I.   POLICY:

The Offender Administration Department within the Corrections Division will seek to ensure that offenders remanded to the state penal system are admitted, assigned, and entered into the system, thereby computing a maximum release date for the offender.

II.   APPLICABILITY:

Offender Processors responsible for the Admission and Computation of sentences for offenders ordered to serve time within the state penal system

III.   RELATED DIRECTIVES:

A.   GDC SOP – IIIB06-0002

IV.   DEFINITIONS:

A.   **Admissions:** The process by which an offender is assigned an inmate number, and subsequently assigned to a diagnostic prison or boot camp facility.

B.   **Computations:** The process by which the offender's sentencing information is entered into the system, credit for time served in jail is received, and a maximum release date is calculated.

C.   **Validity Review:** Verification by way of reviewing the packet to ensure that all necessary paperwork and signatures are present in a given sentence package in order to be able to admit and compute that case.

D.   **Affidavit of Custodian:** A document provided by the relevant county jail. This document contains the

offender's personal history, but most importantly vouches for and verifies the dates that an offender has spent in a county jail's custody.

E.   **Jail Time Credit:** Credit given per a judge's order or credit given for time served in jail, which is noted on an affidavit of custodian. For example, on a sentencing order, it may state "credit given for time served since 10/1/07". Therefore credit would be given from that date up to the date that the offender is sentenced. Otherwise, credit will always be given from the date(s) noted on the affidavit of custodian up to the date of sentencing.

F.   **Probation Detention Center (PDC) Jail Time Credit:** This law is only applicable to defendants when the Judge has specifically placed in the order that the defendant will receive credit for time awaiting entry into a PDC. The time the defendant will receive will commence on the sentencing date, not the date the defendant was arrested. Furthermore, when completing a Center Referral Form, officers should include on the form, as well as in the subject line of the email, that the defendant should receive credit for time served. For example: the subject line would read "Smith, Amanda GDC 1234456- Female PDC - Credit time served (or CTS)." Doing so will notify Center Reservations the defendant has been ordered to receive entitled credit and that defendant's entry into a PDC may be time sensitive. Lastly, as always, the Scribe case notes should be updated to indicate the defendant is to receive credit for time served awaiting entry into the PDC.

G.   **Sentence/Order:** the punishment given to a person convicted of a crime. A sentence is ordered by the judge, based on the verdict of the jury (or the judge's decision if there is no jury) within the possible punishments set by state law (or federal law in convictions for a federal crime). Popularly, "sentence" refers to the jail or prison time ordered after conviction, as in "his sentence was 10 years in state prison." Technically, a sentence includes all fines, community service, restitution or other punishment, or terms of probation. The sentence order will always contain a judge's signature.

H. **Count:** Series of charges for which a person is being accused of and/or being sentenced. Counts will be found on sentencing orders and indictments.

I. **Probation:** A sentence imposed that allows an offender to serve their sentence within the community under the supervision of a probation officer. This will be notated on a sentencing order.

J. **Straight Sentence:** When an offender is order to serve time solely on probation, or solely in the custody of the state penal system. This will be clarified on a **sentencing order.**

K. **Split Sentence:** The court may order person to serve a period of imprisonment followed by a period of probation supervision. This is referred to as a "split sentence". An example of this would be "Ten years, serve two years in prison, balance (eight years) to be served on probation upon release from prison". The offender would be obligated to report to probation after his release from incarceration and any parole that followed.

L. **First Offender:** A person sentenced for the first time for an offense. A first offender usually receives a lighter sentence, and upon completion of their sentence can have their conviction removed from their criminal record. For instance, instead of an offense carrying fifteen years to serve in the penal system, they may receive instead eight years to be served on probation.

M. **Revocation (order):** When an offender is alleged by the probation officer to have violated the terms and conditions of their original probated sentence, and is subsequently required to stand before a judge to respond to the accusation. Revocation documents may consist of three parts:

1. Petition where by the probation officer lists the allegations.

2. A section for signatures (probation officer, judge, defendant) acknowledging the service of the petition and a date set by the judge for the allegations to be heard.

       3.   Revocation order which verifies whether or not the judge finds the offender in violation, and the time to serve on that original sentence (revoke), if any, as a result of the alleged violation.

N.   **Adjudication of Guilt:** When a first offender violates the terms and conditions of their sentence the judge can take away their first offender status and re-sentence them under the original possible maximum sentence.

    1.   For example, if a first offender was given eight years probation rather than fifteen years in prison, but violated his probation, the judge can adjudicate him guilty and re-sentence him to serve the original fifteen years the he would have been ordered to serve if he had not been given first offender status. In addition, if the privilege of first offender status is removed, the offender will no longer be able to remove the conviction from his/her criminal record. **Adjudication of guilt differs from a revocation in that with a revocation, an offender cannot be ordered to serve more time (re-sentenced), but rather can only have the time remaining revoked.**

O.   **Bill of Indictment/True Bill:** A document with lists the charge(s) of a felony (serious crime) voted by a Grand Jury based upon a proposed charge, witnesses' testimony and other evidence presented by the public prosecutor (District Attorney). To bring an indictment the Grand Jury will not find guilt, but only the probability that a crime was committed, that the accused person did it and that he/she should be tried.

P.   **Serve Time:** The amount of time that an offender is ordered to serve in the state penal system

Q.   **Abscond:** In reference to probation…When an offender sentenced to probation fails to report to his/her Probation Officer, and fails to notify him/her of their whereabouts.

R.   **Toll Time:** When an order is submitted to cease an absconded offender's probation time from running on their sentence. The time begins again (reinstated) upon the probationer returning to jail custody.

S. **Non-Run Time:** The time for which an offender does not receive credit after being sentenced to serve time in the state penal system. *An example would be where an offender was ordered to serve two years, but was released and allowed to return to custody five days after sentencing in order to get their affairs in order. The offender would not receive credit for these five days due to being released after sentencing due to not being in custody during those days.*

T. **Plea:** the response by an accused defendant to each charge of the commission of a crime. Pleas normally are "not guilty," "guilty," "no contest" (admitting the facts, but unwilling to plead "guilty," thus resulting in the equivalent of a "guilty" verdict but without admitting the crime), or "not guilty by reason of insanity" (at the time of the criminal act).

U. **Verdict:** When an offender has pled not guilty, a jury of his/her peers will go through proceedings to determine his/her guilt.

V. **Nol Prosque:** When a count is dismissed or "thrown out", and the accused is no longer being charge for that offense.

W. **Merge:** Two or more counts are counted as one. For example, when it is ordered for "count one to be merged in to count two", count two becomes the dominant count, and count one will no longer be considered for sentencing.

X. **Nunc Pro Tunc:** Latin for "now for then," this refers to changing back to an earlier date of an order, judgment or filing of a document. Such a retroactive re-dating requires a court order which can be obtained by a showing that the earlier date would have been legal, and there was error, accidental omission or neglect which has caused a problem or inconvenience which can be cured.

Y. **Parole:** the release of a convicted criminal defendant after he/she has completed part of his/her prison sentence, based on the concept that during the period of parole, the released criminal can prove he/she is rehabilitated and can "make good" in society.

V.   ATTACHMENTS:

Attachment 1: Validity Review Checklist

Attachment 2: Boot Camp Checklist

Attachment 3: County Code Checklist

Attachment 4: Probation Serve Time List

Attachment 5: Abbreviations List

VI.   PROCEDURE:

All staff trained and assigned to Offender Processing will be responsible for admitting and computing each package in its entirety once they receive a sentence package from mail reception.

A.   MAIL RECEPTION

1.   When a sentence package is received in the mail, the following procedures should be followed:

a.   Stamp the date received on the Affidavit of Custodian, ensuring not to stamp over necessary information. The stamp establishes jail subsidy (the date which the department accepts responsibility to begin paying for each day the offender remains in the county jail).

b.   Perform a validity review on the sentence package to ensure that all necessary paperwork to admit and compute the offender is present *(see attachment 1 for criteria)*

c.   If all necessary paperwork and information are present, evenly distribute packages among staff (and/or teams if applicable).

d.   If a sentence package is incomplete according to the checklist, a letter needs to be generated noting the pertinent information that was missing from the sentence package.

e.   Once the letter is sent, the designated supervisor will follow-up on regularly

scheduled intervals to ascertain if corrections are being made to the incomplete sentence package and when re-submission will occur by the jail. In addition, the supervisor will place a notice and comment in SCRIBE clarifying that although the offender package will receive an inmate number, additional information is being awaited in order to assign the offender to a prison.

f.   Once the corrected package is resubmitted by the jail or the clerk, the review process and distribution is completed by the designated supervisor. **Note**: *an offender processor who is responsible for admitting and computing a sentence should not receive the sentence until it is ensured that all necessary documents are present within the package*.

B.   ADMISSIONS

Once a package is received from mail reception, the admissions process is to be completed according to the following:

1.   Search for the offender using the OTN, SID, or other identifying information.

2.   Once the offender is identified, it must be determined whether the offender will be admitted as a new or an additional sentence. If it is determined that the offender is an additional sentence, it must also be determined whether he/she is currently in a diagnostic prison. **Note**: *if it is determined that the offender is an additional sentence, the offender will not need to be admitted or assigned due to him/her previously being entered into the system, thereby already having an inmate number.*

3.   Another step that must be taken is the determination of whether or not the offender is eligible to enter into a boot camp facility (*see attachment 2 for criteria).*If the offender is eligible to enter into a bootcamp, the offender processor is responsible for creating a notice in the system.

4. All new sentences and boot camp eligible cases will be assigned an inmate number and will be initially assigned to a prison. ***This process must occur within twenty-four hours of receiving the sentence package.***

5. If it is determined that the offender package is an additional sentence, it is required that the system be checked for a pending release on the offender. If a pending release is entered, the sentence must be "walked through" and release staff must be notified.

C. COMPUTATIONS

1. All offender processors who admit and assign a sentence package/case into the system will also be responsible for computing the same case into the system.

2. Computation of a sentence package/case will occur within forty-eight hours of admitting the case.

3. Computation of a case should include the following procedures:

   a. Enter relevant court case information into the system. This information will include the date the case was received, the county code (***attachment 3***), revocation information as needed, admission and court type, judge and attorney information, and any relevant co-defendants

   b. Following the entering of court information, all relevant counts should be entered using the appropriate offense code, crime-commit date, and the sentence begin date.

   c. Time to be served in the state penal system will then need to be entered. If the case is a split sentence, probation time must also be notated (***see attachment 4***). Thereafter, credit for time served should be given, if applicable.

   d. If there are more counts to be entered, before entering to the next screen, enter the case number, sequence, and tab to whether the next

count to be entered is concurrent (cases running together) or consecutive (cases running after one another). If no other counts need to be entered, tab to proceed to continue entering offense information.

e. Once offense information is verified, it is required to tab and enter relevant information about the sentence (*see attachment 5 for abbreviations*). Once completed with entering in relevant sentencing information, update and proceed to either continue the process for the subsequent count, or complete the computations process.

f. If there is more information to be entered, proceed to "sentence data". If the computations process is complete, proceed to "sentence computations". *****Note**: *After proceeding, it is important to remember to enter any non-run time at this point before proceeding.*

4. Before printing a computation, all processors must review a summary of what has been computed to avoid missing any possible errors.

5. Once the summary is verified, proceed to print the computation.

6. Once the sentence package has been admitted and computed, it is the responsibility of the offender processor to scan the entire package into SCRIBE.

VII. **RETENTION SCHEDULE**:

Upon completion of the entire process, a copy of the sentence package, including one copy of the computation report, will be sent to parole. In addition, another sentence package with the initial assignment (if applicable) and a computations report summary that includes TWO copies of "page one" will be sent to the appropriate diagnostic facility. Any excess sentence packages are to be shredded immediately. **NOTE: No attachments are required to be retained.**