



Program Statement

OPI: CPD
NUMBER: 5884.02
DATE: 8/1/2002
SUBJECT: Educational Good Time
Sentence Credit for
D.C. Code Offenders

RULES EFFECTIVE: 7/24/2002

1. PURPOSE AND SCOPE § 523.30

[What is educational good time sentence credit?

Educational good time sentence credit is authorized by District of Columbia (D.C.) Code § 24-429, and reduces the amount of time to serve under a term of imprisonment. In these rules, we refer to D.C. educational good time as "DCEGT."]

a. This Program Statement establishes procedures for awarding educational good time sentence credit under D.C. Code § 24-429 (DCEGT). This policy applies to D.C. Code offenders in Bureau custody who committed their offenses before August 5, 2000 and completed designated education programs successfully while in Bureau custody on or after August 5, 1997.

b. This policy applies to D.C. Code offenders incarcerated in Bureau institutions or Bureau contract facilities.

c. Congress passed the D.C. Revitalization Act (formally known as Section 11201 of Chapter 1 of Subtitle C of Title XI of the National Capital Revitalization and Self-Government Improvement Act of 1997 (P.L. 105-33; 111 Stat. 740)) August 5, 1997. This Act is codified at D.C. Code Title 24, Chap. 12, Transfer of Prison System to Federal Authority.

d. Under the D.C. Revitalization Act, effective August 5, 1997, the Bureau is obligated to administer D.C. Code sentences for those D.C. Code offenders currently in, or subsequently transferred to, Bureau custody. See D.C. Code § 24-1201.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

e. Consequently, D.C. Code offenders who successfully completed academic programs in D.C. Department of Corrections (DCDC) custody, or in Bureau custody prior to August 5, 1997, are not eligible for DCEGT under this policy.

f. DCEGT awards reduce both the minimum and maximum terms of imprisonment, unless otherwise limited by this Program Statement.

g. See Section 7 regarding DCEGT limitations.

2. **PROGRAM OBJECTIVES.** The expected results of this program are:

a. Eligible inmates will be awarded D.C. educational good time sentence credits.

b. The amount of sentence credits will be calculated accurately and revised as necessary.

3. **DIRECTIVES REFERENCED**

PS 1330.13	Administrative Remedy Program (12/22/95)
PS 5270.07	Inmate Discipline and Special Housing Units (12/29/87)
PS 5300.17	Education, Training and Leisure Time Program Standards (9/4/96)
PS 5880.32	Sentence Computation Manual (District of Columbia) (1/23/01)

4. **STANDARDS REFERENCED**

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4094

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-1E-03

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-1E-05

5. **MCC/MDC/FDC/FTC PROCEDURES.** Procedures in this Program Statement apply to Metropolitan Correctional Centers, Metropolitan Detention Centers, Federal Detention Centers, and Federal Transportation Centers.

6. **ELIGIBILITY § 523.31**

[Who is eligible for DCEGT? You are eligible for DCEGT if:

a. You are incarcerated in a Bureau of Prisons' (Bureau) institution or a Bureau contract facility;] This PS does not cover D.C. Code offenders in custody at a DCDC institution or a DCDC contract facility, because they are not in Bureau custody.

[b. You are serving a term of imprisonment for a D.C. criminal code violation committed before August 5, 2000;] D.C. Code offenders who committed their offenses on or after August 5, 2000, are not eligible for DCEGT (see D.C. Code § 24-203.1(d)).

[c. Your Unit Team approved or designed a plan for you to complete a program designated by the Bureau as eligible for DCEGT;

d. The Supervisor of Education (SOE) finds that you successfully completed a Bureau-designated education program on or after August 5, 1997; and

e. You did not violate prison discipline rules while enrolled in the program (see § 523.33).] 28 CFR 523.33 refers to Section 9 of this Program Statement.

7. LITERACY PROGRAM - EXCEPTION FOR SPECIAL LEARNING NEEDS.

D.C. Code offenders who participated in the literacy program and whom the Bureau later exempted because of special learning needs (GED ZP), are eligible for DCEGT for the time enrolled in the program, if otherwise eligible for DCEGT under this PS.

8. AMOUNT OF AVAILABLE DCEGT § 523.32.

[How much DCEGT can I earn?

a. You can earn 5 days DCEGT for each month you were enrolled in a designated program, up to the maximum amount designated by the Bureau for the type of program successfully completed.

b. You are limited to 5 days per month DCEGT, even if enrolled in more than one designated program.

c. Enrollment in a designated program for any portion of a calendar month earns one full month's worth of DCEGT.

d. You are not eligible for DCEGT which, if awarded, would

make you past due for release.] DCEGT may be prorated only to avoid late release.

(1) The following table shows the maximum DCEGT available for designated programs.

Maximum Available DCEGT for Designated Programs		
If the inmate successfully completed the following program:	The maximum DCEGT available is:	Based on program enrollment of:
Literacy / General Educational Development (GED)	150 days	30 months
English as a Second Language (ESL)	150 days	30 months
Occupational* (Non-College) with Marketable Completion for a:		
a. 100-500 hour program	35 days	7 months
b. 501-1000 hour program	70 days	14 months
c. 1001-1500 hour program	105 days	21 months
d. > 1500 hour program	140 days	28 months
Advanced occupational* (one or more college courses per semester)	25 days	5 months

* Excluding exploratory or apprenticeship occupational programs and correspondence courses.

(2) An inmate may be enrolled in a designated program longer than the time shown above for that program, but that inmate may not earn DCEGT over the maximum amount shown above for that program.

(3) If an inmate completes a designated program successfully in less than the time shown above for that program, the inmate will earn only five days DCEGT for each calendar month he/she was actually enrolled.

(4) The following are examples of DCEGT awards:

- An inmate takes *longer* than the time expected to complete a particular education program.

On January 20, 2000, an inmate enrolled in a 900-hour Occupational program. He or she completed the program successfully on May 5, 2001.

A 900-hour program is in zone "b." of the chart, and has a maximum DCEGT of 70 days. Although the inmate completed the program successfully in 16 calendar months, he receives only 70 days DCEGT, because:

$(5 \text{ days DCEGT/month}) \times (16 \text{ calendar months}) = 80 \text{ days DCEGT}$. However, DCEGT for a 900-hour program is limited to 70 days, so the inmate only receives 70 days.

- An inmate takes less than the time expected to complete a particular program.

On January 20, 2000, an inmate enrolled in a 900-hour Occupational program. He or she completed the program successfully on September 5, 2000.

A 900-hour program falls in zone "b." of the chart, and has a maximum DCEGT of 70 days. However, since the inmate completed the program successfully in nine calendar months, he or she receives only 45 days DCEGT, because:

$(5 \text{ days DCEGT/month}) \times (9 \text{ calendar months}) = 45 \text{ days DCEGT}$.

[e. Once appropriately awarded, DCEGT vests, and cannot be forfeited.] Staff may correct errors in awarding DCEGT at any time.

9. LIMITATIONS § 523.33

[How is eligibility for DCEGT limited? Eligibility for DCEGT is limited in two ways:

a. If you violate prison rules, you are not eligible for one month's worth of DCEGT for each disciplinary incident committed during the program enrollment period. A Discipline Hearing Officer, or other staff using procedures similar to those in 28 CFR 541.17, must determine that you committed a prohibited

act.] 28 CFR 541.17 refers to the Program Statement on Inmate Discipline and Special Housing Units.

(1) Ineligibility for DCEGT because of a prison rule violation is not a sanction the Discipline Hearing Officer (DHO) imposes. Rather, D.C. Code § 24-429 mandates compliance with institution rules as a pre-condition to eligibility for DCEGT.

(2) Ineligibility for one month's worth DCEGT due to prison rule violation(s) refers to all prison rule violations arising from a single disciplinary incident. For example, if the inmate committed several individual rule violations (e.g., Codes 306, 307, and 312), all arising from a single incident, and all contained in a single incident report, the inmate is ineligible for five days DCEGT.

(3) Multiple prison rule violations arising from separate incidents (e.g., incidents occurring on different dates, or the same date but different times), contained in separate incident reports, and resolved by the DHO separately, count as separate disciplinary incidents for determining DCEGT ineligibility.

Example: An inmate committing prison rule violations arising from two separate disciplinary incidents on the same day is ineligible for 10 days DCEGT.

(4) A DHO or other staff member must find the inmate committed a prohibited act after following the procedures in Chapter 7, Section 2 of the Program Statement on Inmate Discipline and Special Housing Units or similar procedures. Unit Disciplinary Committee findings of prison rule violations do not disqualify inmates for DCEGT.

(5) When a non-Bureau institution determines an inmate's prison rule violation, Inmate Systems Management (ISM) staff should consult with the Regional Discipline Hearing Administrator to determine whether the procedures satisfy Chapter 7, Section 2 of the Program Statement on Inmate Discipline and Special Housing Units.

(6) ISM staff should delay making final DCEGT awards when an inmate's disciplinary action is pending before the DHO. When the DHO completes disciplinary action, however, DCEGT should be awarded or denied regardless of pending inmate appeals.

(7) Previously denied DCEGT may be awarded later as the result of inmate appeals through the Bureau's administrative remedy program or federal court orders.

(8) The following are examples of DCEGT calculations involving disciplinary actions:

- If an otherwise eligible inmate completed a GED program successfully in six calendar months, but committed a violation of a prison rule during the enrollment period, he/she is only eligible for 25 days DCEGT, because:

$(5 \text{ days DCEGT/month}) \times (5 \text{ eligible calendar months}) = 25 \text{ days DCEGT.}$

- This limitation applies for every disciplinary incident during the program enrollment period, even if committed during a calendar month which would not otherwise earn DCEGT. For example, if an otherwise eligible inmate completed a GED program successfully in 35 calendar months, but was guilty of a disciplinary incident in the 33rd month, he or she is only eligible for 145 days DCEGT, because:

$(5 \text{ days DCEGT/month}) \times (29 \text{ eligible calendar months}) = 145 \text{ days DCEGT.}$

- This limitation applies cumulatively. For example, if an otherwise eligible inmate completed a GED program in nine months successfully, but was guilty of two separate disciplinary incidents in the ninth month, he or she is only eligible for 35 days DCEGT, because:

$(5 \text{ days DCEGT/month}) \times (7 \text{ eligible calendar months}) = 35 \text{ days DCEGT.}$

[b. The nature of your offense may limit your eligibility for DCEGT under D.C. Code 24-429.2 or 24-434.] Eligibility for DCEGT may be limited based on the inmate's offense, as indicated in the following table.

If the inmate's offense is for:	Then DCEGT:	The authority for this is:
A crime of violence, as defined by D.C. Code § 22-3201,	Must not reduce the minimum term by more than 15%.	D.C. Code § 24-429.2, <u>Limitations</u> .
Violating D.C. Code § 22-3202, 33-501, 33-541, 22-2404(b), 22-2903, or 22-3204(b),	Must not be applied to the minimum term of imprisonment.	D.C. Code § 24-434, <u>Exceptions</u> .

10. **WITHDRAWAL**

a. **Involuntary Withdrawal.** If an inmate is removed from a designated education program due to administrative reasons (such as a writ, medical, administrative detention, or disciplinary segregation, etc.) for over 30 days, education staff will designate the inmate as "involuntary withdrawal" status.

b. **Re-enrollment.** The inmate may later re-enroll through routine institution procedures, and should be considered for DCEGT for the time previously enrolled in the program. The Bureau will not give the inmate DCEGT while on a waiting list to be re-enrolled in a designated program.

c. **Voluntary Withdrawal.** If an inmate withdraws from an education program voluntarily, the inmate is not eligible for DCEGT credit for the time he or she spent in the education program before withdrawing voluntarily. This applies even if the inmate re-enrolls subsequently and completes the designated program successfully.

11. **CALCULATING DCEGT AWARDS.** Bureau staff calculate and award DCEGT after verifying the inmate's eligibility under this PS. If inmates believe they meet the eligibility requirements listed in Section 6, they may inform the Supervisor of Education (SOE) that they are D.C. Code offenders and request DCEGT by submitting an "Inmate Request to Staff Member" form.

a. **SOE Responsibilities.** The SOE completes Part 1 - D.C. Educational Good Time form (available on BOPDOCS), certifying the inmate's:

- Successful completion of a DCEGT designated program;
- Period(s) of enrollment (specific dates); and
- Maximum allowed DCEGT for the program completed.

b. **ISM Copy.** The SOE signs and dates the form, and forwards it to ISM staff within three workdays. The SOE will establish

and maintain a DCEGT file containing alphabetically arranged copies of forms with the inmate's SENTRY transcript attached.

c. **ISM Staff Responsibilities.** Upon receiving the form, ISM staff will complete Part 2 by:

- Certifying the inmate's discipline status while enrolled in the program using the SENTRY Chronological Disciplinary Record;
- Calculating and awarding the authorized amount of DCEGT, including SENTRY updates, and
- Filing the SENTRY Chronological Disciplinary Record and the DCEGT form in the inmate's Judgment and Commitment file to indicate the DCEGT's award.

d. **Distribution and Records.** ISM staff will distribute copies of the completed DCEGT form to the inmate's unit team for filing in section 1 of the Inmate's Central File and to the inmate.

12. **[APPEALS § 523.34]**

How can I challenge DCEGT award decisions?

You can use the Administrative Remedy Program, 28 CFR 542.10 through 542.19, to challenge Bureau of Prisons decisions regarding DCEGT.] 28 CFR 542.10 through 542.19 refers to the Program Statement on the Administrative Remedy Program.

13. **RETROACTIVE APPLICATION.** This policy is effective on the date of signature. Staff will apply this policy retroactively as indicated.

/s/
Kathleen Hawk Sawyer
Director