



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

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MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER &
RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE NAVY (MANPOWER &
RESERVE AFFAIRS)
ASSISTANT SECRETARY OF THE AIR FORCE (MANPOWER &
RESERVE AFFAIRS)

SUBJECT: Change to DoD Policy on Abatement of Sentences to Confinement

This directive-type memorandum establishes new abatement of confinement policies and procedures for DoD correctional facilities.

Except as provided in the attachment, the attachment supersedes subparagraph 6.3.2. and enclosure 26 of DoD Instruction 1325.7, "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities," and will be incorporated into the next revision of that Instruction.

This memorandum and its attachment are effective on October 1, 2004.

David S. C. Chu

Attachment
As stated



ABATEMENT OF SENTENCES TO CONFINEMENT

A1. Good conduct time (GCT), earned time (ET), and special acts abatement (SAA), as described in this attachment, are the only types of abatement of a sentence to confinement authorized in DoD correctional facilities or for DoD prisoners transferred to a Federal Bureau of Prisons (FBOP) facility.

A2. GCT. GCT is a deduction from a prisoner's release date for good conduct and faithful observance of all facility rules and regulations.

A2.1. Eligibility.

A2.1.1. Subject to section A6., below, GCT shall be awarded to each prisoner serving a sentence imposed by a court-martial for a definite term of confinement.

A2.1.2. For prisoners who have an approved finding of guilty for an offense that occurred after the effective date of this attachment, the award of GCT shall be conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of DoD Instruction 1325.7, if directed to do so.

A2.1.3. Pretrial prisoners shall earn GCT for confinement served, but any earned GCT shall not be awarded until a sentence is adjudged and pretrial credit is ascertained.

A2.1.4. GCT shall not be awarded to a prisoner who has a life, life without parole, or death sentence. Prisoners with one of these sentences shall earn GCT, but it shall be held in abeyance and awarded only if the sentence is reduced to a determinate length.

A2.2. Rate of Earning.

A2.2.1. Except as provided in subparagraph A2.2.2., below, GCT shall be awarded at a rate of 5 days for each month of confinement, and 1 day for each 6-day portion of a month (see Table A2.T1.), regardless of sentence or multiple sentence length.

A2.2.2. Prisoners who do not have an approved finding of guilty for an offense that occurred after the effective date of this attachment shall be awarded GCT at the rates specified in DoD Instruction 1325.7, enclosure 26.

A2.2.3. GCT shall be calculated in accordance with DoD 1325.7-M, DoD Sentence Computation Manual.

Table A2.T1. Partial Month Rate of Earning Table

Number of Days	GCT	Number of Days	GCT
1	0	16	2
2	0	17	2

Table A2.T1., continued Partial Month Rate of Earning Table

Number of Days	GCT	Number of Days	GCT
3	0	18	3
4	0	19	3
5	0	20	3
6	1	21	3
7	1	22	3
8	1	23	3
9	1	24	4
10	1	25	4
11	1	26	4
12	2	27	4
13	2	28	4
14	2	29	4
15	2	30	5

A2.3. Administration.

A2.3.1. The Military Services may elect to calculate an anticipated release date at the beginning of a prisoner's sentence to confinement based on the GCT that could be earned for the entire period of the sentence or sentences. GCT shall reduce a prisoner's release date on a day-for-day basis.

A2.3.2. If a sentence to confinement is later reduced by the convening authority, as a result of appellate action, or due to a grant of clemency, the prisoner's release date shall be recomputed based on the new sentence.

A2.3.3. Upon return to confinement, a parole or supervised release violator shall earn GCT at the rate applicable to the sentence in effect at the time of the violation of parole or supervised release.

A3. ET. ET is a deduction from a prisoner's release date earned for participation and graded effort in the areas of work, offense-related or other rehabilitation programs, education, self-improvement and personal growth, and support activities.

A3.1. ET shall only be awarded when overall evaluations are average or higher.

A3.2. Prisoners confined in military correctional facilities shall be subject to the ET rules of the confining facility regardless of the Service affiliation of the prisoner.

A3.3. Each Military Service shall ensure that an ET program is available in its correctional facilities and that its programs are, to the maximum extent possible, consistent in content and application with the ET programs in facilities operated by the other Military Services.

A3.4. Eligibility.

A3.4.1. Prisoners serving a sentence imposed by a court-martial for a definite term of confinement are eligible to earn ET.

A3.4.2. For prisoners who have an approved finding of guilty for an offense that occurred after the effective date of this attachment, the award of ET shall be conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of DoD Instruction 1325.7, if directed to do so.

A3.4.3. Pretrial prisoners are ineligible for ET.

A3.4.4. A prisoner with a life, life without parole, or death sentence shall earn ET, but such abatement shall be held in abeyance and only awarded if the sentence is reduced to a determinate length.

A3.4.5. The Commandant, United States Disciplinary Barracks (USDB), shall evaluate a prisoner confined in a FBOP facility for ET at the time of the prisoner's annual clemency consideration. Based on the FBOP facility's annual evaluation and submissions, the Commandant shall determine the amount, if any, of ET to award the prisoner for the prior year, using the ET activities list and rates of earning in effect at the USDB. The amount of ET to be awarded shall not be based on the amount of ET the prisoner was earning prior to entering the FBOP system.

A3.5. Rate of Earning.

A3.5.1. Eligible prisoners may be awarded up to 8 days per month ET for participation and graded effort in authorized component areas.

A3.5.2. The Military Services may delegate to correctional facility commanders the authority to determine the activities eligible for ET at the facility and, subject to limitations of paragraph 3.6, the rate of earning at which a prisoner may earn ET by participating in those activities. The activities list shall be published and made available to all prisoners.

A3.5.3. A prisoner may participate in activities during a given month that make him or her eligible for more than 8 days ET, but a maximum of 8 days ET may be awarded per month.

A3.5.4. Incremental and proportional rates are authorized when a prisoner engages in an activity for a portion of a month.

A3.6. Limitations.

A3.6.1. When eligible prisoners do not enroll in, progress in, or complete available offense-related or maintenance programs primarily designed to address problems directly associated with their criminal offense or other rehabilitation programs, a maximum of 5 days ET per month may be earned within other components of the ET program. This limitation does not

apply to prisoners on a waiting list for an offense-related or maintenance program, but no ET may be awarded for that program until the prisoner is actually participating in the program.

A3.6.2. A maximum of five days ET per month may be awarded within the work component of the ET program.

A3.6.3. ET shall not be awarded within 30 days of the scheduled release date from confinement.

A3.7. Administration.

A3.7.1. ET shall be recorded separately from GCT. A record of ET for each prisoner shall be maintained by the correctional facility commander.

A3.7.2. When calculating a prisoner's anticipated release date at the beginning of a prisoner's sentence to confinement, the Military Services shall not consider ET that could be earned during the sentence.

A3.7.3. Recommendations for award of ET may be made by a formal board or by any other method deemed appropriate by the Military Services, but shall be approved or denied by the correctional facility commander in full or in part.

A3.7.4. ET shall be awarded, within authorized limits, through evaluation of the separate ET program components. Evaluation of each component shall be documented on the DD Form 2712 (Inmate Work and Training Evaluation) or on an equivalent form approved by the OSD(P&R) at intervals determined by the Military Services, but at least quarterly, and shall reduce a prisoner's release date on a day-for-day basis.

A3.8. Components.

A3.8.1. Work. All prisoners in DoD correctional facilities, unless precluded from doing so because of a disciplinary, medical, or other reason determined appropriate by the correctional facility commander, shall engage in useful employment under appropriate supervision.

A3.8.1.1. Prisoners shall be employed in maintenance, support, and vocational training activities that provide work of a useful, constructive nature, consistent with their custody grade, physical and mental condition, behavior, confining offense, sentence status, previous training, individual correctional requirements, and installation/facility needs.

A3.8.1.2. Prisoners, when not engaged in prescribed training or counseling, shall perform full 8-hour days of useful, constructive work and a standard 40-hour workweek. This restriction does not limit the authority of commanders to direct extra work during emergencies, prevent the assignment of prisoners to details that normally encompass weekends, or prevent prisoners from volunteering for extra work.

A3.8.1.3. Reception and orientation processing may qualify as work.

A3.8.1.4. Prisoners shall work a minimum of 40 hours each week to receive ET for work unless the facility commander determines that the failure to complete 40 hours was due to factors outside the prisoner's control. Up to 8 hours of offense-related programs per week can count towards the 40-hour workweek.

A3.8.2. Offense-Related or Other Rehabilitation Programs. Prisoners may be awarded ET by conscientiously participating (i.e., progressing) in facility rehabilitation programs. To the maximum extent possible, ET programs shall address problems associated with a prisoner's criminal activity or behavior.

A3.8.3. Education. Prisoners may receive ET while pursuing formal education objectives, including but not limited to, completion of vocational education sequences, general equivalency degrees, or post-secondary degrees or credits when the institution awarding the certificate, license, diploma, degree, or credits to the prisoner has been accredited by an accrediting agency recognized by the U.S. Department of Education.

A3.8.3.1. Participation in non-traditional sources of educational credit (e.g., CLIP, DANTES, ACT, and military education) may qualify for award of ET when authorized by the Military Service responsible for the correctional facility.

A3.8.3.2. Time spent obtaining a certificate, license, diploma, degree, or post-secondary credits shall generally be in addition to the normal workweek for which ET for work can be earned, unless such coursework is related to vocational training and education.

A3.8.3.3. ET may be awarded only for coursework performed by correspondence, classroom attendance, or participation in vocational training and education while in confinement.

A3.8.3.4. Once a prisoner achieves an education objective, additional ET shall not be awarded for that objective.

A3.8.3.5. To be eligible for education ET, a prisoner's higher education objectives must be identified in writing, pre-authorized by the correctional facility commander, and on file with the correctional facility's academic division. The commander shall normally approve educational programs offered by an accrediting agency recognized by the U.S. Department of Education.

A3.8.4. Self-Improvement and Personal Growth. Prisoners may receive ET by participating in self-improvement and personal growth programs that have been identified in writing and pre-authorized by the correctional facility commander.

A3.8.5. Support Activities. Prisoners may receive ET by participating in support activities, to include community service programs, special projects and work assignments supportive of institutional goals or missions, volunteer work, and work encompassing weekends and holidays, and for extraordinary achievements that do not rise to the level of those for which special acts abatement may be awarded.

A4. SAA. SAA is a deduction from a prisoner's release date earned for a specific act of heroism, humanitarianism, or extraordinary institutional or community support deemed appropriate by the correctional facility commander.

A4.1. Eligibility.

A4.1.1. Prisoners serving a sentence imposed by a court-martial for a definite term of confinement are eligible for SAA.

A4.1.2. For prisoners who have an approved finding of guilty for an offense that occurred after the effective date of this attachment, the award of SAA shall be conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of DoD Instruction 1325.7, if directed to do so.

A4.1.3. Pretrial prisoners and prisoners confined in FBOP facilities are not eligible for SAA.

A4.1.4. A prisoner with a life, life without parole, or death sentence may earn SAA, but such abatement shall be held in abeyance and only awarded if the sentence is reduced to a determinate sentence length.

A4.2. Rate of Earning. The Military Services may authorize a maximum of 2 days of SAA per month for a period not to exceed 12 months for a single special act. At no time shall a prisoner receive more than 2 days of SAA per month; additional special acts may only extend the period of abatement, not the rate of earning.

A4.3. Administration. SAA shall reduce a prisoner's normal release date on a day-for-day basis as earned.

A5. Monthly Limit on Total of All Types of Abatement. The total of GCT, ET, and SAA awarded for any one month shall not exceed 15 days.

A6. Prisoner Acknowledgment of Conditional Award of Abatements.

A6.1. Prisoners who have an approved finding of guilty for an offense that occurred after the effective date of this attachment shall acknowledge in writing during facility in-processing that the award of GCT, ET, or SAA is conditioned on the prisoner submitting an acceptable release plan and fully cooperating in all other respects with the mandatory supervision policy of DoD Instruction 1325.7, if directed to do so. The acknowledgement shall also state that if the correctional facility commander determines that this condition has not been met, deductions from the prisoner's release date for conditionally awarded GCT, ET, or SAA shall be voided.

A6.2. The release date of a prisoner who has an approved finding of guilty for an offense that occurred after the effective date of this attachment shall not be reduced for GCT, ET, or SAA until the prisoner executes the acknowledgment required by paragraph A6.1., above.

A7. Forfeiture and Restoration of Abatements. As a consequence of violations of institutional rules or the Uniform Code of Military Justice, a facility commander may direct that a prisoner forfeit GCT, ET, and SAA that has been conditionally awarded.

A7.1. Forfeiture

A7.1.1. Correctional facilities shall use a Discipline and Adjustment Board for forfeitures.

A7.1.2. Only abatement that has actually been earned before or on the date of a violation is subject to forfeiture. GCT subtracted from a prisoner's release date in accordance with subparagraph A2.3.1., above, but not yet earned, is not subject to forfeiture.

A7.1.3. Generally, GCT will be forfeited prior to forfeiture of ET, and ET will be forfeited prior to forfeiture of SAA.

A7.1.4. Sentences that have expired with allowance for GCT, ET, and SAA may not be revived for the purpose of forfeiting GCT, ET, and SAA earned thereon.

A7.1.5. Earned GCT for pretrial prisoners is subject to forfeiture in the same manner as post-trial prisoners, but forfeitures shall be held in abeyance until the sentence to confinement begins.

A7.2. Restoration. Forfeited GCT, ET, and SAA may be reinstated at the discretion of the correctional facility commander or, in the case of prisoners transferred to the FBOP, the Commandant of the USDB.

A8. Effective Date. This attachment is effective on October 1, 2004.