

103 CMR 410.00: SENTENCE COMPUTATION

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410.01: Purpose

The purpose of 103 CMR 410.00 is to establish procedures governing the recording, calculation, review and communication of an inmate's sentence structure in conformance with applicable laws.

410.02: Cancellation

103 CMR 410.00 cancels all previous Department of Correction (Department or DOC) policy statements, bulletins, directives, orders, notices and regulations regarding sentence computation which are inconsistent with 103 CMR 410.00.

410.03: Applicability

103 CMR 410.00 applies to all DOC employees and inmates.

410.04: Access

103 CMR 410.00 shall be maintained within the Central Policy File of the DOC and accessible to all DOC employees. A copy of 103 CMR 410.00 shall also be maintained in each Superintendent's Central Policy File and in each inmate library.

410.05: Definitions

Additional Data. Documents or orders that alter an inmate's original sentence structure including, but not limited to, additional or supplemental sentences, revised or corrected *mittimus*, jail credit orders or letters, and any documents received as a result of a return from parole, probation, or escape.

Admissions. Inmates committed to the DOC as a result of a court order, the execution of a parole violation warrant, probation violation or as a return from escape.

Central Date Computation Unit (CDCU). The DOC unit responsible for executing all sentencing orders of the court, formulating the sentence structure, and computing release dates for all inmates in the DOC's jurisdiction throughout his or her incarceration.

Commissioner. The chief executive officer of the DOC.

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Commissioner's Designee. An individual or entity assigned by the Commissioner to review and approve inmate releases.

Committing Institution. The state or county institution to which the inmate was originally committed.

County Federal Interstate (CFI) Unit. The Unit within the Classification Division responsible for issues related to inmates who are housed in a county, federal or other state jurisdiction; as well as county, federal or other state jurisdiction inmates housed within the Department.

Deduction from Sentence (DFS) Report. The report generated from the Inmate Management System (IMS) for a specified time period that itemizes the recommendations for the granting of Earned Good Time and includes updated combined release dates.

Deputy Commissioner of Reentry. The DOC's Deputy Commissioner whose duties include, but are not limited to, the management of the Classification Division, Inmate Education and Training Division, Reentry, Program Services Division and the Health Services Division.

Inmate Management System (IMS). The DOC's automated information system that provides processing, storage and retrieval of inmate related information needed by DOC personnel and other authorized users within the criminal justice system.

Inmate Sentence Listing (ISL). The form generated from the IMS providing inmate sentencing information and date computation.

Mittimus. The sentencing document(s) issued by the court committing the inmate to incarceration that contains sentence information to include offense, term of imprisonment and any other orders made by the court.

New Commitments. Newly sentenced and committed inmates.

Records Manager. The person responsible for the daily operations of an institutional Records Department.

Release Coordinator. The person responsible for the physical release of an inmate from the institution.

Request to Notify. Written correspondence sent by the Central Date Computation Unit (CDCU) to another jurisdiction advising them that an inmate in their custody is also subject to a Massachusetts sentence(s) and further requesting that the other jurisdiction inform the CDCU when the subject inmate is within a specified time period of completing service of the other jurisdiction's sentence(s).

Superintendent. The chief administrative officer of a correctional institution.

410.06: Determination of Inmate Status

The Booking Department of the committing institution shall review the *mittimus* to determine the status of the inmate, new commitment, admission or transfer.

410.07: New Commitments or Admissions

CDCU shall review the *mittimus* to identify the inmate's sentence, offense and sentencing statute and shall determine whether the sentence complies with statutory requirements.

(1) CDCU shall enter relevant data into the IMS Sentence and Offense screens. In the case of a returned parole violator or return from escape, the Parole Return screen or the Escape Return screen shall be utilized to enter relevant release and return dates for computation purposes.

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(2) CDCU shall calculate the inmate's dates utilizing the IMS Sentence screen, and ensure by manual calculation that the sentence structure and date computation are accurate.

(3) Any release date computations not calculated correctly in IMS shall have the release dates manually calculated and entered into IMS by CDCU. CDCU will also check the IMS Manual Date Computation check box. The names of all inmates sentenced by a Massachusetts court whose release dates do not calculate correctly in IMS shall also be maintained on a central list by CDCU.

(4) Once the sentence structure and date computation have been reviewed for accuracy, the CDCU employee conducting this review will check the certification box in the sentence screen in IMS. The committing sites will receive *via* email a notice advising them to print the certified Inmate Sentence Listing (ISL) for both new commitments/admissions and added data on a daily basis by CDCU. The Records Manager or designee shall place the certified ISL in the inmate's institutional six-part folder and issue a copy to the inmate.

410.08: Transfers

Upon an inmate's transfer to another institution, the Records Manager or designee of the receiving institution shall ensure that all of the inmate's *mittimuses* have been stamped as reviewed by CDCU and that all respective *mittimuses* are reflected on the ISL. In the event there are any documents which have not been stamped by CDCU or otherwise accounted for, CDCU shall be notified.

410.09: Inmates in the Custody of Another Jurisdiction

CDCU shall track and perform date computation functions for inmates in the custody of another jurisdiction who have concurrent or consecutive Massachusetts sentences to be served.

(1) Concurrent Sentences.

- (a) CDCU shall obtain the original *mittimus*;
- (b) CDCU shall review the *mittimus* to confirm the sentence type;
- (c) CDCU shall obtain a Waiver of Extradition from the DOC's Legal Division or the District Attorney Office where applicable, or forward a waiver of extradition to the inmate for signature;
- (d) CDCU shall communicate with the committing institution Records Manager to obtain the inmate's commitment number. The Records Manager shall ensure all other booking functions as provided by in 103 DOC 401: *Booking and Admission*, are completed;
- (e) CDCU shall enter the sentence and complete date computation in accordance with 103 CMR 410.00. The committing institution Records Manager or designee shall complete the criminal records check in accordance with 103 DOC 417: *Criminal History Records Information*, update the inmate status in IMS, construct the six-part folder and forward the six-part folder to the County Federal and Interstate (CFI) Unit. CDCU will forward the original *mittimus* to the CFI Unit to file within the six-part folder;
- (f) CDCU shall forward a Detainer Letter along with a copy of the *mittimus* and Waiver of Extradition to the other jurisdiction;
- (g) Upon receipt of a signed Waiver of Extradition and computation of the Massachusetts sentence(s), CDCU shall provide the ISL for the Massachusetts sentence(s) to the other jurisdiction and to the inmate;
- (h) The CFI Unit shall conduct a review of earned good time at least annually, and quarterly when the out of state inmate's projected release date is within one year;
- (i) After this annual review of earned good time, the CFI Unit shall provide a DFS Report to the other jurisdiction and the inmate until the projected release date is within one year; and thereafter upon the CDCU's recalculation of the projected release date;
- (j) CDCU shall prepare a Certificate of Discharge/Release in accordance with 103 CMR 417.00. Once prepared, the CFI Unit shall notify the other jurisdiction of the release of the inmate's obligation to the Massachusetts concurrent sentence(s) in circumstances when the other jurisdiction's sentence(s) expires after the Massachusetts release;

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(k) The CFI Unit shall, on the day of the expiration of the Massachusetts sentence, provide the other jurisdiction with a detainer removal letter reflecting that the inmate's obligation to the Massachusetts sentence(s) have been satisfied, along with a copy of the Certificate of Discharge/Release;

(l) For an inmate whose sentence from another jurisdiction is scheduled to expire prior to his or her DOC sentence, CDCU shall perform the actions outlined in 103 CMR 410.09(2)(e) and (f).

(2) Consecutive Sentences.

(a) CDCU shall obtain the original *mittimus*;

(b) CDCU shall review the *mittimus* to confirm sentence type;

(c) CDCU shall forward a Detainer Letter, along with a copy of the *mittimus* to the other jurisdiction;

(d) CDCU shall obtain a Waiver of Extradition from the DOC Legal Division or the District Attorney's Office, if applicable, or forward a Waiver of Extradition to the inmate for signature;

(e) CDCU shall obtain the other jurisdiction's release date(s) annually until the projected release date from the other jurisdiction is within one year, and thereafter at least quarterly;

(f) CDCU shall notify the DOC's Central Transportation Unit (CTU) of the date that the inmate will be available to the DOC, including the inmate's current location for CTU to make transportation arrangements.

410.10: Additional Data

If additional *mittimuses*, jail credit or other documents affecting an inmate's sentence are received by the institution following the initial sentencing of an inmate, the Records Manager or designee shall forward the document(s) to the CDCU. If the additional data received may result in a possible upcoming release, the Records Manager or designee shall notify CDCU immediately. Once CDCU receives such documents, it shall process the additional data and forward the additional data, along with an amended certified ISL, to the Records Manager or designee for filing within the six part folder and provide a copy to the inmate.

410.11: Forfeiture and Restoration of Good Conduct Credits

Inmates eligible for statutory good conduct credit (SGT) pursuant to M.G.L. c. 127, § 129 may be subject to forfeitures of such credit in accordance with M.G.L. c. 127, §§ 49, 83C and 129 upon the finding of guilt of a disciplinary infraction. In such circumstances, the disciplinary hearing officer recommends the forfeiture of SGT, and this recommendation is reviewed by the Superintendent, Deputy Commissioner of Clinical Services and Reentry and Commissioner in sequential order, with a denial at any of these levels terminating the process. The Commissioner decides whether SGT is to be forfeited, or whether previously-forfeited SGT may be restored (based on a recommendation of the Superintendent). Commissioner decisions regarding forfeiture or restoration shall be forwarded to the inmate and implemented by CDCU.

410.12: Request for Certificates of Discharge or Release

CDCU shall issue monthly an upcoming release list to each institution for inmates who are releasing within 150 days. The institutional Records Manager or designee shall add the inmates to their Master Facility Upcoming Release List, as well as perform any duties as specified on the CDCU monthly release list.

CDCU will monitor all inmates on the institution upcoming release list and award earned good time (EGT).

CDCU shall process all inmate Certificates of Discharge/Release. CDCU shall complete a Certificate of Discharge/Release and forward the signed Certificate of Discharge/Release to the respective Superintendent or his or her designee. The Superintendent or designee shall sign the Certificate of Discharge/Release. The physical release of an inmate from the DOC's custody shall be in accordance with applicable DOC procedure by the Release Coordinator.

410.13: Training

CDCU shall provide training on date computation and records functions for DOC staff as needed, and provide ongoing training to CDCU staff in accordance with 103 DOC 216: *Training and Staff Development*.

Institution Records Managers shall train Shift Commanders in the role of Release Coordinator. Shift Commanders shall be responsible for inmate releases during non-business hours or in the absence of the Records Manager/Designee.

410.14: Date Computation Manual

A manual of operations for sentence computation shall be maintained by the CDCU and made available for reference by the DOC.

410.15: Emergencies

Whenever in the opinion of the Commissioner, Deputy Commissioner or the Superintendent of a state correctional institution, an emergency exists that requires suspension of all or part of 103 CMR 410.00, such suspension may be authorized, provided that any such suspension, exceeding 48 hours must be authorized by the Commissioner.

410.16: Responsible Staff

(1) The Commissioner or designee shall be responsible for implementing and monitoring 103 CMR 410.00 throughout the DOC.

(2) Each Superintendent or designee shall be responsible for the implementation of 103 CMR 410.00 and for the development of any and all necessary and appropriate institutional procedures.

410.17: Annual Review

103 CMR 410.00 shall be reviewed at least annually by the Commissioner or designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating revisions, additions or deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

410.18: Severability

If an article, section, subsection, sentence, clause or phrase of 103 CMR 410.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 410.00.

REGULATORY AUTHORITY

103 CMR 410.00: M.G.L. c. 124, § 1 (c), (g) and (j); c. 125, §§ 12 and 14; c.127, §§ 129, 129B, 129C, 129D; and c. 279, § 33A and St. 1993, c. 432.

NON-TEXT PAGE