

 <p>KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	15.3	7
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	November 13, 2018	January 4, 2019
Authority/References KRS 197.045, 197.020, 196.035, 439.3401 ACA 4-4097	Subject MERITORIOUS GOOD TIME	

I. DEFINITIONS

“Extraordinary meritorious good time” means a sentence credit, not to exceed seven (7) days per month pursuant to KRS 197.045(1)(b)(3).

"Meritorious good time" means a sentence credit that may be awarded at the discretion of the Commissioner or his designee not to exceed seven (7) days pursuant to KRS 197.045(1)(b)(2).

“Sex offender” is defined by KRS 17.550(2) and KRS 197.410.

“Statutory Good Time” means a sentence credit that may be awarded pursuant to KRS 197.045(1)(b)(1).

“Trial run yes report” means a computer generated list of the names of inmates who shall be considered for meritorious good time.

“Trial run no report” means a computer generated list that applies meritorious good time credit toward an inmate’s sentence once the trial run yes report has been reviewed and approved by the designated authority.

“Violent offender” is defined by KRS 439.3401(1).

II. REVIEWS

A. An inmate shall be considered for Meritorious good time monthly except for an inmate who:

1. Has more than ninety (90) days statutory good time loss outstanding that is subject to restoration. If an inmate is eligible for a restoration during the month of review which reduces his restorable good time loss to 90 days or less, he shall be eligible for review for an award.
2. Has lost non-restorable good time. The inmate shall not be eligible for meritorious good time until five (5) calendar years from the date of conviction which resulted in the non-restorable good time loss.

Policy Number	Effective Date	Page
15.3	January 4, 2019	2

- a. This five (5) year period shall not be considered for an award of meritorious good time.
 - b. At the first annual review following the five (5) year period, the institution shall review the inmate for consideration of meritorious good time.
 - c. If appropriate, institutional staff may submit to the Director of Population Management a memorandum recommending a meritorious good time award.
 - d. The Central Office Classification Committee shall review the recommendation for approval or disapproval.
 - e. If disapproved, the institution may submit, if appropriate, a recommendation once annually.
 - f. If approved, the recommendation shall be forwarded to Central Office Offender Information Services for review. Once reviewed the appropriate notation shall be made in the offender management system to restore meritorious good time eligibility.
 - g. After the recommendation is approved by the Central Office Classification Committee, a future award shall fall under the regular schedule of reviews.
3. Has one or more major disciplinary violation decisions during the month being reviewed.
 4. Has an incident report filed by jail staff regarding the inmate's conduct while housed in a jail. The incident report shall be reviewed to determine what category the offense is. If determined to be the equivalent of a major disciplinary violation, the good time shall not be awarded. The Director of Population Management shall have the authority to review the incident report and determine the number of months the inmate will not receive meritorious good time.
- B. An inmate convicted as a sex offender for a crime committed prior to July 15, 1998 may earn and be awarded meritorious good time as set forth in this policy.
 - C. An inmate convicted of, pleading guilty to, or entering an Alford plea as a sex offender for a crime committed on or after July 15, 1998 may earn, and be entitled to, meritorious good time as set forth in KRS 197.045(4).

Policy Number	Effective Date	Page
15.3	January 4, 2019	3

- D. A violent offender may receive meritorious good time to the extent authorized by KRS 439.3401(4).
- E. If the inmate escaped or is convicted of an additional felony which occurred while in an institution or jail, the six (6) month period following his return to the institution from escape status or conviction of another felony shall not be considered for an award of meritorious good time. Time spent out of DOC custody shall not count as a portion of that six (6) month period.

III. AMOUNT OF MERITORIOUS GOOD TIME AWARDED

- A. Meritorious good time may be awarded on jail credit or parole violation credit served after June 21, 1974 in accordance with KRS 197.045(1)(b)(2).
 - 1. Jail credit and parole violation credit shall be added together for calculation purposes. Following the initial award, any jail credit and parole violation credit not considered during the initial award shall be added to a future jail credit or parole violation credit and reviewed for an additional meritorious good time credit award.
 - 2. An inmate may be awarded seven (7) days for each full calendar month served as jail credit or parole violation credit. Example: An inmate who has three (3) months and fourteen (14) days of credit, jail credit or parole violation credit, shall only be reviewed for the three (3) full months served.
 - 3. Jail and parole violation credit shall be calculated in thirty (30) day increments only.
 - 4. Institutional time shall be calculated in full month increments only.
 - 5. Credit for time served shall be added to jail credit and parole violation credit. If the credit for time served is from a federal or out-of-state sentence, a report of behavior shall be obtained from the department in which the inmate was housed. If no report is received after the request is made, the inmate shall be reviewed for meritorious good time for each thirty (30) day increment served.
 - 6. Jail credit, parole violation credit and credit for time served that has not been considered for an award previously, shall be combined with institutional time and considered for an award as long as continuous custody was maintained for the entire calendar month.
 - 7. A disciplinary report equivalent to a major violation received by an inmate housed in a county jail or with another agency prior to sentencing, while earning parole violation credit or receiving any credit for time served may

Policy Number	Effective Date	Page
15.3	January 4, 2019	4

prevent an award of one (1) month meritorious good time seven (7) days, for each month of a reported violation.

- B. Meritorious good time may be awarded in the amount of five (5) days per month for months served prior to May 1, 2008, pursuant to KRS 197.045 effective June 21, 1974. Months beginning with May 2008 may be reviewed at the amount of seven (7) days per month pursuant to KRS 197.045 amended July 15, 2010.
- C. Once an award period is reviewed, a future award shall not include a previously considered time period.

IV. AWARD AND REVIEW PROCEDURES

A. Institutions and Contract Facilities

- 1. A trial run yes report shall be generated and forwarded to the institutional Offender Information office at each institution prior to the 5th day of each month.
 - a. Program staff shall review the inmate record to determine the amount of the total award for which an inmate is eligible.
 - b. Program staff shall:
 - (1) review the information on the trial run yes report;
 - (2) make any changes to the recommendation on the report; enter the recommendation into case notes in the offender management system if the amount is different than what is reflected on the report. The reason shall be noted;
 - (3) forward the recommendation to the Warden for approval or disapproval and signature; and
 - (4) forward the signed trial run yes report to Institutional Offender Information.
 - c. Institutional offender information staff shall:
 - (1) enter any changes to the report manually and block any awards denied by the warden.
 - (2) run trial run no report.
 - (3) forward both the signed trial run yes and trial run no reports to Central Office Offender Information Services.

B. Local Facilities

- 1. Central Office shall generate a trial run no report in the offender management system on a monthly basis for the inmate population in county

Policy Number	Effective Date	Page
15.3	January 4, 2019	5

jails and Community Service Programs.

2. Central Office Offender Information shall:

- a. review the report for accuracy;
- b. make any changes to the recommendation on the report and enter the recommendation in the case notes in the offender management system if the amount is different than what is reflected on the report. The reason shall be noted as well.

C. Extraordinary Meritorious Good Time

1. For an inmate to be considered for extraordinary meritorious good time, a memo shall be forwarded from the Warden or Jailer regarding exceptional service of an inmate pursuant to KRS 197.045(1)(b)(3) to the Commissioner.
2. The Commissioner shall review and may request from Offender Information Services the amount of extraordinary meritorious good time the inmate is eligible to receive.
3. Offender Information Services shall return the memo to the Commissioner for review and determination of the amount of extraordinary meritorious good time to be awarded.
4. Central Office Offender Information Services staff shall apply the extraordinary meritorious good time as directed by the Commissioner and the memo shall be scanned into the offender management system.

D. Interstate Corrections Compact Inmates

1. A progress report on an inmate eligible for meritorious good time shall be obtained bi-annually from the housing state by the Interstate Compact Administrator or his designee.
2. The Interstate Compact Administrator shall determine the amount of award the inmate is eligible for and shall forward this amount to the Central Office Offender Information for approval or disapproval and entry into the offender management system.

E. Advanced MGT

1. MGT shall be entered on the fifteenth (15th) of the month, or next business day for the current month if:
 - a. Inmate is eligible for MGT pursuant to Section II of this policy, and

Policy Number	Effective Date	Page
15.3	January 4, 2019	6

b. Inmate will be eligible for release by administrative minimum expiration or mandatory re-entry supervision in the month following, with this credit.

2. Inmates eligible for minimum expiration during the first week of the following month shall have a full or partial credit entered on the fifteenth (15th) of the month or next business day. The inmates' minimum expiration date shall not fall into the current month for which MGT is being applied.

3. If MGT is entered pursuant to this section, the inmate's record shall be reviewed prior to release. If it is determined the inmate is no longer eligible for MGT pursuant to section II of this policy, the credit shall be removed. Staff shall document the reason for removing the credit in the inmate's record in KOMS.

V. FORFEITURE

A. Meritorious good time awarded under this procedure may be forfeited if the inmate is convicted of a major violation.

B. All statutory good time shall be forfeited before meritorious good time is forfeited. If the inmate has no statutory good time to lose, meritorious good time shall be forfeited.

C. Extraordinary meritorious good time shall not be subject to forfeiture.

VI. RESTORATION

Meritorious good time that was forfeited shall not be subject to restoration.

VII. EXPUNGEMENT

If a major disciplinary report is expunged after an inmate has been reviewed for an award of meritorious good time, and the month in which it occurred has been deducted from a previous award, the inmate may be reviewed immediately for an adjustment.

A. The Offender Information Office completing the expungement shall notify the inmate when the expungement is complete.

B. The institutional Offender Information Services office shall notify the classification and treatment officer of the expungement.

C. The classification and treatment officer shall review for eligibility and, if appropriate, submit a supplemental recommendation to the warden.

Policy Number	Effective Date	Page
15.3	January 4, 2019	7

- D. If the supplemental award has been approved by the warden, an adjustment shall be made to the inmate's previous meritorious good time award and be forwarded to Central Office Offender Information.