

# **State of Iowa Department of Corrections**

## **Policy and Procedures**

Policy Number: AD-CR-02

Applicability: DOC

Policy Code: Public Access

Iowa Code Reference: Prior to 7/1/83 (246.38 through 43) 24.413, 24.406, 708.2A(6B).

After 7/1/83 709, 726.2, 728.12901A.2, 901.7, 901.8, 902.2, 902.1, 902.12, 903A, 903A.2(1)(a), 903B.1, 903B.2, 906

Chapter 1: ADMINISTRATION & MANAGEMENT

Sub Chapter: CASE RECORDS

Related DOC Policies: IO-RD-03

Administrative Code Reference: N/A

Subject: SENTENCE COMPUTATION AND TRACKING

ACA Standards: 5-ACI-1E-03

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Effective Date: June 2021

Authority:

### **1. PURPOSE**

To describe the procedures utilized by the Iowa Department of Corrections (IDOC) staff to compute and track incarcerated individual sentences during confinement.

### **2. POLICY**

It is the policy of the IDOC to house incarcerated individuals only for that portion of their term of confinement for which they are legally liable, and to promptly release incarcerated individuals when their sentences are complete.

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### **3. DEFINITIONS – As used in this document:**

- A. Commitment Paper – A document signed by a sentencing judge or duly authorized officer of the court, ordering or authorizing imprisonment of the incarcerated individual. Certified/e-filed copy accompanies the incarcerated individual upon admission at the Iowa Medical & Classification Center (IMCC) or the Iowa Correctional Institution for Women (ICIW).
- B. Admission Date - The specific calendar day that an incarcerated individual enters IDOC and is entered into the computer for time calculation.
- C. Release Date - Date of incarcerated individual release from IDOC control, either to another jurisdiction, community, or end of sentence.
- D. Tentative Discharge Date (TDD) - The date the incarcerated individual is to be release if all other sentence-related factors remain unchanged.
- E. Mandatory Parole Date (MPD) - The date the incarcerated individual is eligible to be reviewed by the Iowa Board of Parole (IBOP).
- F. Reporting Purpose Only (RPO) - A charge that discharges before the longest sentence.
- G. Out of State Concurrent (OSC) - Incarcerated individual is in prison in another jurisdiction (state/federal) but has an Iowa sentence ordered to run

concurrently with other existing sentences. The Iowa charge does get attached to time computation and has a case manager assigned.

H. See IDOC Policy **AD-GA-16** for additional Definitions.

## **4. PROCEDURES**

### **A. Time Computation**

1. Immediately upon receipt of all necessary information, the Centralized Time Computation Unit (CTCU) shall compute the parole eligibility and official release date, within the parameters established by applicable state and case law. **(5-ACI-1E-03)**
2. Within 45 calendar days of arrival or receipt of sentencing information, the CTCU shall provide the incarcerated individual with an accurate, printed computation of the total sentence to be served and release eligibility. If more time is needed to complete the time computation the CTCU will notify the incarcerated individual's correctional counselor concerning the delay.
3. This information shall reflect total sentence, incarceration time, credited computation of earned or forfeited time, parole eligibility (if any), and a projected tentative release date. An incarcerated individual may challenge any provision of a sentence computation, but not the sentence itself, through the incarcerated individual grievance program. (Refer to forms **AD-CR-02 F-3 Computer Audit Form**, **AD-CR-02 F-4 Time Computation - Example 1**, **AD-CR-02 F-5 Time Computation - Example 2**, **AD-CR-02 F-6 Time Computation - Example 3**, **AD-CR-02 F-7 Time Computation - Example 4**, **AD-CR-02 F-8 Time Computation - Example 5**)
4. Iowa has six different methods of time computation, depending on when the offense was committed:
  - a. Time Computation Type 1 (Pre-1983) – For incarcerated individuals sentenced for offenses committed prior to July 1, 1983, the old good and honor time statutes **(1983, Code of Iowa 246)** apply.
  - b. Time Computation Type 2 (Post-1983) – For offenses committed on or after July 1, 1983, good conduct and work bonus time **(1983, Code of Iowa 903A.2)** would apply to sentences through December 31, 2000.

- c. Time Computation Type 3 (85% Law) – For offenses committed after July 1, 1996 for certain forcible felonies **(1996, Code of Iowa 902.12)**. The total number of days that may be accumulated shall not exceed 15% of the total sentence.
  - d. Time Computation Type 4 (Earned Time) – For incarcerated individuals serving a sentence or sentenced on or after January 1, 2001. **(1999, Code of Iowa 903A.2)**.
  - e. Time Computation Type 5 – Sentenced on or after July 1, 2003, 85% sentence with a 70% mandatory minimum.
  - f. Time Computation Type 6 – Flat time. For special sentence, revocation, and some minimum sentences. **(Iowa Code 908.5)**
5. There is a Time Computation Type 0 for incarcerated individuals serving time in Iowa but from another state. The TDD is provided by the other state and entered manually. Type 0 is also used for manually calculating the 50%-70% mandatory minimums under **Iowa Code 902.12(3)(2016)**.

## **B. Applicable Credit**

- 1. Jail Credit – The number of days (with dates) certified by a county sheriff on a particular cause number to reduce the incarcerated individual's active sentence in the IDOC. An Iowa escapee resisting extradition in an asylum state is not to receive credit while in jail until the incarcerated individual is available for pick up (has either waived extradition or there is a court order that directs the incarcerated individual to go willingly with authorities to Iowa).
- 2. Residential Credit – The number of days (with dates) certified by the judicial district on a particular cause number to reduce the incarcerated individual's active sentence. This credit shall be considered certified when entered and retrieved from the Iowa Corrections Offender Network (ICON) computer system. Prior to 08-01-00 use residential credit reports located in the legal file or scanned into ICON.
  - a. Night reporting Credit – only in 5<sup>th</sup> District (effective 5/6/15)
  - b. Weekend Dorm Sanction – only in the 8<sup>th</sup> District (effective 5/6/15)

3. Patient Credit – The number of days (with dates) certified by the IMCC patient program staff on a particular cause number to reduce the incarcerated individual's active sentence.
4. Violator Program Credit – The number of days (with dates) certified by the Records Administrator or designee on a particular cause number to reduce the incarcerated individual's active sentence (In ICON as of 10/1/04). This credit shall be considered certified when entered and retrieved from ICON. The violator programs were discontinued as of May 1, 2010.
5. Out of State Credit – Effective July 1, 2000 an incarcerated individual may receive credit on his/her sentence while incarcerated in another state's institution or jail. The judge needs to state this in the sentencing order along with the cause number and dates of confinement.
6. Probation Credit – Supreme Court decision of 7/29/11. Day for day credit while on supervised probation (as of 7/1/96 or after) less credit for escape, jail, residential or violator time. Offenses committed on or after 5/25/12 do not receive probation credit. The incarcerated individuals in between can "waive" probation credit. Housefile 2465 signed 5/25/12.
  - a. If an incarcerated individual sat in jail on a contempt charge, the probation credit and jail credit is reduced by the number of contempt days.
  - b. If an order says "shall not receive credit for time served between \_\_\_ to \_\_\_ dates", the incarcerated individual does not get jail credit nor probation credit. If an order says to give credit for "Prairie View Care Facility Credit", it is probation credit, if under the Anderson ruling. If not covered by Anderson credit, then it is given at the 1.2 rate. In either case, notes are placed on the ICON penalty screen.
7. Bridges of Iowa/St. Gregory Retreat Center Credit – Supreme Court Decision of 5/4/2018. The number of days (with dates) served in Phase 1 and Phase 2 certified by Bridges of Iowa/St. Gregory Retreat Center staff to reduce the incarcerated individual's active sentence. Earned time is not applicable and this credit is computed in the same way as probation credit. Incarcerated individual is responsible for requesting the credit using **AD-CR-02 F-10**.

### **C. No Credit**

1. No credits shall accrue while on escape from custody; additionally, escape from custody may result in the forfeiture of all accumulated good conduct/earned time.
2. No time shall accrue from the date of parole or work release violation (as determined by the Parole Board) to the date of subsequent incarceration. If the incarcerated individual is sentenced in another state/federal, dead time ends as of date of sentencing. The Parole Board shall furnish the dates or number of days of work release or parole dead time in writing.
3. No time shall accrue during the time an incarcerated individual fights extradition to Iowa following an escape.
4. No time shall accrue while released on appeal bond or shock probation, unless upon their return with the same sentences, the sheriff of the sentencing county certified additional credit (time in a halfway house or in jail pending probation revocation or time in jail awaiting return to IDOC from appeal bond) for time confined while in that status.
5. Incarcerated individuals required to complete sex incarcerated individual treatment programming (with offense dates of 1/1/2001 or after) or the Iowa Domestic Abuse Program (with offense dates of 7/1/2017 or after) are not eligible for earned time or a reduction in sentence after refusal/removal from the program until they complete SOTP/IDAP. An incarcerated individual required to complete SOTP/IDAP who refuses or is removed from the SOTP/IDAP Program will have a hearing with an ALJ. Upon an ALJ decision affirming the classification committee's decision to suspend earned time or remove the reduction of sentence, the incarcerated individual's time computation will reflect the incarcerated individual's earned time being suspended from that date or the reduction of sentence being removed. An incarcerated individual that has refused or been removed from SOTP/IDAP may have their earned time reinstated or reduction of sentence reinstated after successful completion of SOTP/IDAP, effective the date of completion. **Iowa Code 903A.2(1)(a) and 903A.3.**

### **D. Consecutive Sentences (Iowa Code 901.8/908.1)**

The following standards shall apply to consecutive sentences since the old statutes are not compatible with the new good conduct/earned time law sentences:

1. If an incarcerated individual has been convicted of multiple offenses with one offense occurring prior to July 1, 1983, and is not revoked, and one or more offenses occurring on or after July 1, 1983, the incarcerated individual shall be afforded an opportunity to choose between Time Computation Type 1 or Time Computation Type 4 regarding accumulation and loss of time.
2. Certain offenses may involve separate incidents spanning a lengthy period of time. Such offenses may involve fraudulent practices, theft, or forgery and may be aggregated for the purposes of penalty into a single charge. Therefore, an incarcerated individual may receive a single penalty for a series of offenses, which occurred prior to and subsequent to July 1, 1983. In such cases, the incarcerated individual shall be afforded the opportunity to choose between Time Computation Type 1 and Time Computation Type 4 for good time accrual and forfeiture.
3. In cases of dual applicability, the Records Administrator or designee of the reception center shall, within one week of admission, provide the incarcerated individual with information concerning both methods of time computation regarding the incarcerated individual's specific consecutive sentence. The incarcerated individual shall be given up to two weeks to select the method of time computation to be applied to the consecutive sentence. If the incarcerated individual fails to select between these systems, the incarcerated individual's good conduct time shall be computed in accordance with **Iowa Code 903A.2**.
4. For an incarcerated individual whose probation or parole is revoked, a consecutive sentence shall be combined with the old sentence under the time computation method of the first sentence. This is mandatory and no choice shall be given the incarcerated individual.
5. If an incarcerated individual is admitted with consecutive sentences of earned time and an 85% sentence, the 85% sentence shall be served first.
6. All parole violators returning with additional felony sentences committed after July 1, 1989, shall have those sentences computed consecutively with the original sentences unless the sentencing judge specified they are to run concurrently. As of July 1, 1994, this includes aggravated misdemeanors.

7. Offenses committed while assigned to a residential facility (work release or probation status) shall be served consecutively to any other active charges. **Iowa Code 901.8.**

## **E. Minimums**

The same reductions in sentence apply to mandatory minimum(s) to be served before eligibility for parole based on the sentence, which the minimum is based. Most minimums are pronounced by the sentencing judge, except:

1. **Iowa Code 124.413** (drug offenses other than marijuana or accommodation offenses).
2. **Iowa Code 124.406** (distributing drugs to persons under 18 years of age).
3. **Iowa Code 902.8** (habitual incarcerated individual). These minimums shall automatically apply unless the sentencing judge specifies otherwise (see **Iowa Code 901.10**).
4. **Iowa Code 708.2A(7)(b)** (Domestic Abuse-3<sup>rd</sup> or subsequent offense). This offense has a one-year minimum. Time Computation Type 6.
5. **Iowa Code 902.13 (2017)** (Domestic Abuse-3<sup>rd</sup> or Subsequent Offense). This offense has a one to five year minimum. The judge orders the length of the minimum. Default minimum is one year. Type 6.
6. **Iowa Code 902.12(1)**, the mandatory minimum of 70% automatically applies if convicted of Murder 2<sup>nd</sup>, Attempted Murder, Sex Abuse 2<sup>nd</sup>, Kidnapping 2<sup>nd</sup>, Robbery 1<sup>st</sup> and 2<sup>nd</sup>, and certain vehicular homicide offenses. Disciplinary sanctions will not affect the 70%. However, if under the age of 18 when the offense was committed, may not have to serve the 70% minimum.
7. **Iowa Code 902.12(2)**, the mandatory minimum of 30%-70% applies if convicted of Child Endangerment Resulting in Death under **Iowa Code 726.6(4)**. The judge orders the length of the minimum.
8. **Iowa Code 902.12(3)**, the mandatory minimum of 50%-70% applies if convicted of Robbery-2<sup>nd</sup> Degree under **Iowa Code 711.3** (for a



conviction that occurs on or after July 1, 2016). The judge orders the length of the minimum.

9. **Iowa Code 902.11** (Prior Forcibles). Serve one half of the term of the sentence.
10. **Iowa Code 902.7** Use of dangerous weapon during forcible felony, minimum is five years.
11. **Iowa Code 902.1** Guilty of Class "A" felony and was under the age of 18 at the time of the offense, minimum is 25 years (Time Computation Type 6).

#### **F. Special Sentences (Iowa Code 903B)**

Effective July 1, 2005, in addition to any other underlying punishment, a person convicted of specified sex offenses shall also be sentenced to an additional "special sentence" consisting of either a ten-year term of parole or lifetime parole. This provision applies to all acts committed on or after July 1, 2005 and the additional penalty of "special sentence" applies to all convictions of **Iowa Code Chapter 709**, as well as sexual exploitation of a minor (**Section 728.12**) and incest (**726.2**). If the offense was committed on or after 7/1/09 the additional term may be parole or work release.

1. **903B.1** provides that a class "C" felony under **section 728.12** shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the Director of the Iowa Department of Corrections for the rest of the person's life, with eligibility for parole as provided in **Chapter 906**.
2. **903B.2** provided that a misdemeanor or class "D" felony under chapter **709**, section **726.2**, or section **728.12** shall also be sentenced, in addition to any other punishment provided by law, to a special sentence committing the person into the custody of the Director of the Iowa Department of Corrections for a period of ten years, with eligibility for parole as provided in chapter **906**.
3. If the **903B** is applicable, it must be cited in the sentencing order. If it is not cited, a correcting order needs to be pursued.
4. The IBOP must review prior to the commencement of the special sentence.

5. The special sentence is effective at the expiration of the underlying charge.
6. The parole to the special sentence may be revoked by the IBOP. **Iowa Code 903B.1, 903B.2 and 908.5**, first offense is 2 years, second and subsequent offense(s) is 5 years.

#### **G. Granting and Forfeiture of Sentence Reduction**

1. **Iowa Code 1983 section 246.38(39)(41)(43)** applies to incarcerated individuals sentenced for offenses committed before July 1, 1983. Under this Time Computation Type 1, good time was projected as one month the first year, two months the second year, three months the third year, four months the fourth year, five months the fifth year, and six months for each year subsequent to the fifth year, plus a special reduction (honor time) was given at a rate of ten days for each month served. Any violation of major rules of the institution shall forfeit the good time at the rate of:
  - a. On the first violation, two days.
  - b. On the second violation, four days.
  - c. On the third violation, eight days.
  - d. On the fourth violation, sixteen days.

For violation of institution rules, an incarcerated individual may, upon the decision of the Administrative Law Judge, be additionally removed from the honor roll. This removal normally occurs when there has been a serious violation of the rules or when the number of major rule violations has become excessive.

- e. For the fifth and subsequent violation, or for an escape or attempt to escape, any or all good time (See Section I.2).
2. Effective January 1, 2001, incarcerated individuals previously sentenced under the good conduct/work bonus law and incarcerated individuals committing their offense on or after January 1, 2001, shall earn a reduction of sentence equal to 1.2 days for each day served (earned time). The incarcerated individual must demonstrate good conduct and satisfactory participation in any program or placement status identified by the Director to earn the reduction. The forfeiture of good conduct/earned time comes as a result of the Administrative Law Judge

determining time loss as part or all of a disciplinary sanction. Time loss shall normally follow guidelines established in the department's current disciplinary policy and procedures **(IO-RD-03)**, unless increased or decreased due to aggravating or mitigating circumstances. Earned time does not apply to the one year mandatory minimum for Domestic Abuse Assault **708.2A(7)(b)**. The mandatory minimum shall be calculated as day for day. (Time Computation Type 6)

## **H. Computation of Life Sentence**

Earned time credit shall accrue for lifers and shall be credited upon commutation of the sentence. Actions resulting in earning or loss of time shall be recorded for lifers and shall be included in any sentence computation subsequent to commutation or re-sentencing.

1. In the event of re-sentencing or commutation of sentence, incarcerated individuals formerly serving a life sentence shall be subject to **1981, Code of Iowa 246.38** through **246.43** for the purposes of reduction of good and honor time (or **Iowa Code 903A**, depending on when the offense was committed). This reduction of time shall be retroactive.
2. In the event the sentence is:
  - a. Reversed and re-sentenced - The good and honor time (or earned time) awarded and lost shall be calculated under the appropriate time computation method as determined by the applicable Code of Iowa.
  - b. Commuted - The Records Administrator or designee shall reduce the amount of good time awarded to the incarcerated individual by the amount of good time lost during the status as a lifer. Upon the commutation date forward, the time shall be computed in the usual manner. The new sentence and penalty is added in ICON under the title of Executive Clemency.
    - 1) Any incarcerated individual may request commutation of a sentence.
    - 2) Board of Parole will notify any victims.

## **I. Life with Parole (Juvenile)**

Per **Iowa Code 902.1**, a juvenile is presumed to be sentenced to life with immediate eligibility for parole except in the unusual case as determined by the court. Effective 4/24/15.

## **J. Restoration of Earned Time**

1. The Director may restore all or part of an incarcerated individual's previously forfeited good/earned time for an overt act of heroism or meritorious acts in accordance with the guidelines established below. Meritorious acts shall not be construed to include acts that would normally be considered honest, responsible behavior:
  - a. Saving a life – any portion, up to all lost time.
  - b. Defense of person from serious or life-threatening injury - any portion, up to all lost time.
  - c. Prevent destruction of property of significant value – any portion, up to one-half of lost time.
2. The Director may reduce the sentence of an eligible incarcerated individual, who has never lost time, by awarding up to 365 days (calculated at earned time credit rate) additional sentence credit for an overt act of heroism, meritorious acts in accordance with the guidelines established below. Meritorious acts shall not be construed to include acts that would normally be considered honest, responsible behavior:
  - a. Saving a life.
  - b. Defense of person from serious or life threatening injury.
  - c. Prevent destruction of property of significant value.
3. Request for consideration to award time shall only be accepted by the Director if recommended by the Warden/Designee.
4. If such a request is granted, the Records Administrator of the institution will make the adjustments to the time computation.

## **K. Responsibility**

1. The Records Administrator or designee at each institution shall be responsible for disciplinary time computations for each incarcerated individual. Jail credit and additional sentences are computed at a central

location. (**AD-CR-02 F-1**, *Jail Credit Form* and **AD-CR-02 F-10**, *St. Gregory Retreat Center Credit Form*). No modification of a sentence shall be initiated without obtaining verification of that change. Sentence modifications or release orders transmitted by fax shall be honored if the originating source is known and acceptable.

2. If more than 16 days are taken on the 5<sup>th</sup> or subsequent single disciplinary decision for sentences committed prior to July 1, 1983 or a sanction class has been increased due to aggravating factors, the Warden and Director or designee shall approve that time loss before permanent hard copy records reflect the change in time computation.
3. Prior to any type of release the Records Administrator or designee shall complete **AD-CR-02 F-2**, *Release Checklist*. This includes conducting a NCIC check, reviewing Iowa Courts Information System (ICIS), ICON, etc. This will attempt to ensure a proper release.
4. If a sentence is discovered that was never computed, the following will be reviewed:
  - a. Why was the sentence missed (never received, DOC error).
  - b. Did the incarcerated individual, at any time, alert staff to the error.
  - c. The centralized time computation unit at IMCC will compute the time.

## **L. Data Collection**

The ICON computer system contains this information:

1. Date of offense
2. Date of commitment
3. County
4. Cause number
5. Crime code sentenced under
6. Mandatory minimum crime code, if applicable

7. Sentencing judge
8. Sentence date
9. Sentence effective date
10. Sentence term (includes designation of concurrent or consecutive sentences)
11. Sentence credit
12. Sentence fines
13. Sentence modifications
14. Time computation adjustments
15. Documents scanned in under Offender Attachments. Older documents may have been scanned in under Charges.
16. For documents that have been received into the system electronically from the court or scanned in by CBC/prison personnel, a certified copy from the court will not be required for the file if the order matches the information reflected in ICIS. If the electronic copy does not have a signature, it will not be mandated to scan a signed copy into ICON; however, if the signed copy is received, it should be scanned into ICON.

## **M. Distribution**

1. The incarcerated individual gets a copy of any time computation adjustment. A copy is scanned into Offender Attachments prior to a major change. In the case of additional sentences, case manager and ISP Business Office staff is notified.
2. Prior to any significant time computation changes being made, a copy of the previous time computation sheet is saved and scanned into ICON Offender Attachments.

## **N. Centralized Sentence Computation/Tracking Functions**

1. Centralized Functions at CCF.

2. Close all RPO charges in ICON. A letter is created and saved in ICON. One copy goes to the incarcerated individual and one copy to the Clerk of Court per **Iowa Court Rule 2.26(1)(c)(2)**.
3. Centralized Functions at ASP.
  - a. OWI – time computation and ICON data entry for all incarcerated individuals directly admitted to an OWI facility.
  - b. Work Release disciplinary time loss, work release escape dead time, and end of sentences from Work Release. **AD-CR-02 F-9, WR Escape Dead Time Form.**
  - c. OSC – time computation and ICON data entry, follow-up with the Iowa County & prison in the other jurisdiction.
4. Centralized Functions at ISP
  - a. Audits of current Iowa prison incarcerated individuals **AD-CR-02 F-3, Computer Audit Form.**
  - b. Retrieval of any missing original jail credit.
  - c. Automatic parole revocations of Iowa incarcerated individual who are in another jurisdiction (other state or federal).
5. Centralized Functions at IMCC

Process additional sentences and resentencing orders for all institutions.