POLICY 3.18 – PROGRAM ELIGIBILITY FOR GOOD TIME

POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER 3.18	TOTAL PAGES 9 (Includes 3 Attachments)
	RELATED ACA STANDARDS: ACA 2-C0-1A-14, 2-C0-1A-16, 2-C0-1A-22, 2-C0-1G-01, 2-C0-1G-10, 2-C0-4F-01, 2-C0-58-01, ACI 5-1A-4017 (4-4107), 5-7B-4480 (4-4480)	
CHAPTER: 3 – PROGRAMS AND SERVICES	SUBJECT: PROGRAM ELIGIBILITY FOR GOOD TIME	
APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE: January 8, 2021		
APPROVED FOR PUBLIC RELEASE		

I. AUTHORITY: 11 *Del. C.* §§ 4381, 6504, 6517; 29 *Del. C.* § 8903

II. PURPOSE: To establish a fair and consistent system for approving correctional programs as designated meritorious good time programs, while ensuring the highest quality programs for incarcerated individuals in accordance with evidence based practices for corrections.

III. APPLICABILITY: All Department staff, contract staff, and program providers operating within DOC facilities, and incarcerated individuals in Department custody.

IV. DEFINITIONS:

Delaware Automated Correctional System (DACS): Department's offender management system.

Earned Meritorious Good Time: Good time that is earned through active participation in education, rehabilitation, work, or other programs as designated by the Commissioner.

Earned Meritorious Bonus Good Time: Good time that is earned for successful completion of an approved program designed to reduce recidivism and approved by the Commissioner.

Evidence-Based Practices (EBP): Scientific techniques used to reduce risk and recidivism. EBP's within this context are defined as the conscientious use of the best evidence currently available, to inform decisions about the supervision of individual returning citizens, as well as the design and delivery of policies and practices, to achieve the maximum, measurable reduction in recidivism.

Evidence-based practices include:

1. Assess actuarial risk/needs
2. Enhance intrinsic motivation
3. Target Interventions:
    a. *Risk Principle*: Prioritize supervision/treatment for higher risk returning citizens
    b. *Need Principle*: Target interventions to criminogenic needs
    c. *Responsivity Principle*: Be responsive to temperament, learning style, motivation, culture, and gender
        i. *Dosage*: Structure 40-70% of high-risk returning citizens' time for 3-9 months
        ii. *Treatment*: Integrate treatment into sentence/sanction requirements
4. Skill train with directed practice using cognitive behavioral treatment methods
5. Increase positive reinforcement
6. Engage ongoing support in natural communities
7. Measure relevant processes/practices
8. Provide measurement feedback

Program(s): Utilizes a curriculum, which establishes individualized goals (i.e. drug treatment, mental health treatment, and behavioral intervention). Completion/graduation of the program will aid in daily function(s) (i.e. financial management, life skills, education, and job training).

Program Administrator: The individual directly in charge of the program, who may also be called the director, superintendent, or leader.

Public Health Emergency: An urgent situation in which the health status of the State of Delaware is adversely affected. Public health emergencies shall be identified by the Centers for Disease Control, reinforced as a substantial local concern by the Delaware Division of Public Health, and identified as a threat to offenders in Delaware correctional facilities by the DOC Medical Director and the DOC Commissioner. This includes localized outbreaks of infectious disease or a potential outbreak of an infectious disease that has a reasonable possibility of occurring and that poses a significant threat to the State of Delaware.

Risk Needs Responsivity (RNR): A correctional strategy utilizing evidence-based practices of risk, needs, and responsivity. RNR principles aid in informing which interventions will reduce the individual's risk of recidivism, address primary criminogenic needs, critical unmet non-criminogenic needs, and tailored method and dosage of intervention.

RNR Planner: DOC staff member within the Planning, Research, and Reentry Unit. The position is responsible for program contact and evaluations, quality assurance for RNR individual assessments, case manager training, and DOC treatment capacity reporting.

Strategic Partnership Oversight Committee (SPOC): The DOC committee, which monitors status of contract providers, program providers, and any other strategic partnerships.

Treatment Supervisor: DOC staff member who supervises the correctional treatment team. In Level V facilities, this position title is "Correctional Treatment Administrator." In Level IV facilities, this position title is "Correctional Counselor Supervisor." When the term "Treatment Supervisor" is utilized in this policy, it is to indicate the appropriate supervisor(s) based on facility or facilities of program operation.

V. POLICY: The Office of the Commissioner is responsible for establishing procedures to evaluate programs for suitability in DOC facilities, and for monitoring status on those programs in conjunction with applicable Bureaus and facility treatment staff. Programs utilizing evidence-based practices for corrections shall be prioritized for classification, scheduling, resource allocation, and Meritorious Good Time designation. Programs requesting Meritorious Good Time designation shall be reviewed by a multi-disciplinary committee, which will forward recommendations to the Commissioner for decision. The multi-disciplinary team will consist of representatives from Planning, Research, & Reentry, the Bureau of Healthcare, Substance Abuse, and Mental Health Services, the Bureau of Prisons and/or the Bureau of Community Corrections (as applicable), and Central Offender Records. The Commissioner shall be the approval authority for designation of Meritorious Good Time for all programs in accordance with 11 *Del.* C. §4381.

VI. PROCEDURES: There are two categories of Good Time sentence reductions: Statutory (Non-TIS and TIS) and Meritorious (Meritorious and Meritorious Bonus). Application of each is administered in accordance with DOC Policy 7.2, Application and Forfeiture of Good Time, which also defines each category in depth. This policy refers solely to Meritorious Good Time (MGT). For guidance on documentation and/or application of MGT, refer to DOC Policy 7.2.

A. Good Time Approval Process
   1. Programs requesting consideration for Meritorious Good Time and/or Meritorious Bonus Good Time designation will follow the procedures outlined in Attachment 1 of this policy. Requests will be approved at the discretion of the Commissioner in accordance with Title 11 *Del. C.* § 4381.
   2. Programs will prepare an application package with a representative from the Planning, Research, & Reentry Unit as described in Attachment 1. Only one application is required per program (the approval form will indicate which types of Meritorious Good Time if approved).
      a. The following must be included in the application:
         1. Demonstration of the monthly number of direct contact hours with the participants. This must be structured dosage hours. The direct contact must be with approved program facilitators, which may include classroom or distance learning formats (as approved). Structured dosage hours may not include unsupervised study groups, independent study not otherwise approved (such as in academic participation), or "homework."
         2. Clear description of the goals, objectives, participant expectations,

and completion criteria (including successful/unsuccessful completion).

3. Demonstration that the program addresses therapeutic, cognitive, vocational, educational, or rehabilitative needs of offenders utilizing evidence-based practices for corrections.
4. RNR Program Tool assessment results for the program. The RNR Program Tool categorizes programs/services based on the primary behavioral targets and provides feedback on the content, quality, dosage, and other key features.

b. The following may also be required as part of the consideration process:
   1. Programs may be asked to provide agency documents, such as annual reports, statistical data, curriculum examples, staff roster/credentials, lists of assessments administered to clients, and information regarding funding sources.
   2. Programs may be required to submit to scheduled or unscheduled site visits by DOC personnel for observing quality and fidelity of the programming *prior to approval*.
   3. Programs may be required to establish a data sharing agreement with DOC if one is not already on file.

3. Application packages will be compiled by the RNR Planner and summarized using the Program Summary for Meritorious Good Time Review, an example of which is shown in Attachment 2 of this policy.
4. Application packages will then be reviewed by a multi-disciplinary committee. The committee will vote on implementation, and then prepare minutes with a formal recommendation to the Commissioner for approval, disapproval, or program revisions required for further evaluation.
5. The Commissioner's decision will be recorded on the Meritorious Good Time Program Approval form and provided to the Program Administrator with any feedback regarding required modifications and/or reporting requirements. The Commissioner is the sole approval authority for Meritorious Good Time designation in accordance with Title 11 *Del. C.* § 4381.
   a. The form will also indicate whether the program is being asked to submit quarterly reports to SPOC. Failure to submit reports as requested may result in suspension of Meritorious Good Time designation.
6. Programs that have been previously disapproved for Meritorious Good Time designation must indicate that they have made modifications per DOC feedback if they wish to resubmit for approval.
7. Approved programs must designate a staff person or contractor to track the active participation hours of participants. This designation must be provided in writing to the RNR Planner and facility Treatment Supervisor(s) within 14 days of approval notification.
8. Approved programs must utilize the program curriculum and methods outlined in the evaluation request and RNR program assessment to maintain Meritorious Good Time designation. Changes to program curriculum, dosage, or objective will require a new evaluation request ***prior to implementation***. Failure to do so may forfeit Meritorious Good Time designation.

9. Evaluations will be re-accomplished as needed or upon request by the Office of the Commissioner.
10. The Commissioner may authorize, in accordance with 11 *Del. C*. §4381, up to 5 days of Meritorious Good Time credits to eligible offenders who receive the designated course of vaccinations for any infectious disease the DOC determines to be a public health emergency as defined in Section IV of this policy, to promote the health and welfare of offenders, employees, contractors, and visitors.
    a. Designations by the Commissioner due to a public health emergency are exempt from the procedures for good time program eligibility review and approval outlined in Attachment 1 of this policy. The Commissioner shall furnish a memo specifying each new designation instance to the Planning, Research, & Reentry Unit for record keeping and dissemination. The memo shall document the public health emergency in keeping with the definition of the term in Section IV.
11. Documentation of all program Meritorious Good Time applications and decisions will be maintained by the Planning, Research, & Reentry Unit. The RNR Planner will maintain an electronic list of approved programs, which will be made available for staff use on the DOC extranet. The RNR Planner will update COR and case management teams as required.

Figure 2. Program Requirements for Meritorious Good Time Consideration

Program Requirements	Good Time	Bonus Good Time	Upon DOC Request
Attendance tracking and reporting to facility staff	x	x	
RNR Adult Program Tool assessment	x	x	
Demonstration of evidence-based practices	x	x	
Completion criteria	x	x	
Acceptance of DOC-classified clients to program	x	x	
Quarterly SPOC reporting			x
Pre- and post-tests			x
Client satisfaction surveys upon completion			x

Attachment 1
Good Time Evaluation Process Overview

This attachment is intended to serve as a familiarization guide and checklist for program administrators desiring Meritorious Good Time designation. The steps below are a broad outline of the evaluation process. The process may take several weeks to complete, depending on the complexity of the program and review required.

1. Program Administrator contacts the Treatment Supervisor at facility (or facilities) to discuss program objectives and whether it is a suitable candidate for good time credit evaluation. The facility/facilities will need to support the program implementation, if not already accomplished, due to resource allocation implications.

2. Program Administrator contacts the RNR Planner in the Planning, Research, & Reentry Unit in the Office of the Commissioner (DOC_RNRinfo@delaware.gov) to populate RNR Program Tool assessment for the program. This step can be omitted if the program already has a current RNR program profile and will be maintaining the same program configuration.

3. After consultation with the Treatment Supervisor and the RNR Planner, the Program Administrator should compile and submit the following:

- ❑ Program summary outline containing program goals, objectives, participant expectations, and completion criteria
- ❑ RNR Program Tool report (if completed independently)
- ❑ Schedule demonstrating monthly program dosage hours
- ❑ Documentation of program utilization of evidence-based practices in rehabilitation, education, or treatment of clients
- ❑ Examples of pre- and post-tests and/or incremental assessment used for clients.
- ❑ Examples of any screening instruments utilized for client intake.
- ❑ Any additional documentation requested for review.

4. Materials should be submitted to the RNR Planner in the Planning, Research, & Reentry Unit in the Office of the Commissioner (DOC_RNRinfo@delaware.gov). The RNR Planner will finalize the submission packet for committee review.

5. A DOC multi-disciplinary committee will review the program's submission and issue a formal recommendation to the Commissioner. The recommendation will include the program summary and minutes from the committee meeting. These documents are internal to DOC and will not necessarily be provided to the program administrator.

6. If disapproved, the program will be provided feedback regarding the reason and revisions required for further review.

7. Approved programs will be provided written documentation, which will include the number of Meritorious Bonus Good Time hours authorized for successful completion, if designated.

a. The form, Attachment 3 of this document, will also indicate whether the program is required to submit quarterly reports to SPOC. Failure to submit required reports may void Meritorious Good Time designation.

b. Approved programs must utilize the program curriculum and methods outlined in the evaluation request and RNR program assessment to maintain good time credit approval. Changes to program curriculum, dosage, or objective will require a new evaluation request ***prior to implementation***. Failure to do so may void the Meritorious Good Time designation.

c. Evaluations will be re-accomplished as needed or upon request by the Office of the Commissioner.

8. Approved programs must designate within 14 days, in writing to the RNR Planner and Treatment Supervisor(s), a staff person or contractor who will track active participation hours and completion status for participants. Completion status includes both successful completion (graduation) and unsuccessful completion reasons.

9. Approved programs will be required to submit to scheduled or unscheduled site visits by DOC personnel for observing quality and fidelity of the programming.

10. Programs approved for Meritorious Good Time designation must notify the RNR Planner in the event of any circumstances that compromise the fidelity or delivery of the program within three business days. Examples may include unscheduled class interruptions, program suspensions at certain facilities, or cancellations (due to staffing/client attendance, etc.).

Attachment 2
Example: Good Time Evaluation Summary

This form is to be completed by DOC staff only and submitted to the Commissioner for approval as a record of Good Time Committee minutes. Upon completion, it will be maintained within the Planning, Research, and Reentry Unit as an internal DOC record. It will not be provided to the Program Administrator.

Program Title:				
Program Agency *(e.g., DCJ)*:				
Program Administrator *(name/credential or title)*:				
Program Curriculum *(e.g., CBI-CC)*:				
Program Objective Summary:				
Program Target:	☐ Education	☐ Rehabilitation	☐ Vocation	☐ Other
Proposed facilities:	☐ BWCI	☐ HRYCI	☐ JTVCC	☐ SCI
	☐ HDP	☐ MCCC	☐ PCCC	☐ SCCC/SVOP
	☐ CVOP	☐ Other:		
Is the curriculum grounded in evidence-based practices? ☐ Yes ☐ No ☐ Unable to Determine				
Program Dosage	Total Hours/Course Length:			
	Recurring Hours & Frequency:			
Risk-Need-Responsivity (RNR) Group this curriculum addresses:				
☐ A: Severe Substance Abuse	☐ B: Criminal Thinking	☐ C: Self-Improvement/ Management	☐ D: Social/Interpersonal Skills	
☐ E: Life Skills and Education	☐ Not Applicable	☐ Other/special population:		
Target Client Selection Method: ☐ Classification ☐ Volunteer ☐ Case Manager Referral ☐ Court Order/Sentenced				
How is the program funded? ☐ Grant (fed) ☐ Grant (state) ☐ State Contract ☐ Privately ☐ Donations ☐ Other				
Should the program be required to submit quarterly reports to SPOC? ☐ Yes ☐ No				
Summarize comments/concerns:				

Program Review Committee Member Name/Affiliation	**Recommend Good Time Approval**			
	Meritorious (Monthly)		**Bonus (Completion)**	
Chair:	☐ Yes	☐ No	☐ Yes	☐ No
	☐ Yes	☐ No	☐ Yes	☐ No
	☐ Yes	☐ No	☐ Yes	☐ No
	☐ Yes	☐ No	☐ Yes	☐ No
	☐ Yes	☐ No	☐ Yes	☐ No
Justification for Meritorious Bonus Good Time/#Hrs:				

MANDATORY ATTACHMENTS: 1. Program Summary
2. RNR Program Evaluation Results

EXAMPLE

Attachment 3
Example: Good Time Approval Form

This form is to be completed by DOC staff only and submitted to the Commissioner for approval. Upon completion, it will be provided to Program Administrator with feedback regarding additional requirements or program modifications.

Good Time Program Approval

Program Title:				
Parent Agency:				
Program Administrator:				
Program Curriculum/version:				
DOC Program Review Committee Date:				
If approved, program must adhere to approved configuration/curriculum submitted to retain good time eligibility.				
Approved facilities	☐ BWCI	☐ HRYCI	☐ JTVCC	☐ SCI
	☐ HDP	☐ MCCC	☐ PCCC	☐ SCCC/SVOP
	☐ CVOP	☐ Other:		
Program Total Dosage/Length:		Recurring Dosage/# Hours & Frequency:		
Risk-Need-Responsivity (RNR) Group this curriculum addresses:				
☐ A: Severe Substance Abuse	☐ B: Criminal Thinking	☐ C: Self-Improvement/ Mgmt	☐ D: Social/Interpersonal Skills	
☐ E: Life Skills and Education	☐ Not Applicable	☐ Other/special population:		
☐ Committee recommends program for Strategic Partnership Oversight Committee tracking. ***If approved, quarterly outcome measure reporting is required.*** **☐ Approved ☐ Disapproved ☐ Revise**				
☐ Committee recommends program for Meritorious Good Time. **☐ Approved ☐ Disapproved ☐ Revise**				
☐ Committee recommends program for Meritorious **Bonus** Good Time upon successful completion. **☐ Approved _____ hours per completion ☐ Disapproved ☐ Revise**				
Commissioner Signature				

Mandatory Attachments for Record:
1. Program Summary
2. RNR Program Evaluation Results
3. Committee Review Meeting Minutes *(DOC internal record only)*

Approved Date:_____

EXAMPLE