

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 410.00: SENTENCE COMPUTATION

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410.01: Purpose

The purpose of 103 CMR 410.00 is to provide for the accurate computation and recording of inmate sentences in conformance with applicable regulations and statutes.

410.02: Statutory Authorization

103 CMR 410.00 is issued pursuant to M.G.L. c. 124, §1 (c), (g) and (j), c.125, §§ 12 and 14, c. 127, §§ 129, 129B, 129C, 129D, and c. 279, § 33A and St. 1993, c. 432.

410.03: Cancellation

103 CMR 410.00 cancels all previous Department policy statements, bulletins, directives, orders, notices and regulations regarding sentence computation which are inconsistent with 103 CMR 410.00.

410.04: Applicability

103 CMR 410.00 applies to all Department employees and inmates.

410.05: Access

103 CMR 410.00 shall be maintained within the central policy file of the Department and shall be accessible to all Department employees. A copy of 103 CMR 410.00 shall also be maintained in each Superintendent's central policy file and at each inmate library.

410.06: Definitions

Associate Commissioner, Reentry and Reintegration – the individual whose duties include, but are not limited to the oversight of the Office of Inmate Risk and Placement, Classification, Program Services, Inmate Training and Education, Reentry and Health Services, as delegated by the Commissioner and Deputy Commissioner.

Central Office Date Computation Unit – Centralized unit assigned to review and approve releases.

410.06: continued

Commissioner – the chief executive officer of the Department of Correction.

Commissioner's Designee – the individual assigned by the Commissioner to review and approve releases.

Committing Institution - the state or county institution to which the inmate was originally committed, *i.e.* MCI-Cedar Junction at Walpole, MCI-Concord or MCI-Framingham.

Inmate Sentence Listing Report - the form providing essential inmate sentencing information including the date of imposition of the sentence, any jail credits, effective date of sentence, offense, sentence, sentencing court and sentencing statute.

Mittimus Papers - The package of sentencing documents received from the court upon commitment of an inmate to the Department.

New Admissions – inmates committed to the Department of Correction, bearing a committing institution's identification number who arrive at an institution as a result of a court order, a transfer from another institution, the execution of a parole violation warrant or the execution of an escape warrant.

New Commitments – newly sentenced and committed inmates admitted to a committing institution as prescribed by law.

Superintendent - the chief administrative officer of a correctional institution.

Superintendent's Designee – the individual or individuals appointed by the Superintendent to review and record all sentence calculations.

410.07: Initial Determination of Inmate Status

The Superintendent's designee shall review an inmate's mittimus or warrant to determine if the inmate is a new commitment or a new admission (*i.e.* transfer, parole violator or returned escapee).

410.08: New Commitment

(1) The Superintendent's designee at a committing institution shall review the mittimus to determine the length of the inmate's sentence, offense, and sentencing statute and shall review the sentence for compliance with statutory requirements.

(2) The Superintendent's designee shall enter relevant data into the Inmate Management System (IMS) Sentence, Offense, and Arresting Agency screens. Data shall include, but not be limited to, sentencing statute, date of offense, docket number, sentencing court, jail credits, term of sentence, sentence imposition date and sentence invocation date.

(3) The Superintendent's designee shall calculate the inmate's dates utilizing the IMS Sentence screen.

(4) The Superintendent's designee shall ensure that the computation of an inmate's initial dates is reviewed for accuracy. Additionally, any dates calculated or entered manually (*e.g.* out of state sentences) shall be reviewed and the results documented in the IMS Manual Date Computation Log screen.

(5) The Superintendent's designee shall review the Inmate Sentence Listing Report from the IMS Sentence Details screen. A copy of the Inmate Sentence Listing Report shall be printed and placed in the inmate's institutional file.

(6) The Superintendent's designee shall ensure that each inmate is informed of his sentence computation, and issued a copy of an inmate sentence listing report. The issuance of this report shall be documented in the IMS Deduction from Sentence Tracking Log screen.

410.09: Parole Violators

- (1) Upon an inmate's return as a parole violator, the Superintendent's designee shall recompute the inmate's sentence. The IMS Parole Returns screen shall be utilized.
- (2) The Superintendent shall ensure that the computation of a parole violator's dates is reviewed for accuracy.
- (3) The Superintendent's designee shall issue an updated Inmate Sentence Listing report and place it in the inmate's institutional file.
- (4) Each Superintendent's designee shall ensure that each parole violator is informed of his sentence recomputation, and issued a copy of an inmate's sentence listing report. The issuance of this report shall be documented in the IMS Deduction from Sentence Tracking Log screen.

410.10: Return Escapees

The Superintendent shall ensure that procedures set forth in 103 CMR 410.09(1) through (4) are followed upon an inmate's return from escape. The IMS Escape Returns screen shall be utilized.

410.11: Transfers

Upon an inmate's transfer to another institution, the Superintendent of the receiving institution shall ensure that the inmate's mittimus and Inmate Sentence Listing Report are reviewed for accuracy.

410.12: Adjusted Dates

- (1) Upon receipt of an amended mittimus, additional sentence or a subsequent revision in sentence, the Superintendent's designee shall update an inmate's IMS Sentence, Offense, and Arresting Agency screens as necessary to reflect revisions in the inmate's sentencing information. The designee shall print an updated Inmate Sentence Listing report for placement in the inmate's six-part folder.
- (2) Each time an inmate's sentence is adjusted, the inmate shall be given an accurate Sentence Listing report. The issuance of this report shall be documented in the IMS Deduction from Sentence Tracking Log screen.

410.13: Sentence Deductions

The Superintendent of each institution shall ensure that sentence deductions are computed and recorded in accordance with the provisions set forth in 103 CMR 411.00: *Deductions from Sentence*.

410.14: Forfeitures of Good Conduct Credits

Inmates receiving statutory good conduct credit may be subject to forfeitures of such credit in accordance with M.G.L. c. 127, §§ 49, 83C, 129. The Commissioner of Correction is authorized to forfeit statutory good conduct deductions from the sentence of an inmate sentenced to a state correctional institution who has been found guilty of an infraction by a disciplinary hearing officer.

The recommendation for forfeiture of good conduct is initiated by the disciplinary officer via IMS. The recommendation is reviewed by the Superintendent, Associate Commissioner of Reentry and Reintegration and Commissioner consecutively, in order for each to render a decision. The decision shall be entered in IMS. (Note: The Commissioner shall decide upon any recommended forfeiture of good conduct deduction within 60 days from the date of inmate notification of the disciplinary board's finding pursuant to 103 CMR 430.17(1). In situations where IMS is not available, to include instances where a state inmate is housed in another jurisdiction, a manual process shall be utilized. Forms are located on the Date Computation Intranet page. Once a final decision has been made, the Superintendent or designee shall ensure that the inmate is notified of the final decision within two business days.

410.15: Restoration of Good Conduct Credits

The Superintendent having custody of an inmate may at any time recommend that the Commissioner restore any or all good conduct credits previously forfeited by an inmate.

The Superintendent shall submit the restoration recommendation to the Associate Commissioner of Reentry and Reintegration utilizing the Date Computation module, Restoration of Good Time screen in IMS. Upon review, the Associate Commissioner of Reentry and Reintegration shall submit a recommendation to the Commissioner, utilizing this screen. The Commissioner shall review the restoration recommendation and render a decision utilizing the Restoration of Good Time screen in IMS. In situations where IMS is not available, to include instances where a state inmate is housed in another jurisdiction, a manual process shall be utilized. Forms are located on the Date Computation Intranet page. Once a final decision has been made, the Superintendent or designee shall ensure that the inmate is notified of the final decision within two business days.

410.16: Request for Certificates of Discharge/Release

The release module shall be utilized to effectuate the Request for Certificate of Discharge/Release.

- (a) The Superintendent's designee shall process a Release Order for all inmates for review by the Central Office Date Computation Unit at least 60 days prior to the earliest projected discharge date for general releases and 120 days in advance of the earliest projected discharge date for inmates identified as sex offenders.
- (b) In the case of Massachusetts inmates housed in county, out-of-state, or federal custody, the Superintendent's designee at the designated facility shall prepare the release order.
- (c) Release Orders shall be computed in accordance with provisions set forth in 103 CMR 411.00: *Deductions from Sentence* and any other applicable policies.
- (d) The Release Order shall have all applicable IMS screens completed. Additionally, hard copies of the Inmate Sentence Listing report and copies of the disciplinary chronology, warrant chronology, administrative chronology and forfeitures/restorations that cannot be obtained via IMS shall be submitted to the Central Office Date Computation Unit. Also, all earned good time credits shall be reviewed and updated, if needed, to include presumptive earned time in the IMS date computation module prior to submitting the Release Order.
- (e) The Release Order shall be reviewed by the Commissioner's designee for completeness and accuracy.
- (f) Upon determination of accuracy of the requested release date, the order shall be forwarded to the Commissioner or a designee for final approval.
- (g) Upon approval, the Commissioner or a designee shall issue a certificate of discharge/release.
- (h) Immediately prior to release, institutional date computation staff shall review the inmate's status for accuracy of discharge/release date and appropriateness of release from custody. This review shall include a thorough check of the inmate's mittimus, six-part folder, and the IMS to ensure that no circumstances have occurred since the submission of Release Order that would effect an inmate's discharge/release date or appropriateness of discharge/release from custody. This review is particularly important when the institution that submitted the Release Order differs from the institution releasing the inmate.

410.17: Training

- (1) The Superintendent's designee assigned to date computations shall receive appropriate training in accordance with 103 DOC 216, Training and Staff Development policy. Internet access for this policy can be obtained at: <http://www.mass.gov/doc/policy>.
- (2) Training shall be provided by the Department of Correction Training Academy and other qualified staff.

410.18: Date Computation Manual

A manual of operations for sentence computation shall be available and referenced when appropriate. This manual shall be maintained by the Central Office Date Computation Unit and approved by the Legal Division. This manual may include, but not be limited to, a detailed account of all rules, relevant statutes, regulations, policies and procedures governing sentence computation. It may also include specifics detailing requests for discharge, forfeitures, and restoration of good conduct credits.

410.19: Emergencies

Whenever in the opinion of the Commissioner, Deputy Commissioner, or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of 103 CMR 410.00, such suspension may be authorized, provided that any such suspension, over 48 hours, must be authorized by the Commissioner.

410.20: Responsible Staff

(1) The Commissioner shall be responsible for implementing and monitoring 103 CMR 410.00 throughout the Department.

(2) Each Superintendent or a designee shall be responsible for the implementation of 103 CMR 410.00 and for the development of any and all necessary and appropriate institutional procedures.

410.21: Annual Review

103 CMR 410.00 shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating that the review has been completed. Recommendations for revisions, additions and deletions shall be included.

410.22: Severability

If an article, section, subsection, sentence, clause or phrase of 103 CMR 410.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 410.00.

REGULATORY AUTHORITY

103 CMR 410.00: M.G.L. c. 124, § 1 (c), (g) and (j), c. 125, §§ 12 and 14, c. 127, §§ 129, 129B, 129C, 129D, and c. 279, § 33A and St. 1993, c. 432.

NON-TEXT PAGE