



Operating Procedure

Effective Date	March 1, 2019	Number	830.3
Amended	9/1/21	Operating Level	Department
Supersedes Operating Procedure 830.3 (12/1/15)			
Authority COV §53.1-10, §53.1-25, §53.1-32.1, §53.1-116, §53.1-189 through 202.4			
ACA/PREA Standards 5-ACI-1E-03, 5-ACI-5B-03, 5-ACI-7A-13; 4-4097, 4-4297, 4-4461; 2-CI-4A-8; 2-CO-1E-05; §115.78			
Office of Primary Responsibility Court and Legal Services Manager			

Subject
GOOD TIME AWARDS

Incarcerated Offender Access
Yes No

Public Access Yes No
Attachments Yes #1 No

I. PURPOSE

This operating procedure establishes a process for administering good time awards for state responsible offenders incarcerated in Department of Corrections institutions or local jails and provides guidance for submitting and reviewing recommendations for sentence reduction for offenders incarcerated in Department of Corrections institutions.

II. COMPLIANCE

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

III. DEFINITIONS

Annual Review - A uniform yearly review of an offender's classification, needs, and objectives; the Initial Classification Date (ICD) is used to establish the review date for an offender received on or after February 1, 2006. The Custody Responsibility Date (CRD) is used to establish the review date for an offender received prior to February 1, 2006.

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

Earned Sentence Credit (ESC) - Time earned in accordance with COV §§53.1-202.2 to 202.4 in one of four levels with rates ranging from 0 to 4.5 days earned per 30 days served, which shall be applied to reduce the offender's maximum term of incarceration. ESC applies to those offenders whose felony offenses were committed on or after January 1, 1995.

Extraordinary Good Time (EGT) - Time earned in accordance with COV §53.1-197 at a rate ranging from 1 to 5 days earned per month served for those offenders whose offenses were committed prior to July 1, 1981, who do not elect to participate in the Good Conduct Allowance System. All such time earned shall reduce the term of imprisonment from which parole eligibility is computed.

Good Conduct Allowance (GCA) - Time earned in accordance with COV §§53.1-198 to 202.1 in one of four classes with rates ranging from 0 to 30 days earned per 30 days served which shall be applied to reduce the offender's maximum term of imprisonment. GCA applies to those offenders whose felony offenses were committed on or after July 1, 1981 and before January 1, 1995 or who have opted into GCA from GCT. Misdemeanor convictions committed on or after July 1, 1981, will continue to be calculated under the GCA System. One-half of the credit should be applied to reduce the parole eligibility date. Misdemeanor convictions committed after July 1, 2008 are not eligible for parole in accordance with COV §53.1-153.

Good Conduct Time (GCT) - Time earned in accordance with COV §53.1-196 at a constant rate of 10 days earned per 20 days served only by those offenders whose offenses were committed prior to July 1, 1981, who do not opt to participate in the Good Conduct Allowance system. All such time earned will reduce the term of imprisonment from which parole eligibility is computed.

Initial Classification Date (ICD) - The date on which the offender was initially assigned to a Security Level

Institutional Classification Authority (ICA) - The facility staff person designated to conduct offender case review hearings

Override - Assignment to an earning level that is either higher or lower than indicated by the Class Level score

Sentence Reduction - A specific amount of time credited to an offender's sentence in cases of injuries to or extraordinary services performed by the offender

Sentence Reduction Review Committee - A committee appointed by the Chief of Corrections Operations to meet as needed to review sentence reduction recommendations

IV. GOOD TIME AWARDS

A. Each offender incarcerated in a DOC institution is eligible for recognition under one or more good time award systems:

1. Good Conduct Time (GCT) applies to those offenders whose offenses were committed prior to July 1, 1981, who do not opt to participate in the Good Conduct Allowance system. Offenders under the GCT system are awarded good time at a constant rate of 10 days earned per 20 days served and, based on evaluations of offender behavior and performance, can earn additional Extraordinary Good Time (EGT) at a rate ranging from 1 to 5 days earned per month served.
2. Good Conduct Allowance (GCA) applies to those offenders whose offenses were committed on or after July 1, 1981 and felony offenses before January 1, 1995. Offenders under GCT also have the opportunity to opt into the GCA system. Offenders under the GCA system are awarded from 0 to 30 days of good time for each 30 days served based on evaluations of offender behavior and performance.
3. Earned Sentence Credit (ESC) applies those offenders whose felony offenses were committed on or after January 1, 1995. Offenders under the ESC system are awarded from 0 to 4.5 days of good time for each 30 days served based on evaluations of offender behavior and performance.

B. Initial assignment of Class Level

1. Unclassified offenders (before their Custody Responsibility Date (CRD) for new intakes and before the revocation date for parole violators) are awarded good time at the rate of 15 days for each 30 days served on sentences under GCT or GCA and at the rate of 2.25 days for each 30 days served on sentences under ESC. For work or program participation, the jail can award unclassified offenders an additional 5 days good time (2.25 days for ESC) per 30 days served prior to the CRD.
2. On the CRD, offenders are administratively assigned to Class Level I and begin to receive good time awards at that rate. Offenders received prior to January 1, 2003 were administratively assigned to Class Level II at the time of the offender's initial sentence computation.
3. On their parole revocation date, parole violators are administratively assigned to Class Level II, begin to receive good time awards at that rate, and are not eligible for assignment to Class Level I for 12 months.
4. Exceptions to initial assignment of Class Level I or II:
 - a. Under GCA, all offenders convicted of certain violent offenses or sentenced to life imprisonment will not earn at a rate higher than GCA Class Level III on related sentences.
 - b. Under ESC, offenders sentenced to life imprisonment may not earn ESC.
5. If the offender is convicted of a disciplinary offense during the reception and classification process and/or if the offender's jail records document disciplinary problems at a local jail facility while the offender was awaiting transfer to a DOC facility, the severity of the infraction(s) may be considered and the offender's initial administrative Class Level reduced accordingly.

- a. The offender should be given a due process hearing in accordance with Operating Procedure 830.1, *Institution Classification Management*.
 - b. The effective date of the Class Level reduction should be the date the offender physically arrived at the DOC facility for offenses that occurred in the jail and the date of the offense for offenses that occur in the DOC facility.
6. An offender who refuses to comply with intake and initial classification procedures must receive a formal hearing by the ICA to be reduced to Class Level IV until intake and initial classification procedures have been completed. Upon confirmation of compliance, the ICA should administratively review the offender for the appropriate Class Level assignment effective on the date all procedures were completed.
7. See the *Criteria and Restrictions for Special Status Offenders* section of this operating procedure for refusal to provide DNA sample and refusal of sex offender registration.
- C. Each offender should be evaluated for Class Level during the annual review conducted in accordance with Operating Procedure 830.1, *Institution Classification Management*.
- D. Administrative reviews of Class Level may be made at any time that it appears the offender is no longer eligible or suitable for the current Class Level.
- E. Each review of Class Level must be properly conducted and documented so that offender time is accurately computed and recorded in conformance with applicable statutes and regulations. (5-ACI-1E-03; 4-4097; 2-CO-1E-05)
- F. Offenders may appeal any decision relating to good time awards in accordance with Operating Procedure 866.1, *Offender Grievance Procedure*.

V. EVALUATION PROCEDURES

- A. Advancement of an offender's Class Level should occur only by action of the ICA with approval of the Facility Unit Head in accordance with Operating Procedure 830.1, *Institution Classification Management*. The ICA may review the offender's Class Level for advancement:
1. During the offender's annual review cycle
 2. Upon an administrative request for review after significant progress has been noted in one or more area of evaluation, if appropriate staff has screened the request for advancement and recommended ICA review.
 3. Regardless of the type of Class Level review, clear justification should be required to advance the offender's Class Level based on:
 - a. Significant improvement in the offender's evaluations in any area of performance and responsibility related to individual adjustment, either as indicated by appropriate Class Level point range or a recommended override
 - b. Due consideration to criteria and restrictions that affect the offender in an administrative placement, special status, or with special needs as set forth in this operating procedure
 - c. Due consideration to the input of the offender's counselor, work supervisor, building officer, and other staff knowledgeable of the offender's progress towards attainment of treatment objectives in the offender's *Reentry Plan*. See Operating Procedure 820.2, *Re-entry Planning*.
- B. Reduction of an offender's Class Level will occur only due to an offender's special status (See the *Criteria and Restrictions for Special Status Offenders* section of this operating procedure.) or by action of the ICA with approval of the Facility Unit Head in accordance with Operating Procedure 830.1, *Institution Classification Management*. The ICA may review the offender's Class Level for reduction:
1. During the offender's annual review cycle
 2. Upon receipt of a referral for Class Level reduction from the Hearings Officer based on one or more disciplinary infractions

3. Upon an administrative request for review after significant decline has been noted in one or more areas of evaluation.
 4. Regardless of the type of Class Level review, reduction of an offender's Class Level should be based on:
 - a. Determination of a significant decline in any area of performance and responsibility to the extent that the offender clearly has failed to maintain behaviors that led to advancement to the present class
 - b. Due consideration will be given to criteria and restrictions that affect the offender in an administrative placement, special status, or with special needs as set forth in this operating procedure.
 - c. Due consideration will be given to the input of the offender's counselor, work supervisor, building officer, and other staff knowledgeable of the offender's progress towards attainment of treatment objectives in the offender's *Reentry Plan*. (5-ACI-5B-03; 4-4297) See Operating Procedure 820.2, *Re-entry Planning*.
- C. Each good time award evaluation must be based on the offender's performance during the entire preceding year in the areas of offender performance and responsibility as follows:
1. Infractions - 0-40 points available
 - a. A maximum score of 40 points must be awarded to offenders with no convictions under the *Offender Disciplinary Procedure*.
 - b. Deduct 40 points (award 0 points) for any conviction of offenses numbered 100 through 108. See Operating Procedure 861.1, *Offender Discipline, Institutions*.
 - c. Deduct 20 points for each conviction of other Category I (100 series) offenses.
 - d. Deduct 10 points for each conviction of Category II (200 series) offenses.
 2. Reentry Plan, Annual Goals - 0-40 points available
 - a. Award points based on the offender's achievement of goals established at the beginning of the review year in one or more of the following areas:
 - i. Educational
 - ii. Program
 - iii. Vocational
 - iv. Other
 - b. Points should be allocated based on the number of goals set for the year i.e., for 2 goals - up to 20 points could be awarded for achievement of each goal.
 3. Work - 0-20 points available (5-ACI-7A-13; 4-4461; 2-CI-4A-8)

The score for work should be prorated based on the percentage of the year that the offender was employed.
- D. Goal Setting and Points Awards
1. Goals should be achievable in the offender's current situation, related to identified criminogenic factors, and represent progress toward the offender's Reentry Preparation Goals. See *Reentry Plan*, Operating Procedure 820.2, *Re-entry Planning*.
 2. VACORIS will provide a tentative point score based on the offender's current infraction convictions, progress toward reentry plan goals, and work assignment.
 3. Offenders should be recognized for making reasonable efforts to achieve their goals.
 - a. Offenders should not be penalized for unavailability of educational, program, vocational, or work opportunities if the offender can document consistent, reasonable efforts to achieve the goal.
 - b. Offenders should not be rewarded for lack of consistent, reasonable efforts even though they may be meeting the goal at the time of the review.

- c. Consideration, either through point scores or override, should be given to offenders who moved from one institution to another during the year which resulted in changed goals or affected achievement of their goals.
- d. The counselor and the ICA may adjust the tentative point scores or recommend overrides as needed to accurately reflect the offender’s overall performance and progress for the entire review period. The Counselor or ICA should justify and document each adjustment or override in the “Comments” section.

E. Annual Review

- 1. Annual reviews should be conducted each year within 30 days after the anniversary of the offender’s Initial Classification Date (ICD); i.e. was first assigned a Security Level.
- 2. Offenders who have had one or more annual reviews based on the CRD will continue to have annual reviews based on the CRD.

F. Class Level Evaluation

- 1. Class Level changes and EGT awards should not be made within 60 days of an offender’s expected discharge date.
- 2. The counselor should determine the appropriate Class Level based on the total Class Level Evaluation Points scored by the offender.
- 3. Class Level Point Ranges
 - Class Level I 85 to 100 points
 - Class Level II 65 to 84 points
 - Class Level III 45 to 64 point
 - Class Level IV 44 points or below
- 4. Prior to an Annual Review or other possible ICA review of Good Time Class Level, the counselor should review the point score in VACORIS and determine if the offender is currently in the appropriate Class Level.
- 5. At the annual review, if it is determined that an offender is currently in the appropriate Class Level, the counselor should document in VACORIS that that no change is recommended subject to ICA action and Facility Unit Head review.
- 6. For a change in Class Level, a classification hearing must be held in accordance with Operating Procedure 830.1, *Institution Classification Management*, for the ICA to consider the appropriate Class Level assignment.
- 7. The ICA should review the point score and any supporting documentation for proper scoring and to determine if an override is needed to place the offender in the appropriate Class Level.
- 8. The ICA should record the recommended Class Level and any override required in VACORIS.
- 9. For annual review changes in Class Level, the effective date for the change should be the anniversary of the ICD or CRD as applicable.
- 10. Any offender’s Class Level point score and subsequent Class Level can be rejected on the basis of one or more of the approved overrides listed below. All overrides must be justified with override numbers and supporting comments noted on VACORIS.

Override	Override Reason
#1	A point score in one area of evaluation is inordinately high or low affecting the Class Level
#2	Seriousness or number of institutional infractions warrants a lower Class Level.
#3	A significant recent decrease in an area of evaluation warrants a lower Class Level.
#4	Extraordinary improvement in one or more areas of evaluation warrants a higher Class Level.
#5	Lack of program availability inordinately affects Class Level.
#6	More information needed (i.e. under investigation, longer period of adjustment needed).

#7	Refusal of or removal from any required educational, program, vocational, or work assignment must result in an automatic override to Level IV. See instructions below.
#P	Offender has reentered all required educational, program, vocational, or work assignments that resulted in use of override #7

11. Use of Overrides #7 and #P - See Operating Procedure 820.2, *Re-entry Planning*.
- a. For any educational, program, vocational, or work assignment required on the *Reentry Plan*, if the offender refuses to either enroll in or attend, or the offender attends but is removed due to disruptive, non-participatory, or non-compliant behaviors, the offender should be charged with offense code 200 in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
 - b. An offender identified as a High Risk Sexual Aggressor (HRSA) (See Operating Procedure 810.1, *Offender Reception and Classification*.) that does not comply with therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse should be charged with offense code 200 in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*. (§115.78[d])
 - c. An offender that does not comply with requirements to participate in a residential cognitive community program should be charged with offense code 119e in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
 - d. An offender who refuses to comply with COV §19.2-310.2 by refusing to provide a DNA sample should be charged with offense code 116 in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
 - e. An offender who refuses to comply with registration requirements in accordance with Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*, should be charged with offense code 119d in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
 - f. If the offender is found guilty of the charge, the offender must be referred to the ICA to be placed in Class Level IV effective the date the charge was written. A #7 override should be used regardless of the offenders' Class Level score.
 - g. A #7 override may be used for reviews related to enhanced penalties for repeated violations of Category I offenses not allowing an offender to earn good time for a period in excess of one year or until they comply with some requirement (such as Offense Code 116 or 119).
 - h. The #7 override will flag the offenders' file so that he or she is not allowed to earn good time until meeting the specified requirements.
 - i. Once it is clear that the offender is sincere and actively participating in the specified requirement, the offender's case should be brought before the ICA for review of Good Time Award Class Level. Time spent on a waiting list does not count as participation.
 - j. As an incentive, offenders participating in an Intensive Reentry Cognitive Community program while in Class Level IV due to removal from a Therapeutic Community program may be reviewed for award of good time.
 - i. Such offenders assigned to an Intensive Reentry Cognitive Community can receive a Good Time Class Level review at 90 days in the program.
 - ii. At the discretion of facility staff, an offender who has adequately participated for a minimum consecutive 90 day period can advance to the appropriate Class Level effective from the date of their entry into the Cognitive Community.
 - (a) The offender's Good Time Class Level can advance one level, only.
 - (b) The effective date of the Class Level change must be six months or less prior to the offender's GTRD.
 - (c) The class level change must be submitted no more than 90 days and no less than 60 days prior to the offender's release.
 - (d) An offender's adjusted days may be utilized to allow adequate time to process the

offender's release.

(e) An Override #P is required to move an offender out of Class Level IV under Override #7.

- iii. Once a higher Class Level has been achieved, offenders will be monitored to determine if their behavior continues to warrant the current Class Level and may be adjusted at any time for non-compliant behavior or disciplinary convictions.
 - iv. Any offender removed from the Intensive Reentry Cognitive Community will forfeit any good time awarded under this provision.
 - k. An Override #P is required to move an offender out of Class Level IV when an Override #7 has been used. Any change in Good Time Award Class Level should be retroactive to the date the offender met the specified requirement.
12. VACORIS will generate a notification to the Facility Unit Head to review the ICA's action and approve or disapprove it. An offender's Class Level will only be changed on Facility Unit Head approval of the ICA action.
 13. A *Class Level Evaluation Report* (See Attachment 1 for sample.) or *Institutional Classification Authority Hearing* report (See Operating Procedure 830.1, *Institution Classification Management*.) should be printed and provided to the offender showing Facility Unit Head approval or disapproval of the ICA action. There is no need for filing a hard copy of either *Report*.
 14. Facility Unit Head approval of ICA action to change Class Level will generate a notification to the Court and Legal Section to update the offender's time calculation.
- G. An offender who is confined to a Restorative Housing Unit is not eligible for advancement to Class Level I.
1. If in Class Level I at the time of assignment to restorative housing, the ICA should conduct a formal review within 90 days to determine if that Class Level is still appropriate.
 2. It is intended that an offender in restorative housing should be ready to return to general population on advancement to Class Level II.
- H. Criteria and Restrictions for Special Status Offenders:
1. Upon transfer back to a local jail facility, the offender's good time award eligibility status should not be affected.
 2. Any offender who commits a felony or misdemeanor (except escape convictions) while in confinement will automatically be reduced to Class Level IV effective the conviction date.
 - a. The offender will not become eligible for advancement in Class Level for 12 months from the conviction date.
 - b. If the offender is presently serving a sentence under the Good Conduct Time (GCT) system, the new consecutive sentence, or any new concurrent sentence extending the release date established under COV §53.1-159 will be served under the GCA or ESC system once the GCT sentence has been satisfied.
 3. Any offender returned to confinement as a result of escape and conviction of a felony, misdemeanor, or a Disciplinary Hearing offense for escape should automatically be reduced to Class Level IV effective the date of the conviction. The offender will not be eligible for advancement in Class Level for 12 months from the date of assignment to Class Level IV.
 4. In accordance with COV §53.1-199, an offender with offense dates of July 1, 1993 or later and prior to January 1, 1995 for first degree murder, rape, forcible sodomy, animate or inanimate object sexual penetration, or aggravated sexual battery will not exceed the good conduct earning rate of GCA Class Level III on those related sentences. Any subsequent reduction in an offender's recognition level requires ICA action and Facility Unit Head approval.
 - a. GCA Class Level III will be administratively assigned in such cases at the time of the offender's initial sentence computation.

- b. These offenders may be recognized for individual adjustments and performance representative of a higher GCA class as follows.
 - i. The ICA will review such offenders in accordance with procedures for Class Level advancement, and upon determination that the offender's individual adjustment and performance are representative of Class I or Class II, the offender may be awarded that level for recognition purposes only by designating V-I or V-II.
 - ii. Any subsequent reduction in an offender's recognition or earning level requires ICA action and Facility Unit Head approval.
 - iii. The GCA Class designations V-I and V-II will be the same earning level as Class III for sentence computation purposes. V-I will be the same as Class Level I and V-II will be the same as Class Level II for recognition purposes.
5. Any offender serving life imprisonment or two or more life sentences will not exceed the GCA earning rate of Class Level III in accordance with COV §53.1-199, such an offender may be recognized for individual adjustment and performance representative of a higher GCA class as follows:
 - a. The ICA may review the offender in accordance with procedures for GCA class advancement. Upon determination that an offender's individual adjustment and performance are representative of Class Level I or Class Level II, the offender may be awarded that level for recognition purposes only by designating the Class Level as L-I or L-II, respectively.
 - b. Any subsequent reduction in an offender's recognition or earning level requires ICA action and Facility Unit Head approval
 - c. The GCA class designations L-I and L-II should be the same earning level as Class III for sentence computation purposes. L-I will be the same as Class Level I and L-II the same as Class Level II for recognition purposes.
6. An offender serving life imprisonment cannot earn ESC but may be recognized for individual adjustment and performance representative of an ESC level in accordance with procedures for ESC level assignment. The offender may be awarded that level for recognition purposes only by designating the level as L-I, L-II, L-III, or L-IV. Any subsequent reduction in an offender's recognition level requires ICA action and Facility Unit Head approval.

I. Mitigating Factors

1. Additional criteria should be considered for those offenders who, because of medical needs/limitations, mental health needs/limitations, or other special treatment needs/limitations, cannot be appropriately evaluated solely in the areas of performance and responsibility as set forth in this operating procedure. Generally, an offender in one of these categories should be placed in a Class Level on the basis of those areas of performance and responsibility which would not penalize the offender due to a special need or limitation.
2. When an offender cannot be placed in a work, vocational or educational program due to medical considerations, the Class Level should be determined as follows:
 - a. Any treatment or therapy programs prescribed by attending medical staff should be reasonably incorporated into the offender's Reentry Plan, Annual Goals and thereby subject to review for Class Level purposes.
 - b. A score of 17 points may be assigned to the Class Level Evaluation in the area of work.
3. When an offender cannot be placed in a work, vocational or educational program assignment due to mental health or other special treatment considerations, the Class Level should be determined as follows: (These requirements may apply to offenders assigned to a mental health acute care unit per Operating Procedure 730.3, *Mental Health Services: Levels of Service*.)
 - a. Any treatment or therapy programs prescribed by attending psychologists, psychiatrists or other special treatment staff should be reasonably incorporated into the offender's Reentry Plan, Annual Goals and thereby subject to review for Class Level purposes.

- b. A score of 17 points may be assigned to the Class Level Evaluation in the area of work.
4. Upon transfer to a non-DOC mental health facility, the offender should be considered for Class Level on the annual review cycle date following the offender's return to a correctional facility. The ICA should review the offender's suitability for Class Level during the transfer period based on psychological progress reports and the offender's institutional adjustment.

VI. GOOD CONDUCT TIME (GCT) SYSTEM

- A. To be eligible for the Good Conduct Time (GCT) System and Extraordinary Good Time (EGT) Credits, an offender must:
 1. Have committed the offense prior to July 1, 1981
 2. Have not elected to enter the Good Conduct Allowance (GCA) system
- B. Offenders under the GCT system are awarded Good Conduct Time or Statutory Good Time at the rate of 10 days per 20 days served.
- C. In addition, the ICA can make an EGT award of from 0 to 5 days per month served determined by the Class Level on the offender's Class Level Evaluation. The Class Level will also be used for recognition purposes.
 1. Upon assignment to the Restorative Housing Unit for behavioral management, an offender will not be eligible for EGT beginning the month this assignment begins. Eligibility for EGT consideration will resume the next annual review cycle date following the offender's release from restorative housing status.
 2. Upon assignment to the Restorative Housing Unit for protective custody, an offender should be eligible for EGT if:
 - a. The offender is complying with the *Reentry Plan, Annual Goals* and has a facility work assignment
 - b. The offender receives an 85 point rating on the Class Level Evaluation
 3. Confinement in General Detention: Upon assignment to general detention for investigative purposes or for behavior management where the offender has also received a disciplinary offense the offender should have their eligibility for EGT suspended until disposition of the case has been rendered by the Hearings Officer and approved by the Facility Unit Head.
 - a. If convicted for a 100 series disciplinary offense, the offender's eligibility for EGT consideration resumes the next annual review cycle date following conviction of the offense.
 - b. If not convicted of a 100 series disciplinary offense, the offender's EGT eligibility is unaffected by the assignment to general detention.
- D. Criteria and Restrictions for Special Status Offenders:
 1. Upon return to confinement for alleged parole violation(s), an offender's eligibility for EGT should not resume until parole is revoked by the Parole Board. At that time, EGT consideration for the offender will be retroactive to the date of return to a local jail facility or State correctional institution in the absence of any new conviction related to the revocation.
 2. Upon transfer to a local jail facility, the offender's EGT eligibility status should not be affected.
 3. Any offender who commits a felony or misdemeanor while in confinement or in parole revocation status automatically becomes ineligible for EGT. The eligibility for EGT consideration for an offender in confinement should resume the next annual review cycle date following the offender's conviction of the offense.
 4. Any escapee returned to confinement automatically becomes ineligible for EGT. The eligibility should resume the next annual review cycle date following the offender's conviction of the offense.
- E. An offender will be awarded EGT after receiving a Class Level Evaluation of Class Level I and only by

action of the ICA with approval of the Facility Unit Head.

1. The ICA should review each eligible offender for EGT based on the annual review date.
2. Clear justification will be required to award EGT to an offender based on:
 - a. The total point score on the Class Level Evaluation
 - b. Due consideration to criteria and restrictions that affect the offender in an administrative placement, special status or with special needs as set forth in this procedure
 - c. Due consideration to the input of the offender's counselor, work supervisor, building officer, and other staff knowledgeable of the offender's progress towards attainment of treatment objectives in the offender's *Reentry Plan*.
3. The ICA will certify that an offender is eligible for EGT awards after the review of the offender's performance during the previous 12 months and determine at what rate the offender's EGT request will be made. The ICA should record the recommended EGT award in VACORIS.
4. VACORIS will generate a notification to the Facility Unit Head to review the ICA action and approve or disapprove it. The Facility Unit Head may approve the EGT request in total, approve it with reduction in the rate and/or total days EGT, or disapprove the request in total.
5. A *Class Level Evaluation Report* should be printed and provided to the offender showing Facility Unit Head approval or disapproval of the ICA action.
6. Facility Unit Head approval of ICA action to award EGT will generate a notification to the Court and Legal Section to update the offender's time calculation.
7. Once an EGT request has been approved and credited to an offender, the loss of EGT award should not be available as a disciplinary penalty.

VII. GOOD CONDUCT ALLOWANCE (GCA)

- A. All offenders who committed felony offenses on or after July 1, 1981 and prior to January 1, 1995 will automatically enter the GCA system for the duration of those sentences. All offenders who committed misdemeanor offenses on or after July 1, 1981 will automatically enter the GCA system for the duration of those sentences.
- B. Those offenders who committed their offense prior to July 1, 1981 may request to enter the GCA system by action of the ICA with approval of the Facility Unit Head in accordance with Operating Procedure 830.1, *Institution Classification Management*. For these offenders:
 1. Entrance into the GCA system may take place only after:
 - a. Appropriate staff explains the system to the offender
 - b. The offender understands that the decision to enter the GCA system cannot later be reversed
 - c. The offender signs a [*Good Conduct Allowance Opt-In*](#) 830_F3 indicating an understanding of the system and the finality of the informed consent.
 2. If appropriate treatment staff determine that an offender is not capable of making an informed decision on entry into the GCA system due to mental health condition or other limitations, the Facility Unit Head may be responsible for referring the offender to court-appointed or other appropriate legal counsel to facilitate an informed decision.
 3. The effective date of GCA system entry is the date that the offender signed the *Good Conduct Allowance Opt-In*.
 4. The level of entry into the GCA system is to be individually determined by the ICA with the approval of the Facility Unit Head in accordance with the evaluation portion of this operating procedure.
- C. There are four Class Levels in the GCA system differentiated by the amount of GCA earned per 30 day period served. The entire GCA earned reduces the time the offender must serve to satisfy the sentence.

One-half of the GCA earned reduces the offender's parole eligibility date. The classes are:

- Class Level I - the offender earns 30 days GCA for every 30 days served.
- Class Level II - the offender earns 20 days GCA for every 30 days served.
- Class Level III - the offender earns 10 days GCA for every 30 days served.
- Class Level IV - the offender earns no days GCA.

D. Offenders serving one or more life sentences or sentences for certain violent offenses will not exceed the good conduct earning rate of the GCA Class Level III on those related sentences.

VIII. EARNED SENTENCE CREDIT

A. All offenders who committed their felony offense(s) on or after January 1, 1995, automatically enter the ESC system for the duration of all such felony sentences. Note that misdemeanor sentences continue to be calculated under GCA.

B. There are four Class Levels in the ESC system differentiated by the amount of ESC earned per 30 day period served. The entire ESC reduces the time the offender must serve to satisfy the sentence.

- Class Level I - the offender earns 4.5 days ESC for every 30 days served.
- Class Level II - the offender earns 3 days ESC for every 30 days served.
- Class Level III - the offender earns 1.5 days ESC for every 30 days served.
- Class Level IV - the offender earns 0 days ESC.

C. Offenders serving one or more life sentences are not eligible to receive earned sentence credits, but should be awarded L-I, L-II, L-III, or L-IV Class Levels for recognition purposes.

IX. SENTENCE REDUCTION

A. Eligibility

1. In accordance with COV §53.1-191, sentence reductions may not be applied to any sentence imposed for a felony offense committed on or after January 1, 1995. Offenders under the Earned Sentence Credit (ESC) system may be recognized in another manner, but no sentence reduction can be recommended.
2. One or more of the following criteria should apply for an offender to be considered for a sentence reduction:
 - a. An offender must have rendered effective and measurable assistance directly related to preventing an escape or in the apprehension of an escaped offender.
 - b. An offender must have voluntarily, or at the instance of a prison official, rendered other extraordinary services such as saving the life of any person, preventing serious bodily harm or substantial damage to State property.
 - c. An offender must have suffered serious or debilitating bodily injury that was not the result of misconduct by the offender and which was incurred by saving life or State property or in the performance of assigned job duties while in the prison system.

B. Facility Level

1. Each correctional employee is authorized and permitted to prepare an Internal Incident Report on any offender the employee deems deserving, who has been observed to perform any act defined as meritorious or injurious by this procedure.
2. Whenever an offender is observed to be performing one of the acts listed in the criteria above, the correctional employee observing the act should submit a written *Internal Incident Report*. See Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*. The report must include:
 - a. The offender's name and number
 - b. The location, by facility and area where the incident occurred.
 - c. The date and time of day.

- d. A factual summary of what was observed.
- e. The name of the reporting officer and any others who may have witnessed the incident.
3. The initial report should be submitted within one working day to the reporting employee's immediate supervisor who, if deemed appropriate, should submit a report providing additional pertinent details.
4. Reports written under Sections 2 and 3 above should normally be submitted to the Facility Unit Head within three working days of the incident.
5. Facility Unit Heads are responsible for reviewing each sentence reduction recommendation submitted by staff for completeness and approval or disapproval. The Facility Unit Head may refer the report back due to incompleteness or disapproval, or recommend another avenue of commendation. If approval is indicated, the Facility Unit Head will forward the report and attachments to the Regional Administrator for action.
6. Recommendations and incident summaries should be processed in a manner to ensure appropriate confidentiality. There is no requirement for recommendations to be reviewed by a facility committee or reviewer other than the Facility Unit Head.
7. A Special Investigations Unit investigation is to be conducted when one or more of the following occur:
 - a. A meritorious action that was not directly observed by a correctional employee.
 - b. A meritorious act that results in criminal charges being brought against an individual.
 - c. Any act which indicates a serious breach of facility security.
 - d. Disclosure of a discovered weapon.
8. It is the responsibility of the Facility Unit Head to investigate the reports, to verify all facts reported and to prepare a summary report to include:
 - a. Signed statements from witnesses
 - b. Copies of all reports which have been received to include the following when appropriate:
 - i. Internal Incident Report
 - ii. Incident Report
 - iii. Special Investigations Unit report
 - iv. Corrective action follow-up
 - v. Medical report indicating extent of injury
 - c. Facility Unit Head's statement regarding the impact of the offender's action upon the operation of the facility as a whole.
 - d. The Facility Unit Head should forward this report package to the office of the Regional Administrator within three working days after compilation of a completed report.
9. No recommendation is to be made at the facility level regarding the specific amount of credit to be given to an offender under this procedure. The recommendation will initially be made by the Sentence Reduction Committee.
10. If the Facility Unit Head determines that the offender's action does not warrant a recommendation for sentence reduction, the offender will normally be notified in writing of the decision. Notification should be made within seven working days of receipt of the initial reports.

C. Chief of Corrections Operations Level

1. All reports received from facilities regarding extraordinary service or injuries are to be reviewed in the office of the Regional Administrator/Regional Operations Chief for content and approval. The Regional Operations Chief may forward the recommendation with a cover letter stating approval to the Chief of Corrections Operations or return the report to the sending facility for disapproval, rewrite, or suggestion of alternative to sentence reduction.
2. The Chief of Corrections Operations or designee may accept or reject the recommendation. If

accepted, the report is forwarded to the Sentence Reduction Review committee. If disapproved, it is returned to the Regional Operations Chief.

3. The Chief of Corrections Operations appoints a Sentence Reduction Review Committee composed of representatives from regional offices, facilities, and the Offender Management Services unit.
 - a. The Committee consists of a minimum of three members who are to be rotated periodically. The senior member of the Committee will preside as the Chairperson.
 - b. Additionally, the Director of Offender Management Services may designate a Sentence Reduction Review Coordinator to handle administrative work for the Committee.
 - c. The Committee may conduct an investigation into reports submitted by Facility Unit Heads. Included in the file presented to the Committee will be all identification and classification information pertinent to the individual. This record must accompany recommendations provided to the Chief of Corrections Operations by the Sentence Reduction Committee.
 - d. The Committee must consider each case independently and must submit its findings with appropriate recommendations for sentence credit to the Chief of Corrections Operations.
4. Upon receipt of all reports, the Chief of Corrections Operations reviews each Committee recommendation. If approved, it is forwarded to the Director for action.

D. Executive Level

1. In accordance with COV §53.1-202.4 a sentence reduction may considered and granted to offenders in cases of injuries to or as a result of extraordinary services performed.
2. A review of the facts will be conducted in each case, and where appropriate, recommendations made to the Governor for final approval.
3. Upon the Governor's approval, the Chief of Corrections Operations informs the Regional Operations Chief, Regional Administrator, Facility Unit Head, and offender in writing of the sentence credit authorized in this case.
4. Each sentence credit should be entered into the offender's record within ten working days of receipt from the Governor.

E. Offender Appeals - An offender may appeal any recommendations or decisions by submitting a grievance through the Offender Grievance Procedure at their assigned facility.

F. Sentence credits awarded under COV §53.1-191 may not be forfeited for violation of written facility rules and regulations.

X. REFERENCES

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*
Operating Procedure 730.3, *Mental Health Services: Levels of Service*
Operating Procedure 735.1, *Sex Offender and Crimes against Minors Registration*
Operating Procedure 810.1, *Offender Reception and Classification*
Operating Procedure 820.2, *Re-entry Planning*
Operating Procedure 830.1, *Institution Classification Management*
Operating Procedure 861.1, *Offender Discipline, Institutions*
Operating Procedure 866.1, *Offender Grievance Procedure*

XI. FORM CITATIONS

[Good Conduct Allowance Opt-In](#) 830_F3

XII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later

than three years after the effective date.

The office of primary responsibility reviewed this operating procedure in March 2020 and no changes are needed at this time.

The content owner reviewed this operating procedure in March 2021 and necessary changes are being drafted.

Signature Copy on File

1/29/19

A. David Robinson, Chief of Corrections Operations

Date