

ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES SHARED OPERATIONAL DIRECTIVE	SOD NO: 03.00B DATE: December 7, 2022 SUBJECT: Adjustment TITLE: Diminution of Sentence FOR PUBLIC RELEASE: Yes
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- I. Reference: Maryland Criminal Procedure Code Section § 11-703; MCCS .08B; SOD 3.00A; JRDC ODs 03.01, 09.01, 15.01; ORCC ODs 09.01, 09.06, 13.05, 15.02, 18.01.
- II. Applicable To: Jennifer Road Detention Center (JRDC) and Ordnance Road Correctional Center (ORCC).
- III. Purpose: To establish guidelines concerning calculation of sentence expiration dates and application of diminution of confinement credits.
- IV. Policy: It shall be the policy of the Anne Arundel County Department of Detention Facilities (AACDDF) to credit each inmate with any diminution of confinement credits to which s/he is entitled.
- V. Procedure:
 - A. The Management Assistant II (MA II)-Records or designee shall create a *Diminution of Confinement Record* (Appendix 1) for each inmate in accordance with the following guidelines:
 1. Upon receipt of a commitment sentencing an inmate to a term of confinement in the AACDDF.
 2. Upon notification a pretrial or a pre-sentence inmate has been assigned to an Inmate Worker position or is participating in a program qualifying him/her for Industrial Good Time (IGT) or Special Programs Time (SPT).
 3. Upon notification a pretrial or a pre-sentence inmate has lost diminution credits as a sanction imposed as a result of a disciplinary hearing.
 - B. The MA II-Records or designee shall be responsible for determining Maximum Expiration of Sentence dates consistent with the term of confinement imposed by the Court. The Maximum Expiration Date shall be one (1) day prior to the actual anniversary date.
 1. Concurrent Sentences – sentence shall start as specified on the Commitment Record.

2. Consecutive Sentences – sentence shall begin on the completion date of the sentence to which imposed consecutively.
 - a. If the Commitment record indicates the sentence is to be consecutive to any sentence “now being served” or “now serving,” the sentence shall be consecutive to the particular sentence being served at that time. For example, if at the time of sentencing in Case #3 the inmate is serving a sentence in Case #1 and has an additional consecutive sentence pending in Case #2, the sentence in Case #3 would be consecutive to that being served in Case #1 and concurrent to that imposed in Case #2.
 - b. If the Commitment Record indicates the sentence is consecutive to the “present term,” it is applicable to the total of pre-existing sentences.
 - c. If the Commitment Record indicates only, “consecutive,” and the inmate is sentenced in two (2) or more additional cases, clarification shall be sought from the sentencing judge.

- C. The MA II-Records or designee shall apply diminution of confinement credits to determine the Current Expiration Date of each sentence.
 1. Inmates shall receive diminution records and diminution credits on each sentence unless the term is imposed on the same day, same Judge, same class of conviction (crimes of non-violent or crimes of violence) and same exact term affording Records the opportunity to only create one (1) diminution record. Separate Diminution of Confinement Records shall be maintained in each case.
 2. Inmates with sentences will receive five (5) days of credit per calendar month (prorated for any portion – see *Proration Chart*, Appendix 2 chart) until the day of sentencing.
 3. Inmates with sentences imposed on or after October 1, 2017, will receive good conduct time at the rate of ten days (10) per calendar month for non-violent crimes and five days (5) per calendar month for crimes of violence from the day of sentencing until the maximum term of confinement.
 - a. **Good Conduct Time (GCT)** - shall be applied on a prorated basis at the rate of ten (10) days per calendar month for non-violent convictions and five (5) days per calendar month for violent crimes within the period between the first day of commitment and the last day of the inmate’s maximum release date. (See Appendix 2 for *Proration Chart*). Pretrial, presentence and sentenced inmates not earning day-for-day are credited with GCT.

- b. **Good Conduct Time (GCT)** - shall be applied on a pro-rated basis at the rate of five (5) days per month for any portion of a calendar month within the period between the first day of commitment and the last day of the inmate's maximum release date. (See Appendix 2 for *Pro-Ration Chart*). Pretrial, pre-sentence and sentenced inmates not earning Day-for-Day Time are credited with GCT. Any term imposed prior to October 1, 2017 shall remain earning GCT at a rate of five (5) days per month on a pro-rated basis.
- c. **Industrial Good Time (IGT)**- shall be applied at the rate of five (5) days per calendar month based on the *Pro-Ration Chart* and the number of days worked. Pretrial, pre-sentence and sentenced inmates not earning Day-for-Day Time receive IGT if participating in a Work Program.
- d. **Special Programs Time (SPT)**- shall be applied at the rate of up to five (5) days per calendar month based on the number of days of participation. Pretrial, pre-sentence and sentenced inmates not earning Day-for-Day Time receive SPT if participating in a program designated by the Superintendent.
- e. **Day-for-Day Time (DFDT)** - shall be applied at the rate of one (1) day for every day of successful participation in programs designated by the Superintendent. Inmates sentenced to the AACDDF who have successfully participated in a program (Inmate Program Agreement) receive DFDT in place of the post-sentencing, time; effective the date of actual participation.

NOTE: THE SUPERINTENDENT HAS DESIGNATED POST TRIAL/CONVICTED HOUSE ARREST TERMS AS A DESIGNATED PROGRAM TO EARN DFDT. HOUSE ARREST INMATES, THEREFORE, SERVE HALF OF THEIR IMPOSED TERMS.

- i. At such time as an inmate begins earning DFDT, the GCT previously pro-rated from the date he/she begins working shall be added back to the Current Expiration Date.
- ii. Inmates who are earning DFDT whose participation in required programs is suspended for any reason (illness, program

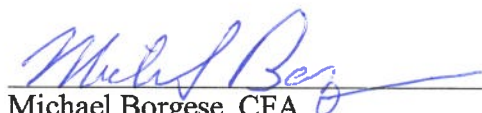
cancellation, infraction, etc.) shall be credited with GCT for the period in accordance with the *pro-ration chart*.

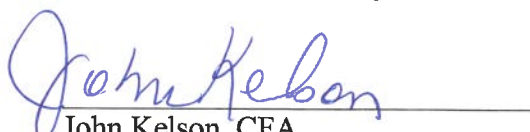
- iii. Inmates whose Individual Program Agreement (IPA) is terminated shall receive GCT from the effective date of the termination to the expiration of sentence.
3. Inmates must work and/or participate in programs for a minimum of five (5) hours in a day to receive IGT credit or DFDT for that day.
4. Inmates shall only receive IGT, SPT or DFDT credits for days actually working or participating in programs. No credit shall be applied for days missed for any reason, including illness, court appearance, refusal or program cancellation.
5. Inmates serving a concurrent sentence imposed by a Court in another jurisdiction shall receive any diminution credits to which entitled under applicable statutes. If time remains on a sentence to another jurisdiction(s) when all AACDDF sentences are completed, the MA II-Records or designee shall forward a statement of credits earned to the receiving institution.
6. Inmates may lose GCT or DFDT as a result of an infraction and/or a sanction imposed as a result of a Disciplinary Hearing in accordance with the Disciplinary Hearing Penalty Matrix (SOD 3.00A). The MA II-Records or designee shall deduct diminution credits in accordance with the finding of the Disciplinary Hearing Officer, at no time deducting more time than what had been earned as of the date of the infraction. IGT and SPT may not be forfeited once earned.
7. Following an appeal, the Correctional Facility Administrator (CFA) may restore forfeited diminution credits and shall ensure the MA II Records Manager is notified timely of his/her decision to reverse disciplinary sanctions in whole or part in writing.
8. Inmates serving sentences for Contempt of Court and default of fines shall be entitled to diminution credits. If reduction of sentence is received as a result of partial payment of fines, a recalculation of diminution credits shall be necessary. The Court shall maintain sole authority to determine any adjustment to sentence.
9. Participation in activities entitling inmates to IGT, SPT and DFDT shall be reported to the Records Division by the Classification Unit (JRDC) and Correctional Program Specialists (CPS) (ORCC) on a weekly basis. DFDT reports shall be forwarded no later than Thursday at 1000 hours. Staffing in

these Units are responsible for notifying the Records Division of changes to inmates' status on a routine basis and/or corrections to reported information.

11. Inmates serving sentences for 1st degree Rape, 2nd degree rape, 1st degree sex offense <16 victim, 2nd degree sex offense <16 victim, 3rd degree sex offense <16 victim with a prior offense of same and offense occurred after 10/01/17 shall not be entitled to diminution credits. The date of the offense is instrumental and must be October 1, 2017 or later for these credits to be withheld.
12. Inmates serving sentences for violent crimes, or a crime of manufacturing, distributing, dispensing or possessing a controlled dangerous substance shall not earn diminution credits.
13. Pretrial detention inmates do not receive good time unless court configured term awards credit for pretrial time period.
14. Inmates serving a Violation of Probation term are generally not entitled to double good time. The original sentence must be imposed after October 1, 2017.

This policy will be reviewed at least annually and revised as necessary.


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Rescinds: SOD 3.0B September 13, 1999
SOD 3.0B April 20, 2007
SOD 3.0B January 26, 2012
SOD 3.0B May 21, 2013
SOD 03.0B October 1, 2017

Appendix 1 – Diminution of Confinement Record

Appendix 2 – Pro-Ration Chart