



Illinois Department of Corrections

Administrative Directive

Number: <b>01.07.426</b>	Title: <b>Probation Time Credit – Determinate Sentence</b>	Effective: <b>1/1/2022</b>
-----------------------------	---	-------------------------------

<b>Authorized by:</b>	<i>[Original Authorized Copy on File]</i>	<b>Rob Jeffreys</b> Director
<b>Supersedes:</b>	01.07.426A-J effective 10/1/1996	

<b>Authority:</b> 730 ILCS 5/5-6-4(h)	<b>Related ACA Standards:</b> 5-ACI-1E-01 – 03, 5-ACI-1F-01, 02, 06
<b>Referenced Policies:</b> 01.07.400	<b>Referenced Forms:</b> DOC 0620 – Probation Time Credit When Sentence is Determinate Under 1978 Law

**I. POLICY**

The Record Office Supervisor at each correctional facility shall ensure the accurate calculation of time for individuals in custody who are sentenced to terms of imprisonment following a probation revocation.

**II. PROCEDURE**

**A. Purpose**

The purpose of this directive is to establish written guidelines for crediting time served on probation.

**B. Applicability**

This directive is applicable to all correctional facilities within the Department.

**C. Facility Reviews**

A facility review of this directive is covered under the facility reviews conducted at least annually for Administrative Directive 01.07.400.

**D. General Provisions**

The Court may deny or grant any portion of time served on probation and the order on the mittimus or court order must be followed explicitly.

1. For sentences of imprisonment on probation violation cases entered on or after January 1, 1988, time served on probation shall not be credited unless the court orders otherwise.
2. For sentences of imprisonment on probation violation cases entered on or before December 31, 1987, if the mittimus or court order does not indicate the denial of probation time or does not indicate probation time is allowed and the information is not available, the Probation Department of the county from which the individual in custody was sentenced shall be contacted to obtain the probation time.
  - a. Creditable time on probation is from the date probation was ordered to the date of sentencing.
  - b. If the sentencing date was after the arrest date, then probation credit shall be to the date of the arrest and the individual in custody shall receive credit from the arrest date as custody time.

	Illinois Department of Corrections Administrative Directive	Page 2 of 2
Number: 01.07.426	Title: Probation Time Credit – Determinate Sentence	Effective: 1/1/2022

3. Time served in custody shall be credited to the sentence. Good time shall also be awarded on custody time.

**E. Calculation**

1. All calculations required in accordance with this directive shall be completed using the Probation Time Credit When Sentence is Determinate Under 1978 Law, DOC 0620.
2. After determining from the mittimus or court order that an individual in custody is eligible to receive credit and the probation report has been received, the probation report shall be reviewed for the dates of probation. Once the dates are established, record the sentencing or custody date. Subtract the date the individual in custody was admitted to probation to determine probation credit. Time spent in jail as a condition of probation, which was previously calculated as custody time, shall not be included to determine probation credit.
3. Record the sentence and the probation credit determined in Step 1, or in the event the court ordered a specific amount of probation credit convert the credit to months by dividing by 30 and record the results. Subtract to determine sentence left to serve.
4. Record the sentence left to serve and subtract the good conduct credits, which shall be one-half of the sentence left to serve, to determine time left to serve.
5. Record the old custody date as established in the master record file or the custody date determined after applying all jail credits and add the time left to serve to determine the adjusted projected out date.
6. Record the old custody date as established in the master record file or the custody date determined after applying all jail credits and add the sentence left to serve as determined in Step 2 to determine the mandatory out date.

**NOTE:** Results of the calculations shall be shared with the individual in custody.

---