



## Illinois Department of Corrections

### Administrative Directive

Number: <b>01.07.427</b>	Title: <b>Restoration of Earned Statutory Sentence Credit</b>	Effective: <b>12/1/2021</b>
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<b>Authorized by:</b>	<i>[Original Authorized Copy on File]</i> <b>Rob Jeffreys</b> Director
<b>Supersedes:</b>	01.07.427 effective 4/1/2021

<b>Authority:</b> 730 ILCS 5/3-6-3(c)(3) and 3-2-2 20 IAC 107 and 504	<b>Related ACA Standards:</b> 5-ACI-1A-07, 10, 5-ACI-1E-01 and 03, 5-ACI-1F-01, 02 and 06, 5-ACI-3C-01, 03, 08 and 20
<b>Referenced Policies:</b> 01.07.400	<b>Referenced Forms:</b> DOC 0229 – Recommendation for Restoration of Earned Statutory Sentence Credit DOC 0598 – Restrictive Housing Transition and Stabilization Plan DOC 0630 – Restoration of Good Conduct Credits/ Earned Statutory Sentence Credits When Sentence is Determinate Under 1978 Law

#### I. POLICY

An individual in custody who has previously had statutory sentence credit or earned statutory sentence credit revoked may have the credit restored pursuant to Department Rule 107: Subpart B.

#### II. PROCEDURE

##### A. Purpose

The purpose of this directive is to establish a written procedure for the restoration of statutory sentence credit and earned statutory sentence credit previously revoked.

##### 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. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

##### E. Definitions

Deadtime – time being served inside a correctional facility due solely to the revocation of sentence credit.

Statutory Sentence Credit or Earned Statutory Sentence Credit – means the award of time to offset the length of a determinate sentence for an offense committed on or after February 1, 1978, pursuant to Sections 3-6-3(a)(2), (a)(2.1), (a)(2.3), (a)(2.4), (a)(2.5) and (a)(2.6) of the UCOC.

Transition and Stabilization Plan (TSP) – a plan, developed by the Restrictive Housing Review Committee (RHRC), that includes a system of review and establishes criteria to prepare an individual in custody for

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transition to general population or the community from Extended Restrictive Housing. Individualized plans involve a coordinated, multidisciplinary team approach that includes mental health, case management and security practitioners. Medical personnel will be part of the multidisciplinary team when individuals in custody who have chronic care or other significant medical accommodation needs participate in this program. The Transition and Stabilization Plan is documented in the Restrictive Housing Transition and Stabilization Plan, DOC 0598.

**F. General Provision**

1. In accordance with DR 107, an eligible individual in custody may petition the Adjustment Committee for a review for restoration of revoked time no more frequently than once every three months. The timeframe shall be determined from the date the Director approved the revocation.
2. The Chief Administrative Officer (CAO) may initiate a review for possible restoration of revoked credit at any time. Requests shall be in writing and processed in accordance with the requirements established herein.
3. An individual in custody serving an indeterminate sentence and for whom good time has been revoked prior to opting for a date set by the Prisoner Review Board (PRB) under the 1978 law shall not have the good time restored.

**G. Requirements**

1. Reviews for restoration of revoked credit shall occur upon request of the individual in custody and/or at least every 60 days by the individual in custody's counselor in order to identify individuals in custody who are eligible for restoration of revoked credit.
  - a. The counselor shall document all reviews in CHAMPS. Reviews that lead to a recommendation for restoration shall be documented on the Recommendation for Restoration of Earned Statutory Sentence Credit, DOC 0229, that shall be submitted to the Adjustment Committee by the end of each month.
  - b. Factors to be considered for possible restoration of credit include, but may not be limited to:
    - (1) The nature of the incident which served as the basis for loss of credit.
    - (2) The disciplinary proceedings which led to the revocation of credit.
    - (3) Any specific report or recommendation from staff made concerning the individual in custody.
    - (4) The individual in custody's entire disciplinary record to date.
    - (5) Job performance of the individual in custody.
    - (6) Program participation or achievements of the individual in custody.
    - (7) Adherence to and overall compliance with individualized treatment plan, if applicable, as determined by the individual in custody's mental health treatment team.
    - (8) Additional recommendations or information supplied to reviewing staff.
    - (9) Overall conduct of the individual in custody since the original revocation of good time.

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(10) The amount of time that has lapsed and/or demonstrated improvements in prosocial behavior since the infraction that resulted in the revocation of credit.

**NOTE:** Demonstrated improvements in prosocial behavior shall be determined via review of the individual in custody's disciplinary history since the infraction that resulted in the revocation of credit.

(11) The amount of time since the individual in custody was found guilty of a disciplinary infraction.

(12) Adherence to and completion of the individual in custody's Transition and Stabilization Plan, if applicable.

(13) Whether the individual in custody is currently serving Dead Time.

c. If, except for the offenses listed in Paragraph II.G.1.c.(3), the individual in custody has not been found guilty of a major disciplinary infraction:

(1) Within 9 months preceding the review, the counselor shall recommend restoring a minimum of 50% of the outstanding revoked time.

(2) For more than 12 months preceding the review, a recommendation shall be made to restore 100% of the individual in custody's outstanding revoked time.

(3) The counselor shall recommend a restoration but may recommend a lesser amount of restoration if the revocation was the result of a guilty finding for any of the following offenses pursuant to DR 504: Table A: 100 – Violent Assault of any Person; 101 – Arson; 102a – Assault with Injury; 102b – Assault; 102c - Assault of an Offender; 106 – Escape; 107 – Sexual Misconduct; 108 – Sexual Assault; and 501 Violating State of Federal Laws.

**NOTE:** If the individual in custody has not had a major ticket in over 2 years since committing one of these offenses, he or she is entitled to a full restoration of his or her time.

**NOTE:** If guilty findings are overturned for any reason including, but not limited to, the filing of a grievance, those findings will not count against the months needed to qualify for the automatic restoration of time.

2. Within ten working days of receipt, the Adjustment Committee shall review the DOC 0229 and make a recommendation to the CAO who shall, within ten days of receipt, approve or deny the recommendation and forward all review documentation to the Record Office for processing.

#### H. Calculation

Restoration of credit shall be documented on the Restoration of Good Conduct Credits/Earned Statutory Sentence Credits When Sentence is Determinate under 1978 Law, DOC 0630, which shall be calculated as follows:

1. Review the restoration order from the Director to ascertain that it is not in excess of sentence credits that have been revoked.
2. Record the number of days, months or years being restored and the date the Director issued the order.

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3. Record the custody date established in the master record file and add the sentence less sentence credits to determine the projected out-date. If this was a sentence entered under the Indeterminate Law and the individual in custody has accepted dates set by the PRB, record the projected out-date as set by the PRB.
4. Add or subtract any previous time lost or awarded to determine the projected out-date.
5. Subtract the present restoration to determine the adjusted projected out date.

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

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