



# EARNED SENTENCE CREDITS

## Study Highlights

June 2021

42 states, including Virginia, award sentence reduction credits for good behavior, program participation, or both.

Per VADOC operating procedures, earned sentence credits are awarded based on four classification levels:

- Level I: 4.5 days for every 30 days served
- Level II: 3.0 days for every 30 days served
- Level III: 1.5 days for every 30 days served
- Level IV: no earned sentence credits awarded

Inmates in the ESC system in the VADOC must serve at least 85% of their sentence.

83% (10,395 of 12,519) of state responsible inmates released in Virginia in CY2019 were being awarded ESC at Level I.

Virginia's re-incarceration rate is currently one of the lowest in the nation.

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## What are sentence reduction credits?

Sentence reduction credits can be awarded to reduce the length of confinement for eligible inmates who meet specific requirements set forth in statute, rules, regulations, or department policies. These credits generally consist of either:

- Earned sentence credits (ESC): awarded for completing or participating in various programs, such as education, vocation, rehabilitation, or treatment courses, or for completing work assignments.
- Good time credits (GTC): awarded for complying with institutional rules.

## Key Study Findings

Staff examined sentence reduction credits in Virginia and other states and found:

- The Code of Virginia includes three sentence reduction credit systems within the Virginia Department of Corrections (VADOC): earned sentence credits, good conduct allowance, and good conduct time. The earned sentence credits system, as implemented on January 1, 1995, is the most recent of the systems.
- VADOC inmates are classified within one of the three sentence reduction credit systems based on either the date of their criminal offense or the date on which they were convicted.
- Inmates classified in the earned sentence credits system must serve at least 85% of their sentence and are not eligible for parole.
- Virginia's earned sentence credits system consists of four classification levels as established by VADOC policy.
- VADOC offers a wide variety of programming, including education, treatment, and work programs, to inmates in state correctional facilities.
- VADOC programs frequently have substantial waitlists, with an average wait time of 15 months.
- 42 states have some type of sentence reduction credit system.
- The maximum accrual rates for sentence reduction credits varies significantly across states for both earned sentence credits and good time credits.
- Some states exclude certain inmates from being awarded sentence reduction credits based on type of offense or sentence or an inmate's classification level.

## Crime Commission Legislation

Crime Commission members endorsed legislation during the 2020 Special Session of the General Assembly to make the following changes to Virginia's earned sentence credit system:

- Establish a four-level classification system in the Code of Virginia for the awarding and calculation of earned sentence credits;
- Increase the maximum earned sentence credits that can be awarded from 4.5 days per 30 days served up to 30 days per 30 days served; and,
- Award earned sentence credits retroactively at the increased rates.