



## **TIME COMPUTATION**

### **POLICY.**

It is the policy of the Deschutes County Corrections Division to ensure corrections staff compute lawful release dates on sentenced or sanctioned inmates according to statute and sentencing orders.

### **PURPOSE.**

The purpose of this policy is to provide staff with guidelines on how to award time credits and compute prompt and accurate release dates.

### **OREGON JAIL STANDARDS:**

- I-405 Work Credit

### **REFERENCES:**

- ORS 137.320, Delivery of Defendant when Committed to Department of Corrections; Credit on Sentence Executed
- ORS 137.330, Where Judgment of Imprisonment in County Jail is Executed
- ORS 137.372, Credit for Time Served as Part of Probationary Sentence
- ORS 137.375, Release of Prisoners Whose Terms Expire on Weekends or Legal Holidays
- ORS.137.390, Commencement, Term and Termination of Term of Imprisonment in County Jail; Treatment of Prisoners Therein
- ORS 137.750, Sentencing Requirements Concerning Defendant's Eligibility for Certain Types of Leave, Release, or Programs
- ORS 137.754, Authority of Court to Modify Judgment to Comply with ORS 137.750 and 137.752
- ORS 169.110, Time Credit for Good Behavior
- ORS 169.120, Credit for work
- ORS 813.012, Crime Classification for Purposes of Rules of Oregon Criminal Justice Commission

### **DEFINITIONS.**

**Consecutive Sentences.** Two or more sentences where one sentence starts on the release date of the previous sentence.

**Credit for Time Served.** Day-for-day credit an inmate receives for previous time spent in any jail on pretrial or sentenced status, which is deducted from the total time sentenced.

**Good Time.** Time off an inmate's sentence for his or her good behavior while in custody. Good time is based on the entire term of the sentence.

**Lost Time.** Time credit revoked because of a disciplinary sanction, time on escape or unauthorized departure status, time not spent in the custody of the jail, or time on an authorized pass or leave.

**Parole.** A conditional release of a prisoner who served part of his sentence at a state correctional facility and is released into the community, but remains under the control of and in the legal custody of a parole authority. Any violation of the conditions can result in the return of the person to prison. "Parole" applies to offenders whose offenses were committed before November 1, 1989.

**Parole Sanction.** A term of incarceration wherein an offender is sanctioned by a hearings officer or probation officer. An offender is not eligible for good time and work credit.

**Post-Prison Supervision (PPS).** Similar to parole, but applies to offenders whose offenses were committed on or after November 1, 1989, who are released after serving a prison term given under sentencing guideline laws.

**Probation.** A form of sentencing a judge imposes along with, or in lieu of, incarceration. The sentence usually has special conditions attached that the convicted person must abide by, such as not to leave the state, drink alcohol, consume drugs, or not to go to a specific place or contact a certain person. The judge (bench) or a probation officer will supervise the probation. Failure to abide by conditions of probation may be cause for incarceration and also the basis for penalties, up to revocation of probation.

**Probation Sanction.** A term of incarceration wherein an offender is sanctioned for a violation of probation by a probation officer or by the court. An offender is not eligible for good time and work credit while serving a sanction.

**Release Date.** The date of release from custody, either to another jurisdiction or into the community. This does not include temporary passes, work release programs, or similar activities considered as extensions of confinement.

**Sentencing Order.** The document that includes the rulings of the court on such things as report-for-sentence decree, conditions that apply to the sentence, probation mandates, and conviction commitments.

**Supervisory Authority Board (SAB).** The state or local corrections agency or official designated in each county by that county's board of county commissioners or county court to operate corrections supervision services, custodial facility or both.

**Work Credit. Subtracted time off** an inmate's sentence for satisfactorily performing inmate worker duties.

## PROCEDURES.

### *SECTION A: GENERAL GUIDELINES*

- A-1.** Shift supervisor or designated staff will calculate time computations when:
- The jail receives a sentencing order.
  - The jail receives an amended sentencing order.
  - The inmate goes on or comes off inmate worker status.
  - The inmate completes or is removed from a work-credit-eligible program.
  - The inmate receives a loss-of-good-time sanction.
  - The inmate returns from a pass or leave.
  - The inmate returns from escape or unauthorized departure status.
  - The inmate is transferred to or returns from the Work Center (WC).
- A-2.** When calculating time computations, a shift supervisor will give priority to inmates with the closest upcoming release date.
- A-3.** Time computations will be figured using the Gregorian calendar, as follows:
- Day (for sentences of three days or less): A 24-hour period.
  - Day (for sentences of four days or more): One calendar date difference.
  - Month: A 30-day period.
  - Year: Generally, a 365-day period. However, one year is a 12 month period regardless if it's a leap year with 366 days.
- A-4.** Pursuant to ORS 137.375, anytime an inmate's release date falls on a Saturday, Sunday or legal holiday, the inmate will be released on the first day preceding the date of release which is not a Saturday, Sunday or legal holiday. The release time will occur prior to 2400 hours on the day preceding the Saturday, Sunday or legal holiday. This adjusted release date applies **only** to inmates sentenced in felony court with a felony case number. Inmates serving weekend only sentences are not eligible for such early release.
- A-5.** An inmate may file a grievance if he thinks staff has not corrected an error on a projected release date or for another release date issue. An inmate may file an emergency grievance if it concerns a missed release date (refer to DCAJ policy [CD-6-7, Inmate Grievances](#)).
- A-6.** The shift supervisor will contact the court to clarify a written order if it is not clear or conflicts with other written documents.

**SECTION B: CREDIT FOR TIME SERVED**

- B-1.** Corrections staff will only grant credit for time served on a charge when a court sentences the inmate on that same charge. The type of charge (i.e. felony or misdemeanor) and sentencing orders will dictate the amount of credit to grant.
- B-2.** For felonies, the sentencing judge has complete authority to grant full, partial, or no credit at all for time served on pretrial status or previous sentence on the same charge. Corrections staff will infer the lack of a written order as a judge’s intent to allow full credit for time served.
- B-3.** For misdemeanors, corrections staff will grant full credit for time served when a court sentences the inmate, unless the written order states otherwise.
- B-4.** Corrections staff will grant credit for time served on any out of county detainer from the day the DCAJ detainer was placed unless denied by the sentencing judge. The credit for time served is regardless of whether or not the other county also has pending charges.
- B-5.** Staff will follow these guidelines on whether to grant credit for time served:
- a. Probationary Sentence. An offender who has been revoked from a probationary sentence for a felony shall receive credit for the time served in jail after arrest and before commencement of the probationary sentence or for the time served in jail as part of the probationary sentence unless the sentencing judge orders otherwise (refer to ORS 137.372).
    - 1) Time served in jail after arrest and before commencement of the probationary sentence is referring to time served from the point of the arrest when the crime was originally committed to the time they were released from custody to begin the probation. Time served as a condition of probation is referring to any time served in the jail or work center as a condition of probation. This would include intermediate or structured sanctions. However, the judge has the authority to deny credit for time served in these cases.
  - b. Post-Prison Supervision Sanction. A person who is ordered to serve a term of incarceration in a jail or state correctional facility as a sanction for a post-prison supervision violation, is not eligible for: (refer to 144.108 )(2)
    - 1) Earned credit time
    - 2) Transitional leave
    - 3) Temporary leave
- B-6.** For consecutive sentences—felonies and misdemeanors— corrections staff will only grant credits for time served once, regardless of the number of cases on which the inmate is actually sentenced. Corrections staff will complete a time computation on each sentence in the same order as the sentencing order specifies.

**SECTION C: GOOD TIME**

- C-1.** Inmates will be credited good time credits, with the exception of sanctions, parole, probation and post-prison supervision.
- C-2.** The shift supervisor will compute good time in accordance with ORS 169.110 and guidance in sentencing orders.
- C-3.** An inmate may lose all or part of his good time for violating a jail rule. Disciplinary sanctions, which may include the loss of good time, must follow formal disciplinary due-process procedures before good time is taken (refer to DCAJ policy [CD-6-3, Rules and Discipline](#)).
- C-4.** An inmate does not have vested credit for good time until the scheduled release date. Staff may take it for cause before that time.

**SECTION D: WORK CREDIT**

- D-1.** The Corrections Captain will determine which work assignments and programs are eligible for work credit. The Corrections Captain may end work-credit-eligible work and program activities anytime, with or without cause.
- D-2.** Work credit will start on the first day of work or program assignment.
- D-3.** Credit for work will start on the first day of work or program assignment. Inmates will earn one day of work credit for eligible work and program activities for every 10 days of satisfactory work performance. The corrections captain or designee will review the inmate's institutional history periodically and may approve up to seven (7) additional days of work credit for every 30 days of work depending on the inmate's conduct, work history, disciplinary record and progress towards program goals. Sentenced inmates may earn work credit. Normally, inmates will receive work credit for:
  - a. Satisfactorily doing inmate worker duties.
  - b. Successful completion of certain jail programs (Programs staff will inform inmates what programs are eligible for work credit).
- D-4.** Work credit is based on the actual days in the work program, minus any credit time served and good time.
- D-5.** Work credits are vested once they are given to the inmate. Work credit stops on the inmate's last day of work. Failure to comply with regulations of the inmate worker program can result in the loss of any or all work-time credit.
- D-6.** Inmates who are serving a parole or probation sanction maybe an inmate worker by signing an *Inmate Worker Volunteer Form No. 630*.

***SECTION E: SUPERVISORY AUTHORITY BOARD (SAB) SENTENCES***

- E-1.** Offenders convicted of a new felony and sentenced to a term incarceration of one year or less that is not a condition of probation or has any probation ordered in the sentence or the sentence is the result of a felony probation revocation of no longer than 365 days (12 months) are SB1145 inmates.
- E-2.** An SAB sanction is a parole or post-prison revocation no longer than 365 days (12 months).
- E-3.** Shift supervisors will calculate time computations and identify the sentence as SB1145.

***SECTION F: MEASURE 73/SENATE BILL 395 SENTENCES***

- F-1.** Offenders convicted of a Class C felony DUII and sentenced to a mandatory minimum term of incarceration of 90 days without reduction for any reason are Measure 73/SB395 inmates.
- F-2.** Offenders sentenced to more than 90 days on a Class C felony DUII may qualify for reduction of the sentence after the 90 days have been served.
- F-3.** Shift supervisors will calculate time computations and identify the sentence - Measure 73.

**FORMS USED:**

- Inmate Worker Volunteer/Hold Harmless Statement Form No. 630