



STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS

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ADMINISTRATIVE REGULATION
NUMBER 437

OPR: CENTRAL RECORDS

TIME COMPUTATION AND PROCEDURES

I. GENERAL

This administrative regulation delegates authority to Alabama Department of Corrections personnel to compute inmate release dates, describes responsibilities of ADOC staff to compute and enter data into the data base affecting inmate release dates, and defines and provides examples of terms relevant to computing inmate release dates.

II. RESPONSIBILITIES OF ADOC PERSONNEL

A. The Director of Central Records, or his/her designee, is responsible to review transcripts received from the counties for completeness, enter relevant data from the transcript into the date base to compute inmate release dates and, provide consultation on time computation policies to ADOC staff and other criminal justice agencies.

B. Wardens, or their designees, are responsible for the timely addition of data which affects inmate release dates, and for evaluating and responding to inmate inquiries pertaining to time computation.

III. PROCEDURES AND SERVICES

A. The Director of Central Records, or his/her designee, will adhere to the following procedures in order to provide time computation services to ADOC personnel or other criminal justices agencies:

1. Documents affecting inmate release dates will be reviewed for completeness. These records will be validated to insure that they were issued by the responsible authority, including proper signatures and dates, or contain other pertinent data.
 2. Consultation concerning ADOC's policies on time computation will be provided to Wardens or other ADOC staff, and other criminal justice agencies, upon receipt of a request for such.
 3. Contact with ADOC staff or other criminal justice agencies will be performed to ensure that the proper information is entered resulting in the correct release date being computed.
- B. Wardens or their designee, at units with computer terminal input capability, will adhere to the following procedures to provide time computation services to inmates under their authority.
1. Ensure timely entry of correct disciplinary data by:
 - a. Requesting a report of amount of good time available prior to a disciplinary hearing.
 - b. Exercising quality control over disciplinary data prior to entry, and
 - c. Entering the disciplinary data within 24 hours after the disciplinary hearing.
 2. Answer inmate requests for a review of release dates.
 - a. Reviewing the inmate request to determine if the release dates have been properly computed, and
 - b. If the sentence dates have not been computed properly or data is determined to be incorrect, contact the Director of Central Records, in writing.

IV. DEFINITION OF TERMS AND RELEVANT POLICIES

A. Good Time

1. Statutory good time (SGT) is an automatic reduction of sentence given to inmates convicted of a charge which was committed prior to May 19, 1980. Time will be deducted from an inmate's sentence based on the table of good time deduction and examples in Annex A.

2. Incentive good time (IGT) is an additional one-for-one reduction in sentence given to inmates serving SGT who exhibit exceptional behavior and are approved by the proper authorities.
3. Correctional incentive time (CIT) is a reduction of sentence awarded to inmates convicted of a charge committed on or after May 19, 1980. CIT establishes four earning classes with good time earned daily at a rate according to class. Earning rates for each class can be found in Administrative Regulation 427 and examples of computation can be found in Annex A.
 - a. The minimum time to be served in each class is as follows:
 - (1) Class IV - 30 days
 - (2) Class III - 90 days
 - (3) Class II - 180 days
 - (4) Class I - remainder of sentence
 - b. CIT Restrictions

Inmates restricted to Class IV are those convicted of a Class A felony sentenced to life, or death, or who have received a sentence for more than fifteen (15) years (one case). No inmate may be placed in Class I if he/she has been convicted of an assault where the victims of such assault suffered the permanent loss or use or permanent partial loss or use of any bodily organ or appendage. No inmate may be placed in Class I if he/she has been convicted of a crime involving the perpetration of sexual abuse upon the person of a child under the age of seventeen years. (Code of Alabama 14-9-41).
 - c. Inmates may also be restricted to a class or for a specified length of time to serve because of conviction of trafficking law violations (Code of Alabama 20-2-80, as amended) if date of offense was on or after November 12, 1987).
 - d. Inmates may also be restricted to Class IV if sentenced under Code of Alabama 15-18-8, as amended, which states no defendant serving a minimum period of confinement (split sentence) shall be entitled to deductions from his sentence under the Alabama Correctional Incentive Time Act.

B. Time Computation Procedures

The Time Computation Manual (Annex A) defines and describes ADOC

policies and procedures for determining sentence length. All changes in good time legislation, or official departmental policy, will be published immediately in the manual upon authorization by the Commissioner.

1. It will be the policy of the Alabama Department of Corrections to award Correctional Incentive Time (CIT) to drug traffickers who are sentenced to 10-15 years.
2. The computation will be based upon the longest sentence between (1) Pre-time running at flat time (mandatory term) and (2) CIT on total sentence. This will apply if the conviction is on or after 10/29/91.
3. Inmates sentenced to trafficking (10-15 years) prior to 10/29/91 are not eligible for retroactive good time. These persons will serve flat time until 10/29/91. ~~Parole violators will begin in Class IV on revocation date. Escapes returned will begin in Class IV on recapture date or return date if out of state.~~

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V. REFERENCES

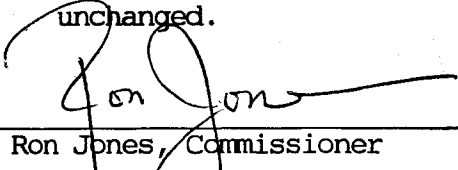
A. Alabama Department of Corrections Administrative Regulations:

1. AR 403 - Disciplinary Committee Hearing for Major and Minor Violations
2. AR 420 - Incentive Good Time
3. AR 427 - Correctional Incentive Good Time

B. Code of Alabama (1975) as supplemented

VI. SUPERSESSION

This regulation supersedes Administrative Regulation 437, dated January 24, 1989, as amended (except for pages 3 through 20, Annex A, "Time Computation Policies"). Remove/retain referenced pages from the superseded regulation and include them in this regulation with the annex cited below. The information contained therein remains unchanged.



Dr. Ron Jones, Commissioner

Annex A Time Computation Manual

SUMMARY OF CHANGES

Incorporates two previously numbered changes and updates, modifies and makes numerous additions to the Time Computation Policies, pages 1 and 2 (Annex A).

Alabama Department of Corrections

Time Computation Manual

TIME COMPUTATION POLICIES

1. Consecutive Cases. When computing time, any additional consecutive sentence will be accumulated with the total existing sentence or sentences being served. The SGT will be posted and served first when two or more consecutive cases have the same sentence date and involve a combination of SGT and CIT. If the sentence dates are not equal, choose the case with the earliest sentence date. All sentences not stated by the court as concurrent are consecutive.
2. Concurrent Cases. When computing time on concurrent sentences, compute each case separately using the jail credit and sentence date shown on the transcript for that case. The case which has the longest period of incarceration will be used for establishing release date by comparing SGT short date or IGT date (if applicable) with CIT minimum date, subject to restrictions.
3. Jail Credit. Jail credit will be given to each inmate for all time actually spent incarcerated pending trial as certified by the circuit clerk. Central Records will review for overlapping jail credit. When it appears that the inmate has been given additional credit, the circuit clerk will be notified in writing of the finding. It will be the clerk's decision to change the time as submitted. Jail credit for consecutive cases will be aggregated when sentence dates are different. If sentence dates are equal, the larger amount will be used. Jail credit on concurrent sentences is not aggregated. Jail credit will be used on base record only to determine class placement.
4. Corresponding Good Time Classes. Unless there is CIT restriction, an inmate serving two or more sentences will be moved to the same or approximately equal earning class when he begins serving an additional sentence. SGT is considered equal to CIT Class III and IGT is equal to CIT Class I. On concurrent sentences, the above logic is applied, and the inmate will begin serving the concurrent sentence in the respective earning status. If serving on CIT concurrent cases, the inmate will begin in same earning status as the prior case for the controlling case.
5. Parole Violators. Parole violators will begin in Class IV earning status from date of revocation. However, parole violators who receive a new CIT case prior to the date of revocation, are entitled to earn CIT accordingly on the new case from the sentence date.
6. Class A felons who receive a sentence of less than 15 years are prohibited from CIT pursuant to Code of Alabama 14-9-41, i.e., Burglary I, 8 years.
7. Dead time includes: (a) Dates of escapes to recapture date or return date if out of state.
(b) Parole violators - date of delinquency to recapture date or return date if out of

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state. There is no dead time if subject is recaptured prior to his delinquency date.

8. Inmates who have previously served on split sentence and subsequently revoked, will begin their sentence on the date of revocation with credit for time previously served included as jail credit.
9. Class Dates. Eligible inmates with sentences of 10 to 15 years received prior to 10/29/91 and not approved for retroactive CIT (as amended 14-9-41) will begin in Class IV on 10/29/91.
10. Retentions. Permanent or indefinite Class IV placement can only be applied to the Rule numbers listed below:

(a) Rule #28	(r) Rule #44
(b) Rule #29	(s) Rule #47
(c) Rule #30	(t) Rule #48
(d) Rule #31	(u) Rule #51
(e) Rule #32	(v) Rule #59
(f) Rule #33	(w) Rule #60
(g) Rule #34	(x) Rule #64
(h) Rule #36	(y) Rule #67
(i) Rule #39	(z) Rule #68
(j) Rule #40	(aa) Rule #69
(k) Rule #45	(bb) Rule #72
(l) Rule #46	(cc) Rule #73
(m) Rule #52	(dd) Rule #79
(n) Rule #53	(ee) Rule #93
(o) Rule #71	(ff) Rule #94
(p) Rule #W3	(gg) Rule #E7
(q) Rule #37	(hh) Rule #70

All other disciplinaries can be bumped to a lower earning class as Warden deems appropriate.

11. Co-terminous cases will expire at the same time as the prior release date, or it will expire on the release date of the class to which it was specifically co-terminous.
12. Director of Records, and/or his/her designee, is authorized to hand compute and overlay release dates on those inmates whose sentences will not compute properly through programming.
13. If an inmate has over 100 disciplinaries, Director of Records, or designee, is authorized and has discretion to delete "x" number of disciplinaries in order that new disciplinaries can be entered. Director, or designee, will review record, for time computation purposes, and delete oldest minor disciplinary with no loss of good time. If not available, major disciplinary with no loss of good time will be deleted.

14. If an inmate is still serving on one case and lost CIT through disciplinary action, he/she is entitled to a restoration of good time on this case, even though another concurrent case may be the controlling case.

15. Procedures. This manual is to be used to establish programming for Statutory Good Time (SGT) and Correctional Incentive Time (CIT). It is also to be used to verify all sentences. Inmate questions regarding time computation will be reviewed at his/her facility by a staff member appointed by the Warden, following the guidelines in this manual. If the staff member who reviews the inmate's question cannot resolve the problem, then the Director of Records, or his/her designee, may be contacted for consultation. If necessary, the Director of Central Records, or designee, will contact the appropriate county to resolve the issue after the request for review is received from the staff member who attempted to verify the sentence.