days per mo. plus meritorious	Yes. 12	Yes (meritorious). 3		X	X		Yes; disciplinary board	Yes; director, warden or superintendent
SOUTH CAROLINA	Yes	35 days per mo..	Yes. 20	Yes. Varies up to 180 days a yr.	Earned time	Statutory and earned time		X	Yes; disciplinary board or director	No

# Survey

## GOOD TIME CREDITS FOR INMATES

SYSTEM	INMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CAN BE TAKEN AWAY AFTER GIVEN; BY WHOM	GOOD TIME TAKEN AWAY CAN BE RESTORED; BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
SOUTH DAKOTA	Yes	10-15 days per mo.	Yes. 4-6 mos. per yr.		X	X	X		Yes; disciplinary board, warden or superintendent, director, or parole board	Yes; director, warden, superintendent, or parole board
TENNESSEE	No response									
TEXAS	Yes	45 days per mo.	No	Yes. 45 days maximum	X	X		X	Yes; disciplinary board	Yes; director or State Classification Committee
UTAH	No									
VERMONT	Yes	15 days per mo.	Yes. 10	Yes. 5	X	X		X	Yes; disciplinary board	Yes; director
VIRGINIA	Yes	30 days for each day served	Before 7-1-81, 10 days for 20 served and 5 for extraordinary good time	Yes. 0-30 given under 7-1-81 law	Half is applied to parole eligibility	X	X		Yes; disciplinary board with approval of warden or superintendent	Yes; director
WASHINGTON	Yes	15 days per 30 day period served	Yes. 10	Yes. 5	Under indeterminate system (before 1984)	Under determinate system (after 1984)	X		Yes; disciplinary board recommends, superintendent decides	Yes; warden or superintendent, or parole board
WEST VIRGINIA	Yes	1 day for each day of physical incarceration	Yes. Day for day	No.		X	X		Yes; correctional magistrate	Yes; warden or superintendent, or commissioner
WISCONSIN	No, for those incarcerated after 6-11-84; yes if before	6 mos. per year statutory, 1 day per 6 days earned.	Only if before 6-11-84. 6 mos. maximum	Only if before 6-11-84. 1 day for every 6 served	1984 law provides mandatory release date at two-thirds of sentence		X		Yes; disciplinary board	Yes; disciplinary committee only if guilty finding reversed
WYOMING	Yes	15 days per month	Yes. 2	Yes. 15	X	X		X	Yes; parole board	Yes; parole board
FEDERAL BUREAU OF PRISONS	Yes	54 days per yr. if offense committed after 11-1-87; 15 days per mo. if before	Yes. 54 days per yr. after 11-1-87; 10 days per mo. if before	No, after 11-1-87; 3-5 days per mo. if before		X		X	No since 11-1-87; yes before for statutory time; no for earned	Yes; director, warden or superintendent
<b>CANADIAN SYSTEMS</b>										
ALBERTA	Yes	1 day for 2 days served	No	Yes. 1 day for 2 days served	X	X	X		Yes; disciplinary board	No
BRITISH COLUMBIA	No response									
MANITOBA	No response									
NEW BRUNSWICK	No response									

# Survey

## GOOD TIME CREDITS FOR INMATES

SYSTEM	INMATES RECEIVE GOOD TIME	MAX. AMOUNT THAT CAN BE RECEIVED	HAVE PROVISIONS FOR		GOOD TIME APPLIES TO		DEDUCTED FROM SENTENCE		GOOD TIME CAN BE TAKEN AWAY AFTER GIVEN; BY WHOM	GOOD TIME TAKEN AWAY CAN BE RESTORED; BY WHOM
			STATUTORY DAYS PER MO.; HOW MANY	EARNED DAYS PER MO.; HOW MANY	PAROLE ELIGIBILITY DATE	DISCHARGE DATE	ON ENTERING PRISON	AS EARNED		
NEWFOUNDLAND	Yes	One-third of sentence	No	Yes. 10 of 30	X	X	X		Yes; disciplinary board, warden, superintendent, or director	No, however, good time can be taken away, but penalty suspended contingent on subsequent behavior by director, warden or superintendent
NORTHWEST TERRITORY	No response									
NOVA SCOTIA	No response									
ONTARIO	No response									
PRINCE EDWARD ISLAND	No response									
QUEBEC	Yes	One-third of sentence	Yes. One-third of sentence	No			X		Yes; disciplinary board, warden or superintendent, or director	No
SASKATCHEWAN	Yes	15 days per mo.	No	Yes. 15		X	X		Yes; disciplinary board	Yes, on appeal only; director
YUKON TERRITORY	Yes	One-third of aggregate time	No	Yes. Up to one-third of aggregate time		X	X		Yes; disciplinary board or other committee	Yes; warden or superintendent
CORRECTIONAL SERVICE OF CANADA	Yes	15 days per mo.	No	Yes. 15		X		X	Yes; disciplinary board or National Parole Board	No

**Coming in Compendium**

- ★ Women Wardens in Men's Institutions
- ★ Survey of Probation Officers
- Salaries
- Responsibilities

# TRUTH IN SENTENCING CONCEPTS

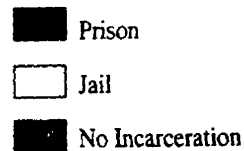
D-11

STATE	SENTENCING GUIDELINES*	ROLE OF PAROLE AUTHORITY	RATE GOOD TIME IS EARNED	DATE OF INFORMATION
Delaware	Voluntary	Refer Sentence Modifications Back to the Court*	Up To 24 Days (1st Yr) 36 Days (2nd Yr)	August 1992
Minnesota 1992	Mandatory	NONE**	Up To 1/3	January 1992
Minnesota 1993	Mandatory	NONE**	"Bad Time" Added	August 1992
New Hampshire	None	Approve Releases After Minimum Served	"Bad Time" Added	August 1992
Oregon	Mandatory	NONE**	Up To 20%	March 1992
Washington	Mandatory	NONE**	Up To 1/3, 15% for serious Offenses	April 1992
Federal	Mandatory	NONE**	Up to 54 Days per year, After Serving 1 Yr.	August 1992

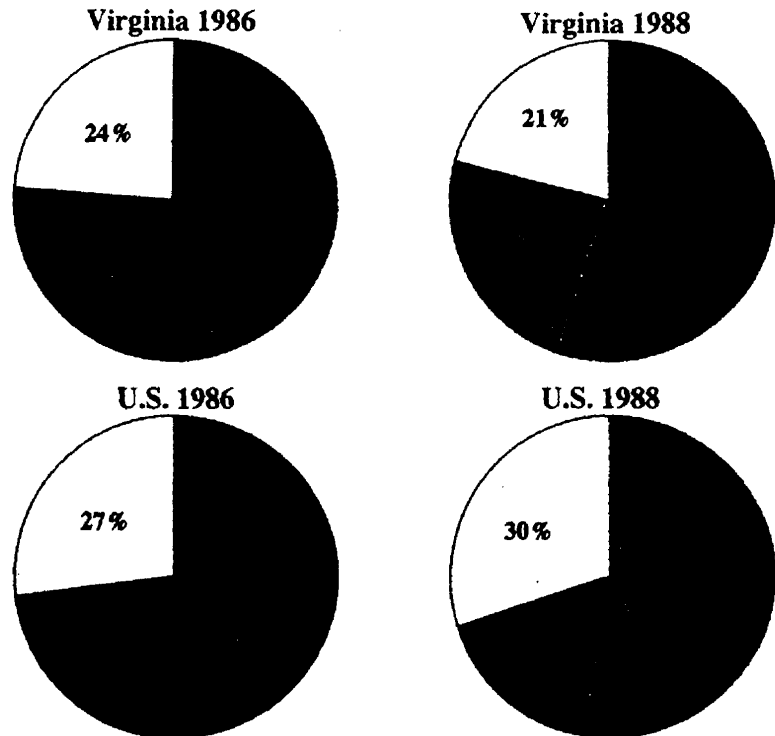
- \* Reasons for referrals include: overcrowding, medical problems, and exceptional merit cases.
- \*\* Parole Authorities may still exist to deal with offenders sentenced under previous laws.
- \*\* Systems may include a Post-Incarceration Supervision Program.

## Display 36

### Sentences for Drug Traffickers in Virginia and the U.S. (1986 & 1988)



Data Source: BJS Bulletins, Felony Sentencing in State Courts, 1986 and 1988; Pre-Sentence Investigation (PSI) database, Virginia Department of Corrections



## Displays 36 & 37: Virginia and U.S. Drug Trafficking Sentences

Various earlier displays have shown that the number of drug offenders arrested and convicted since the mid-1980s has increased dramatically. Displays 36 and 37 compare the changes that occurred in the types of sentences and lengths of sentences received by convicted drug offenders in Virginia and U.S. state courts in 1986 and 1988. For this analysis, several steps were taken to make the offender sentencing data from Virginia and the U.S. comparable. First, the offenders examined were those convicted for drug trafficking offenses which include sale of a Schedule I/II drug and felony marijuana offenses. Second, the types of sentences imposed on traffickers were divided into three categories: prison, jail and no incarceration sentences. The U.S. data is based on figures published by the Bureau of Justice Statistics and reflect sentences of offenders in a sample of state prisons across the nation.

Because Virginia drug offenders were identified as "drug traffickers" in this display to allow comparisons with U.S. sentencing data, the Virginia imposed and projected sentence lengths calculated in this display will differ from those shown in other displays which include only Virginia sentencing data. Imposed sentence lengths for Virginia drug offenders should be obtained from Displays 33 and 34 rather than from this display.

■ Display 36 presents a comparison of the types of sentences received by drug traffickers in Virginia and the U.S., and illustrates how the types of sentences given changed from 1986 to 1988. As can be seen in this display, Virginia courts imposed harsher types of sentences on convicted drug traffickers in 1988 than they did in 1986. In 1986, Virginia courts imprisoned 45% of drug traffickers, whereas in 1988 the proportion of drug traffickers imprisoned rose to 55%. During the same period, the proportion of drug traffickers receiving penalties with no incarceration decreased, from 31% in 1986 to 24% in 1988. The proportion of Virginia drug traffickers sentenced to jail terms during this period decreased, from 24% in 1986 to 21% in 1988. This decrease may be due in part to the larger proportion of drug traffickers being sentenced to state prisons rather than jails.

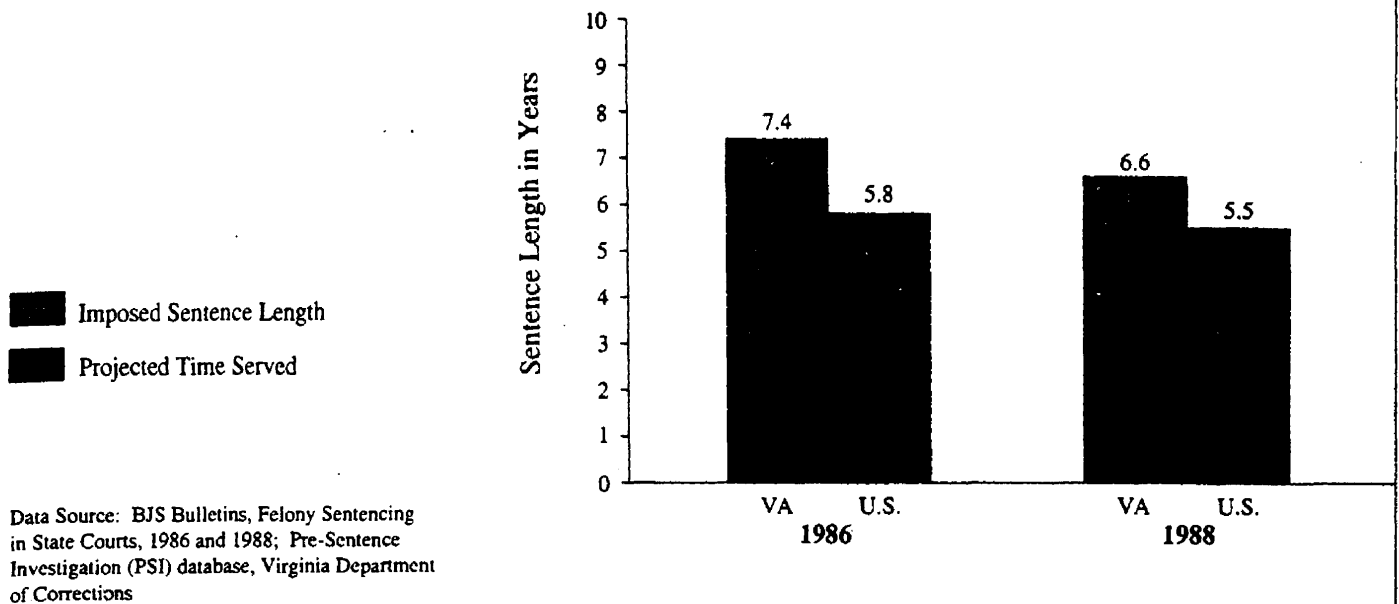
■ U.S. courts also imposed harsher types of sentences on convicted drug traffickers in 1988 than they did in 1986. In 1986, U.S. courts imprisoned 37% of drug traffickers, whereas in 1988 the proportion of drug traffickers imprisoned rose to 41%. During the same period, the proportion of drug traffickers receiving penalties with no incarceration decreased, from 36% in 1986 to 29% in 1988. Unlike the Virginia trend, however, the proportion of U.S. drug traffickers sentenced to jail terms during this period increased, from 27% in 1986 to 30% in 1988.

■ Although both Virginia and U.S. courts sentenced a larger proportion of drug traffickers to prison in 1988 than in 1986, the increase in Virginia was greater than that in the U.S. The proportion of drug traffickers sentenced to prison in Virginia increased by 22% from 1986 to 1988, while it increased by only 11% in the U.S.

■ Display 36 showed that convicted drug traffickers in Virginia and the U.S. were more likely to be sentenced to prison in 1988 than in 1986. Display 37 presents a comparison of the lengths of prison sentences imposed and of projected time served on these sentences by drug traffickers in Virginia and the U.S. in 1986 and 1988. The prison sentence lengths presented in this display are averages which represent the total time received by a drug offender and may also include time imposed for other less serious offenses. For each prison sentence length imposed, the average projected time to be served on that sentence is also shown.<sup>1</sup>

## Display 37

### Prison Sentences and Projected Time Served in Prison for Drug Traffickers in Virginia and the U.S. (1986 & 1988)



■ As can be seen in this display, Virginia imposed shorter prison sentences on convicted drug traffickers in 1988 than it did in 1986. In 1986, the average prison sentence was about seven years, whereas in 1988 the average prison sentence had decreased by 11% to 6 1/2 years. The projected time served on these prison sentences decreased similarly from 1986 to 1988. Offenders incarcerated in 1986 are projected to serve an average of about 2 1/2 years, or 32%, of the sentence received, and traffickers incarcerated in 1988 are projected to serve an average of slightly less than two years, or 29%, of their imposed sentence.

■ The U.S. as a whole also imposed shorter prison sentences on convicted drug traffickers in 1988 than it did in 1986. In 1986, the average prison sentence was about six years, whereas in 1988 the average prison sentence had decreased by 5% to 5 1/2 years. Unlike Virginia, however, the projected time served on these prison sentences remained about the same in 1986 and 1988. Offenders incarcerated in both 1986 and 1988 are projected to serve about two years, or 31%, of the sentence received.

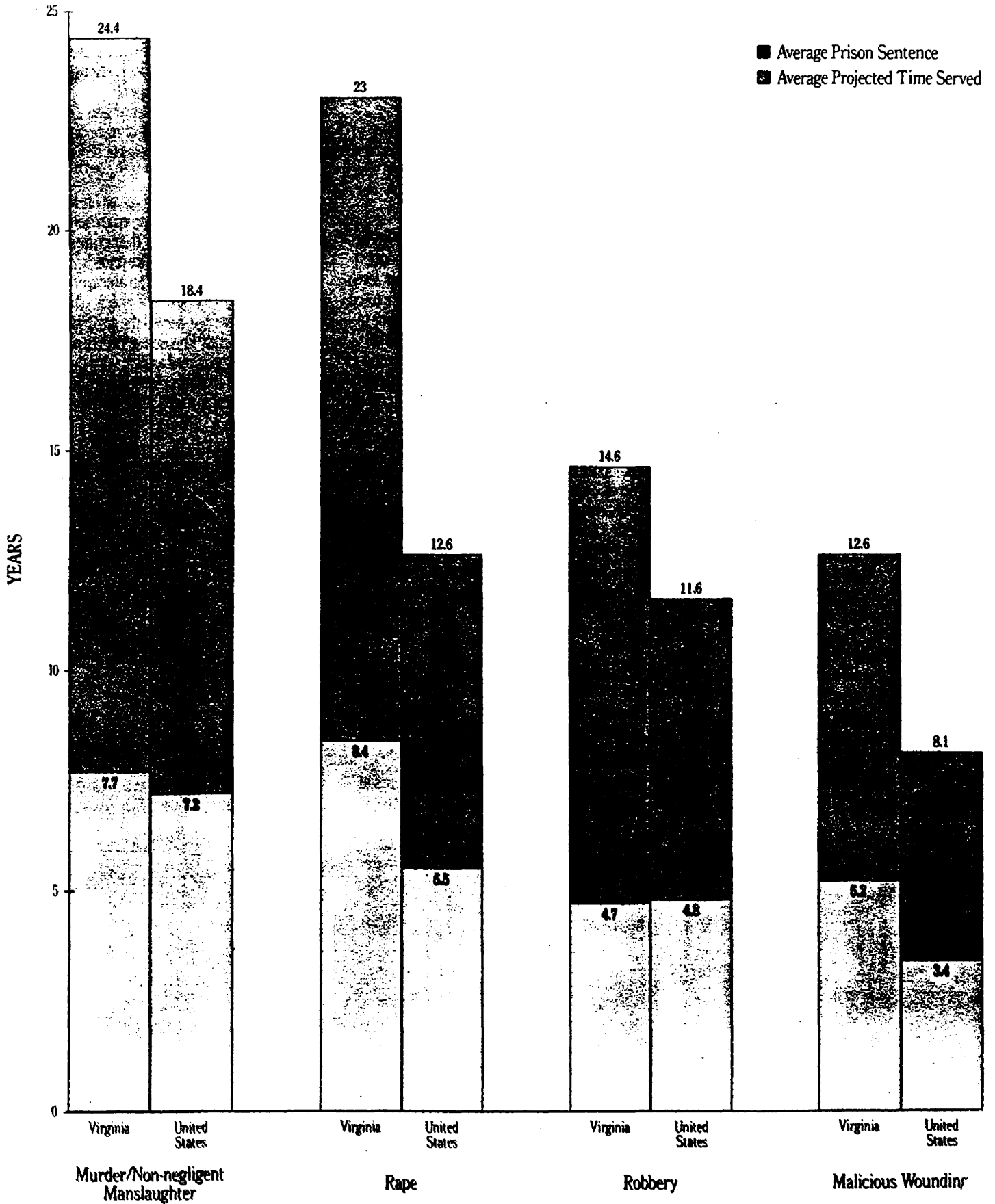
■ The average length of prison sentences imposed upon convicted drug traffickers in both Virginia and the U.S. decreased from 1986 to 1988. However, the decrease in Virginia was greater than the decrease in the U.S. In Virginia, the average prison sentence length decreased by about 11%, whereas in the U.S. it decreased by only about 5%. Furthermore, the amount of time projected to be served on these sentences decreased in Virginia but remained about the same in the U.S. In 1988, drug traffickers in Virginia served an average of 29% of their sentence, whereas traffickers in the U.S. served an average of 31% of their sentence.

■ These findings indicate that convicted drug traffickers in Virginia were more likely to receive a prison sentence than drug traffickers in the U.S. This finding agrees with previous indications that Virginia incarcerates a greater proportion of its offenders than the nation as a whole. Drug traffickers incarcerated in Virginia were also more likely to receive a longer prison sentence than those in the U.S., but they were likely to serve a smaller proportion of their sentence than traffickers incarcerated in the U.S.<sup>2</sup>

1. Projections of time served by drug traffickers committed to prison in Virginia in 1986 and 1988 were calculated by taking the proportion of sentences served by traffickers released in 1986 and 1988 and applying this proportion to the sentences given to traffickers committed in 1986 and 1988. Projections of time served by drug traffickers committed to prisons in the U.S. in 1986 and 1988 were calculated by taking the proportion of sentences served by traffickers released in 1984 and applying this proportion to the sentences given to traffickers committed in 1986 and 1988. In order to make the Virginia data comparable with the projected time served figures reported for the U.S. data, projected time served, rather than actual time served, figures are presented for Virginia traffickers. Due to minor differences in how projected time served was calculated for Virginia and U.S. traffickers, the Virginia time served figures may be slightly underestimated.

2. When interpreting these changes in imposed prison sentence lengths and projected times served in Virginia and the U.S., note that the absolute amount of time involved in these sentences does not change as much as the percentage change figures may suggest. All of the changes in sentence lengths and projected time served involved less than one year of time.

Display 24



Data Sources: Virginia — Pre-Sentence Investigation (PSI) data base, Virginia Department of Corrections  
 United States — Felony Sentences in State Courts, 1986, Bureau of Justice Statistics, U.S. Department of Justice  
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## Display 24: Average Prison Sentences and Projected Time Served in Prison for Violent Offenses in Virginia and the United States (1986)

*As noted previously, some of the figures used in calculating average prison sentences for the violent offenses reported in Display 23 are a decade old. Thus, while the data examined in Display 23 were appropriate for gauging historical time served in prison for violent crimes, they may not be appropriate for drawing conclusions about recent sentencing practices. Display 24 provides a look at more recent prison sentences, those imposed in 1986. For contrast, Display 24 also presents the United States' 1986 average prison sentencing figures for the same violent offenses. Projected time to be served on these 1986 average prison sentences is also shown in this display.*

- Because the United States' average sentencing figures represent the total of the time received by a violent offender for his most serious offense and any additional prison time received for crimes of lesser gravity, the Virginia figures were calculated in the same fashion. Therefore, these average 1986 prison sentence figures for Virginia are not comparable to the average prison sentences reported previously in *Felony Justice in Virginia, 1986*. Also, to be consistent with the United States' figures, murder and non-negligent manslaughter have been combined, and aggravated assault has been more narrowly defined to include only malicious wounding.\* Finally, these average prison sentence figures for both the United States and Virginia do not include life or death sentences.

- Projected time served in prison was calculated in a somewhat similar fashion for both the United States' and Virginia's sentences. The United States' time served figures were based on data showing the proportion of sentences served by inmates released from the nation's prisons in 1984. In projecting the United States' time served figures, the Bureau of Justice Statistics assumed that those sentenced in 1986 would actually serve about the same proportions of their sentences as those released from prison in 1984 for the same offenses. The Virginia time served figures were based on the data in Display 23, which shows the proportion of sentences served by inmates released from Virginia's prisons from 1983 through 1987. The first step in projecting Virginia's time served figures was to assume that those sentenced in 1986 would actually serve about the same proportions of their sentences as those released from prison for the same offense over this five-year period. The second step was to apply the proportion of sentences historically served to all 1986 offenders' sentences on the basis of their offenses and prior histories of incarceration. For example, since Display 23

illustrates that murderers with one prior incarceration served 38% of the average imposed sentence, all such offenders in the 1986 data were projected to serve the same proportion of their respective sentences. Thus, unlike the United States' projected time served figures, which were a proportion of an average prison sentence, the Virginia estimates were derived by first taking a proportion of each prison sentence for similarly situated offenders and then deriving their average value.\*\*

- Virginia's average prison sentence for convicted murderers of 24.4 years was about 33% higher than the United States' average of 18.4 years; however, Virginia's projected average time to be served in prison by these offenders—7.7 years—is just 7% above the United States' projected average of 7.2 years. The reason these time served projections are so close despite the great difference in sentences derives from variations in historical parole release practices. Overall, convicted murderers in Virginia served an average of 31.6% of their sentences; in contrast, convicted murderers across the United States served an average of about 44% of their court-imposed sentences.

- Virginia's average prison sentence for convicted rapists of 23 years was 82.5% higher than the nation's average of 12.6 years; Virginia's projected average time to be served in prison by these offenders—8.4 years—is 52.7% higher than the United States' projected average of 5.5 years. Overall, convicted rapists in Virginia served an average of 36.5% of their sentences; in contrast, convicted rapists across the United States served an average of 43.7% of their court-imposed sentences.

- Virginia's average prison sentence for convicted robbers of 14.6 years was 26% higher than the United States' average of 11.6 years; however, Virginia's projected average time to be served in prison by these offenders—4.7 years—is actually 2% below the nation's projected average of 4.8 years. Again, differences in historical release practices explain the divergence between the average sentences and the projected time served figures. Overall, convicted robbers in Virginia served an average of 32.2% of their sentences; in contrast, convicted robbers across the United States served an average of 41.4% of their court-imposed sentences.

- The average Virginia prison sentence for those convicted of malicious wounding—12.6 years—was 55.6% higher than the United States' average of 8.1 years; Virginia's projected average of time to be served in prison by these offenders—5.2 years—is 53% above the nation's projected average of 3.4 years. In this instance, the harsher proportionality of Virginia's sentences to those of

the United States was sustained in the projected time served figures due to similarities in release practices. Overall, those convicted of malicious wounding in Virginia served an average of 41.3% of their sentences; likewise, those convicted of similar assaults across the country served an average of 42% of their court-imposed sentences.

- Even though the average Virginia prison sentence for robbery was 16% longer than the average prison sentence for malicious wounding, the projected time served on the average malicious wounding sentence is 10.6% greater than the projected time served figure for robbery.

- Similarly, the average Virginia prison sentence for murder was 6% longer than the average prison sentence for rape. The projected time served for convicted rapists, however, is 9% greater than that for convicted murderers. One possible explanation for this phenomenon is that convicted rapists pose more significant risks of recidivism than do convicted murderers (see Display 13) and therefore may be denied parole more frequently.

\* To be consistent with the United States data reported by the Bureau of Justice Statistics, the average prison sentence figure for malicious wounding in Virginia includes convictions for attempted murder.

\*\* The Bureau of Justice Statistics' time served estimates were not calculated in the same fashion as the Virginia figures, probably due to a lack of uniform information on parole eligibility criteria across studied sites. Had the Virginia time served figures been calculated in the same general fashion as were the United States' estimates, the results would be slightly lower than those reported in Display 24: estimated time served for murder, 7.1 years; rape, 7.9 years; robbery, 4.3 years; and malicious wounding, 4.5 years.