



POLICY TITLE: CALCULATION OF ADULT RESIDENT SENTENCES AND RELEASE DATE		PAGE 1 OF 15
POLICY NUMBER: 11.5		
CHAPTER 11: RESIDENT RECORDS		
 <p>STATE of MAINE DEPARTMENT of CORRECTIONS</p> <p>Approved by Commissioner:</p> 		PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: February 1, 2002	LATEST REVISION April 23, 2021	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403 and 17-A M.R.S.A. [Ch. 81](#).

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

It is the policy of the Department of Corrections that classification staff shall be responsible for ensuring the accurate recording and calculation of sentences and the appropriate and timely release of adult residents. As part of this process, staff shall be responsible to determine awards of deductions and withdrawal and restoration of deductions in accordance with legal requirements and the requirements of this policy.

IV. DEFINITIONS

None

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- Procedure A: Sentence Calculations, General
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VI. ATTACHMENTS

- Attachment A: Resident Performance Reports
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- Attachment C: Out of State Resident Progress Report

VII. PROCEDURES

Procedure A: Sentence Calculations, General

1. The Department’s Director of Classification, or designee, shall ensure the prescribed calculation methods are used to accurately determine each adult resident’s sentence(s) and release date consistent with applicable statutory requirements, this policy, and the Department’s Sentence Calculation Manual.
5-ACI-1E-03
2. The Department’s Director of Classification, or designee, shall ensure that classification staff perform the following duties pertaining to a resident’s sentence(s) and release date calculation:
 - a. review judgment and commitment documents, and when applicable, revocation documents, to determine the length of imprisonment imposed on each sentence, as well as the total length of imprisonment;
 - b. review detention time (jail time) deductions documents to determine time to be taken off each sentence initially;
 - c. review relevant documents to determine under which Code each sentence is to be calculated;
 - d. review good time deductions documents (Resident Performance Reports), to determine time to be taken off sentence(s) on a monthly basis;
 - e. review disciplinary documents to determine good time deductions to be withdrawn;
 - f. review any relevant documents to determine good time deductions to be restored;
 - g. when applicable, obtain additional information or clarification from Department staff, county jail staff, prosecuting attorney’s office, etc.;
 - h. when applicable, obtain interpretations from the Department’s legal representative in the Attorney General’s office regarding sentence structure or sentence calculation or other matters relevant to determining a release date;

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- i. calculate the resident's release date, including by cross checking CORIS calculations with hand calculations;
 - j. when applicable, coordinate with Adult Community Corrections regarding a resident's transfer to supervised community confinement or release to probation or supervised release for sex offenders;
 - k. review all relevant resident documents to identify and verify problems that may affect the resident's release date; and
 - l. when applicable, coordinate with other criminal justice authorities regarding detainers, warrants, or other legal holds, or notification requests.
3. In addition, the classification staff shall:
- a. provide a monthly report to the facility Chief Administrative Officer, the Department's Director of Victim Services, the Department's Director of Classification, and other designated Department staff, of residents projected for release in the following one hundred twenty days (120) days; and
 - b. provide a report, at least quarterly, to each resident of his or her current release date.
4. A resident may use the grievance process to grieve any decision affecting his or her sentence(s) and release date calculations, including the completion of a Resident Performance Report, except for a decision for which there is a separate appeal process, as set out in Department Policy 29.1, Prisoner Grievance Process, General.
5. The calculation of sentences for crimes committed before October 1, 1983 shall be determined in consultation with the Department's representative in the Attorney General's Office.
6. No resident shall be released from a sentence unless authorized by the facility Chief Administrative Officer, or designee.

Procedure B: Awarding Deductions (Good Time), General

- 1. In addition to ensuring that adult residents receive appropriate credit against their sentences initially for detention time (jail time) deductions, including, for crimes committed on or after August 1, 2004, "good time on detention time," as reported by the jails, classification staff shall comply with the following as it relates to the awarding of good time deductions for good conduct and/or satisfactory work, education, or rehabilitation program participation.
- 2. Deductions for sentences for crimes committed on or after October 1, 1983 but before October 1, 1995 (1983 Code) shall be awarded in accordance with the legal requirements in effect at the time of the commission of the crimes. Deductions for conduct are awarded at the beginning of the sentence in

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anticipation of the adult resident's later good conduct. Deductions for program participation are awarded on a monthly basis during the sentence for satisfactory past participation in work, education, or rehabilitation programs.

3. Deductions for sentences for crimes committed on or after October 1, 1995 (1995 Code) shall be awarded in accordance with the legal requirements in effect at the time of the commission of the crimes. Deductions are awarded on a monthly basis during the sentence for past good conduct and satisfactory past participation in work, education, or rehabilitation programs.
4. Deductions for sentences for crimes committed on or after August 1, 2004 (2004 Code) shall be awarded in accordance with the legal requirements in effect at the time of the commission of the crimes. Deductions for sentences for crimes listed as exceptions to the 2004 Code shall be calculated in accordance with the 1995 Code. Regardless of whether the 1995 Code or the 2004 Code applies to the crime, deductions are awarded on a monthly basis during the sentence for past good conduct and satisfactory past participation in work, education, or rehabilitation programs.
5. Crimes committed on or after August 1, 2004 that are exceptions to the 2004 Code (and therefore come under the 1995 Code) are:
 - a. **Title 17-A crimes (regardless of who is the victim)**
 - 1) Section 201: Murder
 - 2) Sections 253 to 261: Sex Offenses
 - 3) Sections 282 to 284: Sexual Exploitation of Minors
 - 4) Section 556: Incest
 - 5) Section 854, excluding Subsection 1, Paragraph A, Subparagraph (1) (Indecent Conduct, except for the Class E crime of Engaging in a Sexual Act in a Public Place)
 - b. **Title 17-A crimes (only if the victim is a family or household member)**
 - 1) Sections 202 to 213: Offenses Against the Person
 - 2) Sections 301 to 303: Kidnapping or Criminal Restraint
 - 3) Section 506-B: Violation of a Protective Order
 - 4) Section 554: Endangering the Welfare of a Child
 - 5) Section 555: Endangering the Welfare of a Dependent Person
 - 6) Section 758: Obstructing the Report of a Crime or Injury
 - c. **Other crimes (only if the victim is a family or household member)**
 - 1) Title 5, Section 4659: Violation of a Protection from Harassment Order
 - 2) Title 15, Section 321: Violation of a Protective Order

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- 3) Title 19-A, Section 4011: Violation of a Protection from Abuse Order
6. The following crimes, by definition, are always committed against a family or household member and, therefore, are considered exceptions to the 2004 Code under number 4. b. and c. above:
- a. Title 15, Section 321, Violation of a Protective Order
 - b. Title 17-A, Section 207-A: Domestic Violence Assault
 - c. Title 17-A, Section 208-D: Domestic Violence Aggravated Assault
 - d. Title 17-A, Section 208-E: Domestic Violence Elevated Aggravated Assault
 - e. Title 17-A, Section 208-F: Domestic Violence Elevated Aggravated Assault on a Pregnant Person
 - f. Title 17-A, Section 209-A: Domestic Violence Criminal Threatening
 - g. Title 17-A, Section 210-B: Domestic Violence Terrorizing
 - h. Title 17-A, Section 210-C: Domestic Violence Stalking
 - i. Title 17-A, Section 211-A: Domestic Violence Reckless Conduct
 - j. Title 17-A, Section 506-B, Subsections 2 and 3 only: Violation of a Protective Order
 - k. Title 19-A, Section 4011: Violation of a Protection from Abuse Order
7. For all other crimes under number 4. b. and c. above, including, but not limited to, Title 17-A, Section 506-B, Subsection 1, the determination of whether a crime has been committed against a family or household member shall be based solely on the charging instrument (i.e., indictment, information, or complaint) filed in court. Only if the charging instrument states that the crime was one against a family or household member or states that it was a crime of domestic violence or includes a reference to Title 19-A, Section 4002(4) will the crime be considered an exception to the 2004 Code.

Procedure C: Completion of Resident Performance Reports – Work, Education or Rehabilitation Program Supervisors

- 1. The Chief Administrative Officer, or designee, of each adult facility shall ensure that case managers make every reasonable effort to assign to adult residents in their individualized case plans available programs, including work, education, and rehabilitation programs, that will make the residents eligible to earn the maximum allowable deductions (good time) for program(s).
- 2. The facility Chief Administrative Officer, or designee, shall establish practices for work, education, and rehabilitation program supervisors to track which residents are assigned to them during each month and how many days they worked or participated in the education or rehabilitation program.

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3. At the end of each month, the work, education, or rehabilitation program supervisor shall complete the appropriate Resident Performance Report (Attachment A) for any resident who:
 - a. through no fault of the resident, did not actually work or did not actually participate in the education or rehabilitation program for the full number of days the resident was assigned (e.g., at court, in the hospital, sick, assigned to a work pool and available for work but not called, laid off from a job in the community, facility emergency or lockdown, etc.); or
 - b. has an unexcused absence, failed to follow work/program rules, failed to satisfactorily complete any mandatory component of the work, education, or rehabilitation program, or whose conduct at the work/program site or whose participation in the work/program was otherwise unsatisfactory; or
 - c. failed to report for an available work, education, or rehabilitation program assigned in his or her case plan or whose participation in the work, education, or rehabilitation program was suspended or terminated at the end of each month or at the time of failure to report, suspension, or termination.
 - 1) If the assigned program is one that the resident cannot begin or resume by the next month, the Resident Performance Report shall encompass the entire time period until the resident can begin or resume the program up to a six (6) month time period. During this time period, the resident shall not receive any meritorious good time or deductions for programs. After three (3) months, the resident's Unit Team may review the resident's individualized case plan to determine whether to change the assigned programs so that the resident may start earning deductions (good time) for participation in programs.
4. A work, education, or rehabilitation program supervisor may complete a Resident Performance Report for conduct constituting a disciplinary violation regardless of whether the disciplinary process is initiated and, if initiated, regardless of whether the conduct leads to an informal resolution or formal resolution of the violation. A dismissal or a finding of not guilty does not preclude taking any such action. Such action is not in the nature of punishment.
5. Supervisors shall submit all completed Resident Performance Reports to the Unit Manager, or designee, who shall submit these to classification staff by the tenth (10th) day of the next month. The Unit Manager shall also be responsible for forwarding a copy of any Resident Performance Record to designated facility staff for placement into the resident's Administrative Record.

Procedure D: Completion of Resident Performance Reports – Housing Unit Supervisors

1. The facility Chief Administrative Officer, or designee, shall establish practices for housing unit supervisors to track which adult residents are assigned to his or her housing unit during each month.

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2. At the end of each month or at the time of the conduct, the housing unit supervisor shall complete the appropriate Resident Performance Report (Attachment A) for any resident whose conduct in the housing unit or at any location, except for the resident's assigned work/program site, was unsatisfactory.
3. A housing unit supervisor may complete a Resident Performance Report for conduct constituting a disciplinary violation regardless of whether the disciplinary process is initiated and, if initiated, regardless of whether the conduct leads to an informal resolution or formal resolution of the violation. A dismissal or a finding of not guilty does not preclude taking any such action. Such action is not in the nature of punishment.
4. Supervisors shall submit all completed Resident Performance Reports to the Unit Manager, or designee, who shall submit these to classification staff by the tenth (10th) day of the next month. The Unit Manager shall also be responsible for forwarding a copy of any Resident Performance Record to designated facility staff for placement into the resident's Administrative Record.

Procedure E: Completion of Resident Performance Reports – Unit Team

1. The facility Chief Administrative Officer, or designee, shall ensure that Unit Teams meet at least monthly to review all incident reports entered into CORIS since the last meeting that relate to the adult residents in their respective units.
2. At the end of each month, based on the Unit Team's review of any incident report and any other information the Unit Team determines to be relevant, the Unit Team shall determine whether to complete the appropriate Resident Performance Report (Attachment A) for the resident.
3. Unless the Unit Team determines there are special circumstances, the Team shall complete a Resident Performance Report on a resident whose conduct was unsatisfactory as indicated by the submission and acceptance of a formal disciplinary incident report, multiple agreements to informal discipline, drop in level, or termination from a work, industry, or vocational training assignment due to performance related behavior. Such action is not in the nature of punishment.
4. The Unit Team may complete a Resident Performance Report on any resident whose conduct has been reported to be unsatisfactory regardless of whether any of the above events occurs, including regardless of whether the disciplinary process is initiated and, if initiated, regardless of whether the conduct leads to an informal resolution or formal resolution of a violation. A dismissal or a finding of not guilty does not preclude taking any such action. Such action is not in the nature of punishment.
5. The Unit Manager, or designee, shall submit all completed Resident Performance Reports to classification staff by the tenth (10th) day of the next month. The Unit Manager shall also be responsible for forwarding a copy of any Resident

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Performance Record to designated facility staff for placement into the resident's Administrative Record.

Procedure F: Review of Resident Performance Reports - 1983 Code Residents

1. An adult resident under the 1983 Code shall receive the maximum deductions (good time) for work, education, or rehabilitation program participation for which the resident is eligible each calendar month or partial month unless a work, education, or rehabilitation program supervisor completes a Resident Performance Report for that resident. For a resident on supervised community confinement, the supervising probation officer is the supervisor for purposes of this procedure.
2. If a resident under the 1983 Code does not receive any Resident Performance Reports from a work, education, or rehabilitation program supervisor, it shall be deemed that the resident's work, education or rehabilitation program participation, including conduct at the work/program site, was satisfactory for the full number of days the resident was assigned to the program(s) for that month. In this case, the resident's deductions shall be calculated using the appropriate program chart based on the number of days the resident was assigned to the program(s).
3. If a resident under the 1983 Code receives a Resident Performance Report from any work, education, or rehabilitation program supervisor, the resident shall not receive any deductions for program(s) for that month, unless the resident's failure to work or participate in the education or rehabilitation program was through no fault of the resident, in which case the resident shall receive deductions for a partial month based on the number of days the resident actually worked or participated in the education or rehabilitation program.
4. Deductions (good time) for a resident under the 1983 Code shall be calculated using Chart B1 (up to three (3) days per month for work/program).
5. Deductions (good time) for a resident under the 1983 Code who is assigned to and working in a minimum security program (a program in which only minimum custody residents are eligible to participate) or community program (a program in which only community custody residents are eligible to participate) shall also be calculated using Chart B2 (up to two (2) days per month for work in the minimum security or community program) and the resident shall receive deductions based on combining the two (2) charts.
6. Receipt of a Resident Performance Report by a resident under the 1983 Code shall not affect the deductions (good time) for conduct given at the beginning of the sentence.

Procedure G: Review of Resident Performance Reports - 1995 Code Residents

1. An adult resident under the 1995 Code shall receive the maximum deductions (good time) for which the resident is eligible each calendar month or partial month

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unless a work, education, or rehabilitation program supervisor, a housing unit supervisor, or the resident's Unit Team completes a Resident Performance Report (Attachment A) for that resident. For a resident on supervised community confinement, the supervising probation officer is the supervisor for purposes of this procedure.

2. If a resident under the 1995 Code does not receive any Resident Performance Reports, it shall be deemed that the resident's work, education or rehabilitation program participation, including conduct at the work/program site, was satisfactory for the full number of days the resident was assigned to the program(s) for that month. In that case, the resident's deductions for programs(s) shall be calculated using the appropriate program chart based on the number of days the resident was assigned to the program(s). It shall also be deemed that the resident's conduct elsewhere was satisfactory for that month, and the resident's deductions for conduct shall be calculated using the appropriate conduct chart.
3. If a resident under the 1995 Code receives a Resident Performance Report from any work, education, or rehabilitation program supervisor, the resident shall not receive any deductions for program(s) for that month, unless the resident's failure to work or participate in the education or rehabilitation program was through no fault of the resident, in which case the resident shall receive deductions for a partial month based on the number of days the resident actually worked or participated in the education or rehabilitation program.
4. If a resident receives a Resident Performance Report from any housing unit supervisor, the resident shall not receive any deductions for conduct for that month.
5. If a resident receives a Resident Performance Report from the resident's Unit Team, the resident shall not receive any deductions for conduct for that month.
6. Deductions (good time) for a resident under the 1995 Code shall be calculated using Chart B3 (up to three (3) days per month for work/program) and B4 (up to two (2) days per month for conduct) and the resident shall receive deductions based on combining the two charts.

Procedure H: Review of Resident Performance Reports - 2004 Code Residents

1. An adult resident under the 2004 Code shall receive the maximum deductions (good time) for which the resident is eligible each calendar month or partial month unless a work, education, or rehabilitation program supervisor, a housing unit supervisor, or the resident's Unit Team completes a Resident Performance Report (Attachment A) for that resident. For a resident on supervised community confinement, the supervising probation officer is the supervisor for purposes of this procedure.

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2. If a resident under the 2004 Code does not receive any Resident Performance Reports, it shall be deemed that the resident's work, education or rehabilitation program participation, including conduct at the work/program site, was satisfactory for the full number of days the resident was assigned to the program(s) for that month. In that case, the resident's deductions for programs(s) shall be calculated using the appropriate program chart based on the number of days the resident was assigned to the program(s). It shall also be deemed that the resident's conduct elsewhere was satisfactory for that month, and the resident's deductions for conduct shall be calculated using the appropriate conduct chart.
3. If a resident under the 2004 Code receives a Resident Performance Report from any work, education, or rehabilitation program supervisor, the resident shall not receive any deductions for program(s) for that month, unless the resident's failure to work or participate in the education or rehabilitation program was through no fault of the resident, in which case the resident shall receive deductions for a partial month based on the number of days the resident actually worked or participated in the education or rehabilitation program.
4. If a resident receives a Resident Performance Report from any housing unit supervisor, the resident shall not receive any deductions for conduct for that month.
5. If a resident receives a Resident Performance Report from the resident's Unit Team, the resident shall not receive any deductions for conduct for that month.
6. Deductions (good time) for a resident under the 2004 Code shall be calculated using Chart B5 (up to three (3) days per month for work/program) and B6 (up to four (4) days per month for conduct) and the resident shall receive deductions based on combining the two (2) charts.
7. Deductions (good time) for a resident under the 2004 Code who is assigned to and participating in a community work, education or rehabilitation program shall also be calculated using Chart B7 (up to two (2) days per month for participation in a community work/education/rehabilitation program) and the resident shall receive deductions based on combining the three (3) charts.
8. A community work/education/rehabilitation program is a program approved by the Commissioner, or designee, as one for which the additional two (2) days a month deductions (good time) under the 2004 Code (Chart B7) may be awarded and:
 - a. the resident is living in the community on supervised community confinement;
 - b. the resident leaves the facility to participate in a community-based program (i.e., as an integral component of the program, the program operates in the community at least twelve (12) days per calendar month); or

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- c. the resident participates in a facility-based comprehensive, dedicated community transition program in a minimum security or community security facility (e.g., a transitional substance use disorder treatment program).
9. A community work/education/rehabilitation program may also consist of a community restitution project approved by the facility Chief Administrative Officer, or designee, which is limited to not more than three (3) months and operates in the community at least twelve (12) days per month during the project period).

Procedure I: Withdrawing Deductions (Good Time)

1. Deductions for detention time (jail time), including “good time on detention time,” once credited, cannot be withdrawn.
2. Deductions (good time) awarded for conduct for an adult resident under the 1983 Code may only be withdrawn as a result of disciplinary proceedings in accordance with Department Policy 20.1, Prisoner Discipline. Deductions (good time) awarded for participation in a work, education, or rehabilitation program for a resident under the 1983 Code, once awarded, cannot be withdrawn.
3. Deductions (good time) for a resident under the 1995 Code, whether already awarded or yet to be awarded, may be withdrawn as a result of disciplinary proceedings in accordance with Department Policy 20.1, Prisoner Discipline, regardless of whether the deductions are for conduct or program participation.
4. Deductions (good time) for a resident under the 2004 Code, whether already awarded or yet to be awarded, may be withdrawn as a result of disciplinary proceedings in accordance with Department Policy 20.1, Prisoner Discipline, regardless of whether the deductions are for conduct or program participation.
5. Nothing, however, prevents the correction of a clerical error in the awarding of deductions.

Procedure J: Restoring Withdrawn Deductions (Good Time)

1. An adult resident may apply for the restoration of withdrawn deductions (good time) for the sentence he or she is currently serving by applying in writing to the Unit Manager, or designee, of the unit where the resident is currently housed. A resident may apply at any time during his or her current sentence provided it is no later than ninety (90) days prior to the resident’s projected date of release from that sentence; the resident has not received a decision regarding restoration of good time or deductions on that sentence within the past ninety (90) days; the resident has not been found guilty of a disciplinary violation within the past ninety (90) days; and there is no disciplinary matter pending.
2. In addition, if the resident has been found guilty of a Class A or B disciplinary violation within the year prior to the application, the resident shall include as part of the application the exceptional circumstances in terms of outstanding conduct

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and outstanding participation in programs since the finding of guilt that warrant the restoration of deductions.

3. The Unit Manager, or designee, in collaboration with the Unit Team, shall review the request and make a recommendation on the request, specifying the reasons for the recommendation, within fifteen (15) days of receiving the request and no later than seventy-five (75) days prior to the resident's projected date of release from that sentence. The Unit Manager, or designee, shall send the recommendation and reasons to the Chief Administrative Officer, or designee, for a final decision.
4. The Chief Administrative Officer, or designee, may grant or deny the request for restoring deductions in his or her sole discretion if the Chief Administrative Officer, or designee, determines the resident's good conduct and positive participation in work, education and rehabilitation programs since the disciplinary proceedings warrant restoration. The Chief Administrative Officer, or designee, shall make the final decision within seven (7) days of receiving the recommendation and notify classification staff, the Unit Manager, or designee, and appropriate other staff and the resident in writing.
5. Any decision to restore withdrawn deductions is contingent on continued good conduct and positive participation in work, education and rehabilitation programs, as applicable.
6. Once a decision has been made on the request, regardless of whether the request has been granted or denied, a resident may not apply again for restoration of deductions on that sentence for at least ninety (90) days and only if the resident is still serving that sentence; it is no later than ninety (90) days prior to the resident's projected date of release from that sentence; the resident has not been found guilty of a disciplinary violation within the past ninety (90) days; and there is no disciplinary matter pending.
7. Any decision to restore withdrawn deductions shall not result in there being any fewer than forty-five (45) days prior to the resident's projected date of release from imprisonment at the time the decision is made, unless the Commissioner, or Deputy Commissioner, in consultation with the Department's Director of Victim Services, determines that there are exigent circumstances that cannot be resolved through an alternative means, such as by granting a furlough or approving a transfer to supervised community confinement.

Procedure K: Deductions (Good Time), Miscellaneous

1. Before an adult resident may receive deductions for a work, education, or rehabilitation program, the program must be approved as one for which deductions may be awarded, and it must be assigned to the resident in his or her individualized case plan.

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2. Resident Performance Reports submitted by work, education, and rehabilitation program supervisors shall be reviewed regardless of the Code under which the sentences are calculated. Resident Performance Reports submitted by housing unit supervisors and Unit Teams shall be reviewed only for sentences calculated under the 1995 Code or the 2004 Code.
3. A resident who does not receive a Resident Performance Report from any work, education, or rehabilitation program supervisor and who is assigned to a twelve (12) hour work shift shall be credited with one and a half (1½) days of program participation for each twelve (12) hour shift completed for purposes of awarding deductions for that month.
4. No adjustments shall be made to deductions once awarded, withdrawn, or restored, whichever is applicable, or otherwise to a sentence calculation, except to correct a clerical error, in accordance with a court order (e.g., an amended judgment and commitment), or as otherwise set out in this policy, without consulting the Department's legal representative in the Attorney General's Office.
5. A resident who is not assigned, is on unassigned status, or is unable to work or participate in any program whatsoever for any reason (even with reasonable accommodations for a disability, if applicable) shall not be eligible to receive any deductions for work or another program.
6. Cell placement is not considered a work assignment, and, therefore, a resident who does not participate in other programs while on cell placement is not eligible to receive any deductions for work or another program.
7. A resident who is not classified or is on reception status shall not be eligible to receive any deductions for work or another program, regardless of whether the resident is voluntarily working or participating in another program. For a resident on reception status who is voluntarily working or participating in another program, this shall be taken into consideration when a determination is made as to what work or other program to assign to the resident.
8. As set out in Department Policy (AF) 15.1, Administrative Status, a resident on administrative status, might be eligible to earn deductions (good time) for conduct, but is not eligible to earn deductions (good time) for work, education, or rehabilitative program participation.
9. As set out in Department Policy (AF) 15.2, Disciplinary Segregation Status, a resident on disciplinary segregation status is not eligible to earn any deductions (good time).
10. As set out in Department Policy (AF) 15.3, Protective Custody Status, a resident on protective custody status is eligible to earn deductions (good time) on the same basis as general population residents.

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11. As set out in Department Policy (AF) 15.4 Disciplinary Restriction Special Management Housing, a resident on disciplinary restriction in special management housing is eligible to earn deductions (good time) for conduct, but is not eligible to earn deductions (good time) for work, education, or rehabilitative program participation.
12. As set out in Department Policy (AF) 15.5, Administrative Control Unit, a resident in the Administrative Control Unit is eligible to earn deductions (good time) on the same basis as general population residents.
13. For a resident who is serving a Maine sentence out of state, the Department's Director of Classification, or designee, shall, on a semi-annual basis, send an Out of State Resident Progress Report (Attachment C) to the facility where the resident is housed and shall:
 - a. then determine the awarding of deductions under the appropriate Code based on the information received from the facility where the resident is housed; and
 - b. determine the withdrawal of deductions based on the information received from the facility where the resident is housed.
14. The Department's Director of Classification, or designee, shall also determine the restoration of deductions based on the information received from the facility where the resident is housed and as approved by the Chief Administrative Officer, or designee, of the departmental facility where the resident was last housed.

Procedure L: Deductions for Pre-Sentence Residents being Held for a Jail

1. A Resident Performance Report shall be completed by the Unit Team on any pre-sentence resident being held for a jail whose conduct is not satisfactory.
2. A pre-sentence resident whose crime was committed on or after August 1, 2004, regardless of the crime, is eligible to earn deductions for conduct while detained pre-sentence ("good time on detention time"). This shall apply only to jail boarders (including transfers to the Maine State Prison's Intensive Mental Health Unit), not jail safe keepers.
3. If a jail boarder receives a Resident Performance Report from the resident's Unit Team at any time while the resident is held in a departmental facility and the resident is subsequently sentenced to the Department, the resident shall not receive any deductions for conduct ("good time on detention time") for the time period the resident was held pre-sentence in a departmental facility.
4. A jail boarder who does not receive any Resident Performance Report during the time period the resident is held in a departmental facility and who is subsequently sentenced to the Department, shall receive up to two (2) days per month for

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conduct for the time period the resident was held pre-sentence in a departmental facility (“good time on detention time”), calculated using Chart B4.

5. A jail safe keeper who does not receive a Resident Performance Report for two (2) consecutive months shall be returned to a county jail, unless an exception is made by the Department’s Director of Classification, or designee.
6. A jail safe keeper who is subsequently sentenced to the Department shall not receive any deductions for conduct for the time period the resident was held pre-sentence in a departmental facility (“good time on detention time”).

VIII. PROFESSIONAL STANDARDS

ACA

- 5-ACI-1E-03 Written policy, procedure, and practice provide that inmate time is accurately computed and recorded in conformance with applicable statutes and regulations.**

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