

OP-22.57, "RESTORATION OF LOST GOOD TIME"

SCDC POLICY

NUMBER: OP-22.57

TITLE: RESTORATION OF LOST GOOD TIME

ISSUE DATE: March 31, 2022

RESPONSIBLE AUTHORITY: OFFICE OF THE DEPUTY DIRECTOR OF OPERATIONS

POLICY MANUAL: OPERATIONS

SUPERSEDES:OP-22.57-(JULY 30, 2020)

RELEVANT SCDC FORMS/SUPPLIES:

ACA/CAC STANDARDS:

STATE/FEDERAL STATUTES:

PURPOSE: To provide guidelines that specify eligibility for and the process of restoration of good time which was previously lost.

POLICY STATEMENT: The Director of the South Carolina Department of Corrections has the discretion to restore an inmates good time which has been lost as a result of a disciplinary action. Restoration of good time is a positive management tool that encourages good behavior by rewarding inmates who follow the rules of the agency and the laws of the state. The restoration of good time shall only occur when the inmate, by fulfilling the eligibility requirements discussed below, has demonstrated positive behavior over a period of time since their last disciplinary report and has shown that they will continue this positive adjustment.

Upon being found guilty of a disciplinary offense, inmates also automatically fail to earn good time for the month in which they committed the offense. This failure to earn is not discretionary and cannot be restored. State law does not allow good time credits which were earned during the service of one sentence to be applied to another. This is the case even if the two sentences in question are served during the same commitment period. Thus, forfeited good time credits can only be restored to the sentence or sentences that were being served at the time those credits were initially earned.

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SPECIFIC PROCEDURES

1. **RESTORATION OF LOST GOOD TIME:** The Division of Resource and Information Management will create a program which will restore the good time lost as a result of eligible disciplinary convictions for all eligible inmates on the tenth of every month.

2. **RESTORATION PROCESS:** Previously lost good time will be restored for eligible inmates who have not been disapproved by their Warden on the tenth of each month.

2.1 On the first of each month, the Division of Resource and Information Management (RIM) will generate a list of all inmates who, on the tenth of that month, will be eligible for good time restoration.

2.2 RIM will make this list available to all Wardens by the second of each month. By 6:00 pm on the ninth of the month, the Wardens will indicate which inmates, if any, they have disapproved for good time restoration. Wardens will review only inmates who are housed at their institution.

2.3 RIM will remove from the list all inmates who have been disapproved by the Warden of their institution. RIM will then restore all eligible good time for all eligible inmates who remain on the list. This restoration will go into effect on the tenth of the month.

3. **OFFENSE ELIGIBILITY:** In order to have good time restored and inmate must meet all of the general eligibility requirements. Additionally, there are varying eligibility requirements for groups of disciplinary offenses. So in addition to an inmates general eligibility, the eligibility of their various disciplinary convictions must be considered.

3.1 **Ineligible Offenses:** Good time lost as a result of convictions for the following offenses will never be restored:

801 Assault and/or Battery of an SCDC Employee or other Government Employee, Contract Employee, Volunteer, or member of the public with means and/or intent to kill or injure;

802 Sexual Assault;

803 Riot;

804 Homicide;

805 Hostage Taking; and

3.2 Five Year Eligibility Offenses: Good time lost as a result of convictions for the following offenses will be eligible for restoration when the inmate has been major disciplinary free for five years. This will be based on the offense date, not the disciplinary hearing or resolution date:

806 Any Act Defined as a Felony by the Laws of the State of South Carolina or the United States and not otherwise Defined in SCDC Policy OP-22.14 Inmate Disciplinary System;

807 Striking an SCDC Employee or other Government Employee, Contract Employee, Volunteer, or member of the public;

810 Striking an Inmate with or without a weapon;

814 Inciting/Creating a Disturbance;

822 Sexual Misconduct;

854 Exhibitionism and Public Masturbation;

898 The Possession of Any Communication Device;

901 Class I Escape;

902 Class II Escape; and

3.3 In addition to the offenses specifically listed in sections 3.1 and 3.2, these sections also include any old or new versions of these same offenses that exist due to past or future changes to SCDC Policy OP-22.14, Inmate disciplinary System. For example, if OP-22.14 is changed in the future and the offense number of one of the listed offenses is changed, that offense under its new number will still be considered to be part of the section it was in under its old number even though it is not specifically listed.

3.4 One Year Eligibility Offenses: Good time lost as a result of convictions for all other major disciplinary offenses (all those not listed in sections 2 or 3 above) will be eligible for restoration when the inmate has been major disciplinary free for one year. This will be based on the offense date, not the disciplinary hearing or resolution date.

4. INMATE ELGIBILITY: In addition to remaining disciplinary free for the applicable period of time as discussed above, an inmate must meet all of the below listed criteria to be eligible to have lost good time restored. Eligibility will be determined on the tenth of the month when the good time restoration is to be conducted. The inmate must meet all of the eligibility criteria below and the applicable disciplinary free time period simultaneously on that date.

4.1 The inmate does not have any pending disciplinary charges to include informal, administrative, and major disciplinary charges and disciplinary charges pending under investigation by the institution or the Office of Investigations and Intelligence (OII).

4.2 The inmate does not have any criminal convictions or detainers for conduct which occurred during their current commitment.

4.3 The inmate has more than 60 days left to serve during their current commitment. This will be based on their projected release date.

4.4 The inmate is not on Security Detention (SD), Awaiting Placement (AP), or Maximum Security (MX) status.

5. GRIEVANCES: Restoration of good time under this procedure is completely discretionary. It is not grievable under SCDC Policy GA-01.12, Inmate Grievance System and is not otherwise appealable.

SIGNATURE ON FILE

s/Bryan P. Stirling, Director

Date of Signature

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