

	State of Alaska Department of Corrections Policies and Procedures	Index #: 809.07	Page 1 of 1
		Effective:	Reviewed:
		Distribution:	Due for Rev:
	Chapter: Prisoner Rules and Discipline		
Subject: Restoration of Forfeited Statutory Good Time			

Authority

In accordance with AS 44.28.030, AS 33.30.021 and 22 AAC 05.155, the Department of Corrections will establish and maintain a manual of policies and procedures to interpret and implement the statutory and regulatory duties of the department.

References

Alaska Statute

33.20.060 Restoration of forfeited good time

Alaska Administrative Code

22 AA 05.472 Restoration of Forfeited Statutory Good Time

22 AA 05.473 Award and Forfeiture of Statutory Good Time For Municipal Prisoners

Purpose

To establish procedures for the consistent and systematic restoration of forfeited statutory good time according to prescribed statutes and regulations.

Application

To all employees and prisoners.

Definitions

As used in this document, the following definitions shall apply:

A. Clear Conduct Record:

A period of time without a violation of a disciplinary rule, except minor infractions for which guilt was established through the disciplinary process.

B. Infraction:

The violation of a disciplinary rule as defined and applied in accordance with policy 809.02, Acts Prohibited and Penalties or approved by the Commissioner for prisoners incarcerated in contract facilities.

Policy

- A. It is the policy of the Department to restore forfeited statutory good time to prisoners in accordance with the criteria and procedures set forth below. Up to 100 percent of forfeited good time may be restored, at the discretion of the Department, upon determination that a prisoner has met a minimum period of clear conduct since the most recent disciplinary infraction. Forfeited good time may be restored upon application of the prisoner, or upon independent review and determination of the prisoner's eligibility by the Department.
- B. A prisoner is eligible for consideration for restoration of good time if the prisoner has served a period of 30 days clear conduct since the commission of the most recent low-moderate infraction, or 60 days since the commission of the most recent high-moderate or major infraction. In other words, a prisoner may have all previously forfeited good time restored regardless of when an infraction was committed as long as the minimum period of clear conduct since the most recent infraction has been met. Notwithstanding C. below, eligibility for consideration does not affect the discretion of the Department in determining the amount

of good time to be restored, or the timing of any restoration, except for prisoners eligible for mandatory restoration under VII.B.I.(a) below.

- C. A prisoner is presumed to be eligible for restoration of forfeited good time under the schedule set forth below, unless the Superintendent or Chief Classification Officer (in cases involving prisoners incarcerated outside Alaska) determines that restoration would be inappropriate in light of the factors set forth in VII. B. below.
1. If the most recent infraction is a low-moderate, the prisoner is presumed eligible for restoration of:
 - a. 50 percent of the previously forfeited good time after a 90-day period of clear conduct, and
 - b. 100 percent of the previously forfeited good time after 180-days of clear conduct.
 2. If the most recent infraction is a high-moderate, the prisoner is presumed eligible for restoration of:
 - a. 50 percent of the previously forfeited good time after a 180-day period of clear conduct, and
 - b. 100 percent of the previously forfeited good time after a 360-day period of clear conduct.
 3. If the most recent infraction is a major, the prisoner is presumed eligible for restoration of:
 - a. 50 percent of the previously forfeited good time after a one-year period of clear conduct, and
 - b. 100 percent of the previously forfeited good time after a two-year period of clear conduct

Procedures

A. Application

1. A prisoner seeking the restoration of statutory good time forfeited as a result of an infraction shall make application for restoration on form 20-809.07 A, Application for Restoration of Forfeited Statutory Good Time. If a final decision results in a denial of restoration, a prisoner may re-apply on or after the date indicated on the final decision section of the application.
2. The completed application must be submitted through the institutional staff member designated for that purpose.
3. The staff member will review the application and the prisoner's case record to verify eligibility for consideration of restoration of forfeited statutory good time under this policy. The staff member will enter findings, date, sign and route the application to the Superintendent or Chief Classification Officer (for prisoners incarcerated outside Alaska).

B. Determination

1. The Superintendent or Chief Classification Officer, as appropriate, will review each application and decide whether, in what amount and on what date, forfeited statutory good time will be restored. In making this determination, the Superintendent or Chief Classification Officer will restore forfeited good time, as appropriate, in light of the following factors:
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- a. eligibility for mandatory restoration under previous good time restoration policy, see Policy and Procedure 809.07, Restoration of Forfeited Statutory Good Time, dated 11-01-90;

NOTE: generally, prisoners who have lost good time between April 14, 1991 and April 14, 1992, may be eligible for mandatory restoration of up to 75 percent of the forfeited good time. Superintendents are urged to contact the Department's assigned legal counsel at the Department of Law in cases where there is a question of eligibility for mandatory restoration;

- b. presumptive eligibility under VI.C. above;
 - c. the prisoner's overall conduct and disciplinary record;
 - d. the prisoner's progress in rehabilitative programs;
 - e. the need for pre-release planning or setting of conditions of release;
 - f. whether the prisoner has satisfied the disciplinary sanction(s) imposed for prior disciplinary infractions;
 - g. the potential danger to the public should restoration result in release of the prisoner;
 - h. the need for victim notification; and
 - i. any other factors identified which are relevant to restoration of previously forfeited good time of the prisoner.
2. The Superintendent or Chief Classification Officer will indicate the decision concerning the restoration, amount, and timing of any restoration on the application form, setting forth the specific reasons supporting the decision. Any decision to deny immediate restoration of the entire amount of good time shall be forwarded to the Director of Institutions for review. The Director's decision is final and not appealable.
- C. Upon final decision, copies of the completed application will be distributed as follows:
- a. original to the prisoner;
 - b. copy to the time-accounting records officer;
 - c. copy to the prisoner's case record; and
 - d. in the case of a prisoner housed outside of Alaska, a copy to the Chief Classification Officer.

Implementation

The policy and procedure is effective upon the date signed by the commissioner.

5/14/92
Date


Lloyd D. Hames, Commissioner

Applicable forms:
809.07A
