



Program Statement

OPI: CPD/ISM
NUMBER: P5884.03
DATE: 3/31/2006
SUBJECT: Good Conduct Time
Under the Prison
Litigation Reform Act

RULES EFFECTIVE: 12/5/2005

1. **PURPOSE AND SCOPE.** To implement provisions of the Prison Litigation Reform Act of 1995 (PLRA) for awarding good conduct time (GCT).

2. **SUMMARY OF CHANGES.** This Program Statement has been revised, based on 28 CFR 523.20, to exempt aliens subject to a final order of removal, deportation, or exclusion from the "satisfactory progress in a literacy program" provision of the PLRA.

3. **PROGRAM OBJECTIVE.** The expected result of this program is:

Good conduct time for inmates sentenced under the PLRA will be awarded in accordance with Title 18, U.S.C. § 3624(b)(4) and 28 CFR 523.20.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

P5884.01 Good Conduct Time Under the Prison Litigation Reform Act (9/29/97)

b. **Directives Referenced**

P5111.01 Institution Hearing Program (IHP) (4/23/97)
P5270.07 Inmate Discipline and Special Housing Units (12/29/87)
P5350.28 Literacy Program (GED Standard) (12/1/03)
P5553.06 Escapes/Deaths Notification (8/23/99)
P5880.28 Sentence Computation Manual (CCCA of 1984) (2/21/92)

[Bracketed Bold- Rules]

Regular Type - Implementing Information

c. The rule cited in the Program Statement is contained in 28 CFR 523.20.

5. **STANDARDS REFERENCED**

a. American Correctional Association 4th Edition Standards for Adult Correctional Institution: 4-4097

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-1E-03

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-1E-05

6. **[GOOD CONDUCT TIME §523.20.**

a. For inmates serving a sentence for offenses committed on or after November 1, 1987, but before September 13, 1994, the Bureau will award 54 days credit toward service of sentence (good conduct time credit) for each year served. This amount is prorated when the time served by the inmate for the sentence during the year is less than a full year.

b. For inmates serving a sentence for offenses committed on or after September 13, 1994, but before April 26, 1996, all yearly awards of good conduct time will vest for inmates who have earned, or are making satisfactory progress (see Sec. 544.73(b) of this chapter) toward earning a General Educational Development (GED) credential.

c. For inmates serving a sentence for an offense committed on or after April 26, 1996, the Bureau will award

(1) 54 days credit for each year served (prorated when the time served by the inmate for the sentence during the year is less than a full year) if the inmate has earned or is making satisfactory progress toward earning a GED credential or high school diploma; or

(2) 42 days credit for each year served (prorated when the time served by the inmate for the sentence during the year is less than a full year) if the inmate has not earned or is not making satisfactory progress toward earning a GED credential or high school diploma.

d. Notwithstanding the requirements of paragraphs (b) and (c) of this section, an alien who is subject to a final order of removal, deportation, or exclusion is eligible for, but is not required to, participate in a literacy program, or to be making satisfactory progress toward earning a General Educational Development (GED) credential, to be eligible for a yearly award of good conduct time.

e. The amount of good conduct time awarded for the year is also subject to disciplinary disallowance (see tables 3 through 6 in Sec. 541.13 of this chapter).

28 CFR 541.13 refers to the Program Statement on Inmate Discipline and Special Housing Units.

7. AWARDING GCT

a. Pursuant to the PLRA, in awarding GCT credit, the Education Department at each institution must consider whether the inmate, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or equivalent degree. See 28 CFR 544.73(b) in the Program Statement on Literacy Program (GED Standard).

- ◆ Once a determination has been made, the department enters the appropriate Education Information (EDI) assignment into SENTRY for each inmate.

b. This rule provides that an inmate subject to the PLRA is to earn up to the full 54 days credit for GCT (prorated for a partial year at the end of the sentence) if the inmate has earned or is making satisfactory progress toward earning a GED credential.

c. The rule further provides that an inmate subject to the PLRA is to earn up to 42 days credit for GCT per year (prorated for a partial year at the end of the sentence) if the inmate has not earned or is not making satisfactory progress toward earning a GED credential, unless, the inmate alien is subject to a final order of removal, deportation, or exclusion.

d. If an inmate's status changes from GED UNSAT (unsatisfactory progress) to GED SAT (satisfactory progress), the annual rate of GCT will return to 54 days. Inmate Systems Management (ISM) staff must recalculate (RPC) the sentence computation to affect change.

e. An inmate alien subject to a final order of removal, deportation, or exclusion will earn GCT at the annual rate of 54 days (prorated for a partial year at the end of the sentence).

- ◆ After completion of the deportation hearing, the Case Manager or designee will enter the Case Management Activity (CMA) assignment into SENTRY and forward a copy of the order to ISM staff for inclusion in the Judgment and Commitment (J&C) file.
- ◆ ISM staff must recalculate the sentence computation. SENTRY will automatically change the annual GCT rate from 42 days to 54 days.

f. The amount of GCT earned is subject to disciplinary forfeiture or disallowance.

/s/
Harley G. Lappin
Director