



## **Prison Sentences and Sentencing Credits FAQ**

### **How are prison sentences determined?**

There are three parts to how a sentence is calculated:

- Time credited for days in pre-trial custody (county time)
- Statutory good time that determines if a person will serve half, most, or all of the sentence handed down by the judge
- Discretionary credits (credits IDOC may give in certain circumstances) that allow an inmate to earn time off of a sentence

IDOC calculates sentences according to the law. How this is done depends on the type of sentencing credits (see below).

### **How do you calculate time served prior to incarceration in IDOC (county time, police custody, etc.)?**

Generally speaking, a person is entitled to have the days they spent in pre-trial custody applied to their sentence. This most often is referred to as county time.

The most commonly reported problem JHA receives about pre-trial credit results from consecutive sentences and concurrent sentences. As these situations tend to be complicated, we recommend that an inmate writes JHA and provides a concise account of why the individual feels his/her sentence(s) has/have not been calculated correctly. Please include a copy of relevant documents, such as the Sentencing Order and IDOC Calculation Sheet. As always, JHA recommends that an inmate attempt to resolve the matter with the records office of their parent facility first.

To determine how many days the inmate is to be credited for time spent in the county jail, IDOC uses the records from the Sheriff's office, not just the number of days written on the Sentencing Order (also known as Mittimus). If the number of days credited on the sentencing order does not match Sheriff records, this matter should be addressed as soon as possible. The inmate may send a request slip to the correctional counselor to start this process.

### **Can someone get additional credit toward time served in pre-trial detention?**

The courts may "give credit to the defendant for time spent in home detention...psychiatric or substance abuse treatment prior to judgment, if the court finds that the detention or confinement was custodial" (West 2011). Credit for time spent in pre-trial custody is something that needs to be determined during the sentencing phase, before a person arrives in IDOC. A person does not automatically receive credit if they were in a court appointed program prior to being sentenced to IDOC. During the sentencing process, the sentencing judge should indicate if a person is to receive this credit on the sentence order.

### **How does IDOC use Statutory Good Time in the calculation of sentences?**

Statutory good time is how IDOC will calculate if an inmate will serve 100%, 85%, or 50% of the term of imprisonment set by the judge. IDOC will determine how much of the sentence an inmate must serve based upon the type of offense for which the person was convicted. 730 ILCS 5/3-6-3 is the statute that IDOC uses when calculating the time an individual must serve.



When the inmate was sentenced also matters. The current rules for statutory good time differ from the rules that were in effect in 1990. Law determines statutory good time. It is not discretionary. How a term of imprisonment will be calculated is information available at the time a person is sentenced.

IDOC may revoke some statutory good time from inmates if they are found guilty of violating major rules. These rules are listed in the orientation manual each inmate receives when they arrive at a facility. Time may also be taken away if a court determines that an inmate filed a lawsuit that it deemed to be frivolous (lacking in merit and/or was technically incorrect).

Although this form of sentencing credit is called "good time," it is really a formula for calculating how long a person will serve of a sentence. This is not something that IDOC awards for good behavior (although this time may be taken away, as explained above).

### **How does IDOC use Discretionary Good Time or Supplemental Sentencing Credits (SSC)?**

SSC is a form of "good conduct" credits. An individual puts himself or herself into the position to receive SSC if he or she takes advantage of programming and follows IDOC rules. Receiving good conduct credits is not automatic. It is discretionary. The criteria used to determine whether or not a person is eligible for SSC is listed in 20 Ill. Adm. Code 107.210.

After the previous Meritorious Good Time was suspended by IDOC, the JHA successfully lobbied for the current law that enables IDOC to grant up to six months of sentencing credits for select people. Whether or not a person is eligible for SSC is determined by several factors (offense, criminal history, etc.). If a person is eligible per statute, his/her name is placed on a list to be considered at the facility level. The facility will grant SSC to an inmate who is on this list on a case-by-case basis.

Even if a person is eligible for SSC, he/she should not expect to receive it. This may take some time off of a person's sentence. It is not something that one should use to calculate one's release date unless he/she receives documentation declaring that he/she has been awarded SSC.

While it may be appealing to do so, JHA recommends that people do NOT call facilities on behalf of individual inmates. IDOC is processing hundreds of people for SSC at any given time, and it is a labor-intensive process. If an individual is interested in advocating for an inmate, he/she should ask the inmate to talk with his/her counselor as to how best present the information. Eligible inmates most likely to succeed on the outside will be the ones who get SSC. Thus, try to provide information regarding stable housing, employment and programming that will be available upon inmate release. Complaints as to fairness and speculation as to other inmates who received SSC will most likely be counterproductive.

### **How does IDOC use Earned Good Time / Program Sentence Credits?**

If an inmate is eligible by law (was not convicted of certain offenses, also determined by 730 ILCS 5/3-6-3), he/she may enroll in programming that will allow him/her to earn time off his/her sentence by participating in programming (education and drug treatment). After an inmate has been accepted into such a program, he/she will sign a contract that lists all rules and expectations of the program, along with sanctions that may result from violations of the rules. There is a limit to how many days an inmate may earn via some good time contracts.



If the inmate did not sign a contract, he/she should not expect to receive this type of good time. A person may participate in programming and not receive credit towards his/her sentence for it. The law states that programming opportunities are subject to the availability of resources. Improving access and quality to programming is a major priority of JHA.

Detailed information regarding how a sentence may be calculated [may be found on the IDOC website](#) under "Frequently Asked Questions."