

PS 5880.32 CN-1 DISTRICT OF COLUMBIA SENTENCE COMPUTATION MANUAL

Directives Referenced. None.



Change Notice

DIRECTIVE AFFECTED: 5880.32
CHANGE NOTICE NUMBER: 1
DATE: 1/24/2003

1. **PURPOSE AND SCOPE.** To update the District of Columbia Sentence Computation Manual with instructions for implementing the provision of the District of Columbia Sentencing Reform Amendment Act 2000 (SRAA).

2. **SUMMARY OF CHANGES.** Added instructions for implementing and computing District of Columbia Code §§ 24-203.1 and 24-203.2 SRAA (felony and misdemeanor) offenses committed on or after August 5, 2000.

3. **TABLE OF CHANGES**

Remove	Insert
Table of Contents Pages i - iv	Pages i - iv (CN-1)
Chapter 3 Pages 1 - 3	Pages 1 - 4 (CN-1)
	Chapter 13a

4. **ACTION.** File this Change Notice in front of PS 5800.32, the District of Columbia Sentence Computation Manual.

/s/
Kathleen Hawk Sawyer
Director

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APPENDIX

D.C. Code offenses and penalties

CHAPTER 3

3. DEFINITIONS

- * **3.1 1212(h) sentence.** A sentence imposed for an offense as described in D.C. Code § 24-1212(h). *
- 3.2 Adult sentence.** A U.S. Code or D.C. Code sentence that was **not** imposed under the provisions of Title 18, Chapter 402 (**Federal Youth Corrections Act**) & 403 (**Juvenile Delinquency**) of the U.S. Code or Title 24, Chapter 8 (**Youth Rehabilitation**) of the D.C. Code.
- 3.3 Anchor sentence.** The first sentence to commence when more than one sentence is involved.
- 3.4 Bail Reform Amendment Act (BRA) of 1992** (§ 23-1321). An offense under the BRA is for failure to appear.
- 3.5 D.C. Code offense.** A criminal violation of law as set forth in the District of Columbia Code.
- 3.6 D.C. Code sentence.** A sentence imposed by the United States District Court for the District of Columbia or by the District of Columbia Superior Court after conviction for a D.C. Code offense.
- 3.7 DCEGT credits.** District of Columbia educational good time credits awarded under the provisions of D.C. Code § 24-429 (effective April 11, 1987) or § 24-458.8(g) (effective May 8, 1996).
- 3.8 DCGCT credits.** District of Columbia good conduct credits awarded under the provisions of D.C. Code § 24-405 (repealed April 11, 1987).
- 3.9 DCIGT credits.** District of Columbia institutional good time credits awarded under the provisions of § 24-428 (effective April 11, 1987 and repealed June 22, 1994).
- 3.10 Execution of sentence suspended (ESS).** Sentence was imposed but execution was suspended or execution of a portion thereof was suspended (§ 16-710). A period of probation usually follows.
- 3.11 Federal arrest.** For purposes of this manual, an arrest made by a federal or D.C. law enforcement official for a violation of U.S. Code or D.C. Code.

- * **3.12 Felony sentence.** A sentence that is imposed for an offense that carries a maximum penalty in excess of one year. (A sentence of one year or less, or a sentence to probation, for an offense with a possible maximum penalty of more than one year is a felony conviction.)
- 3.13 Gap period.** The period of time from on or after August 5, 2000 through 4:59 p.m. on August 11, 2000. *
- 3.14 Imposition of sentence suspended (ISS).** Imposition of sentence was suspended (§ 16-710). A period of probation usually follows.
- 3.15 Inoperative time.** Time during which a sentence that has commenced, stops running, i.e., after commencement of sentence, the prisoner is removed from physical or constructive custody of the U.S. Attorney General.
- 3.16 Mandatory minimum.** A term for which the court cannot set a period of parole ineligibility any less than prescribed by the offense.
- * **3.17 Mandatory Parole.** The final release date of GTCA sentences when parole is not granted, and the inmate is to be released after the deduction of all good time credits. It also applies to OCJRAA sentences when parole is not granted, and the inmate is to be released after the deduction of DCEGT. *
- 3.18 Maximum term.** The greatest possible period imposed by the court that establishes the term of imprisonment.
- 3.19 Minimum term.** The term imposed by the court that establishes the period of parole ineligibility.
- 3.20 Minimum maximum term.** A term for which the court may **not** impose a lesser maximum term.
- * **3.21 Misdemeanor sentence.** A sentence that is imposed for an offense that carries a maximum penalty not to exceed one year. (Multiple misdemeanor sentences when added together and exceed one year are still considered misdemeanor sentences.)
- 3.22 New 203.1 sentence.** A felony sentence imposed under D.C. Code § 24-203.1 as amended by the **SRAA**.

- 3.23** New 203.2 sentence. A misdemeanor sentence imposed under D.C. Code § 24-203.2. *
- 3.24 Non-D.C. Code sentence.** A state, foreign or U.S. Code sentence.
- 3.25 Non-federal arrest.** An arrest made by state or foreign law enforcement officials.
- * **3.26 Original 203.1.** A sentence imposed under D.C. Code § 24-203.1 (**SRAA**) as it existed on August 5, 2000 through August 11, 2000, at 4:59 p.m. (Pertains to 1212(h) offenses.) *
- 3.27 PV Warrant.** A warrant issued by either the District of Columbia Board of Parole or the United States Parole Commission for alleged parole violation.
- 3.28 Parole eligibility date.** The date on which a prisoner becomes eligible for parole after having served the minimum term.
- 3.29 Raw expiration full term date.** The date the computation begins (DCB) plus the term in effect (TIE) equals the Raw expiration full term (EFT) date. The Raw EFT may include inoperative time but does not include jail time credit.
- 3.30 State.** Includes all non-federal and non-foreign law enforcement organizations or agencies within a state.
- 3.31 Statutory Parole Date.** The final release date of GTCA sentences when parole is not granted, and the inmate is to be released after the deduction of all good time credits. It also applies to OCJRAA sentences when parole is not granted, and the inmate is to be released after the deduction of DCEGT.
- 3.32 Step back.** An unofficial phrase that applies to a defendant who has been required to appear before the court and who is ordered into immediate custody after a hearing. The phrase occasionally appears in a hand written form on court documents.
- 3.33 Time credit.** Credit for one full day of jail time or time spent serving the sentence, regardless of the length or duration of the detention during that day.

3.34 U.S. Code new law sentence. A sentence imposed for a U.S. Code offense that occurred on or after November 1, 1987.

3.35 U.S. Code offense. A violation of criminal law as set forth in the U.S. Code.

3.36 U.S. Code old law sentence. A sentence imposed for a U.S. Code offense that was committed prior to November 1, 1987.

3.37 Unlike sentences. Sentences imposed under different sentencing provisions.

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CHAPTER 13a

13a. CALCULATION OF SENTENCE FOR OFFENSE COMMITTED ON OR AFTER AUGUST 5, 2000.

13a.1 The original D.C. Code § 24-203.1, Sentencing Reform Amendment Act (SRAA), became effective on August 5, 2000. This statute applied only to D.C. Code § 24-1212(h) offenses and required the court to impose an **adequate** period of supervision to follow imprisonment or confinement. The original § 24-203.1 did not address non § 24-1212(h) or misdemeanor offenses. On August 11, 2000, at 5:00 p.m., the original § 24-203.1 was amended. This new § 24-203.1 applies to **all** felony offenses. Additionally, § 24.203.2 was added to address misdemeanor offenses. For offenses committed during this period, August 5, 2000, through August 11, 2000, at 4:59 p.m., the courts may sentence the defendant under either the OMNIBUS or the SRAA sentencing provisions for non § 24-1212(h) offenses.

13a.2 ISM Responsibility. It is the ISM staff's responsibility to review each J&C Order carefully to determine which sentencing provision applies to each count. If ISM staff are unable to determine which sentencing provision applies, then staff will refer the matter to the Regional Inmate Systems Administrator (RISA).

13a.3 Good Time Credit for SRAA Sentences. D.C. Code 24-203.1(d) states in part that,

A person sentenced to imprisonment, or to commitment pursuant to D.C. Code § 24-803, under this section may receive good time credit toward service of the sentence only as provided in 18 U.S.C. § 3624(b).

- Note:
- An SRAA sentence is not entitled to a reduction from the term of imprisonment or confinement for successfully completing a substance abuse program under 18 U.S.C. § 3621(e)(2)(B) nor a shock incarceration program under 18 U.S.C. § 4046.
 - SRAA sentences are not eligible to earn educational or meritorious good time (D.C. Code § 24-429 and 24-429.1) credits.

13a.4 Combining D.C. SRAA Sentences. There is no aggregation language in the SRAA. Since there are no differences in good time credit for SRAA or PLRA sentences, those sentences may be combined with themselves and each other (including YRA and Split sentences) to establish a single release date, yet an SRAA sentence may not be combined with any other type of sentence, including one for a misdemeanor offense.

13a.5 Supervised Release.

(A) Prior to August 11, 2000, D.C. Code § 24-203.1(b) stated in part that,

. . . the court shall impose an adequate period of supervision to follow release from the imprisonment or commitment.

(B) After August 11, 2000, D.C. § 24-203.1 (b) (1) states,

If an offender is sentenced to imprisonment, or to commitment pursuant to § 24-803, under this section, the court shall impose a period of supervision ("supervised release") to follow release from the imprisonment or commitment.

(C) Supervised release may run concurrent or consecutive to other periods of supervised release to include probation. If the court is silent, they will be treated as concurrent. If no term of supervised release is included in the J&C, ISM staff will notify the RISA.

(D) If the D.C. Superior Court imposed a period of supervision, the Court Services and Offender Supervision Agency (CSOSA) (see D.C. Code § 24-1233(a)) is responsible for the supervision as provided for in D.C. Code § 24-1233(c) (2). The U.S. Parole Commission has the authority to revoke supervised release and impose a revocation term.

(E) If a period of supervision was imposed by any U.S. District Court for only a D.C. Code offense(s), the U.S. Probation Service is responsible for supervision and the U.S. District Court has the authority to revoke supervised release and impose a revocation term.

13a.6 Multiple Terms of Supervised Release. The possibility exists that a prisoner may be released with a combination of supervised release periods to follow, one or more periods under the jurisdiction of the U.S. District Courts (SRA, VCCLEA, and PLRA), and one or more periods under the U.S. Parole Commission's jurisdiction. Supervised release imposed by a U.S. District Court for a D.C. Code offense will be under the U.S. District Court's jurisdiction and be supervised by the U.S. Probation Service. Following are some examples of supervised release situations:

- (A) **Combination of U.S. Code and D.C. Code periods of supervised release in a single J&C.** The supervised releasee will be under the U.S. District Court's jurisdiction and under the U.S. Probation Service's supervision for both periods of supervised release. Only the court may revoke supervised release in this situation.

- (B) **Supervised release imposed by U.S. District Court and by Superior Court.** Upon release from both sentences, the terms of supervised release run concurrently, one under the U.S. District Court's jurisdiction and the other under the U.S. Parole Commission's jurisdiction. A supervised releasee could be returned as a supervised release violator for a U.S. District Court imposed term of supervised release with a period of supervised release under the jurisdiction of the U.S. Parole Commission unrevoked, or the reverse.

13a.7 Notification Procedures for Multiple Terms of Supervised Release. Because of the possibility of multiple periods of supervised release under two different jurisdictions, ISM staff must ensure that release paperwork includes release notification to the appropriate jurisdictions (U.S. Probation Service for the U.S. District Court and CSOSA for the U.S. Parole Commission/Superior Court). ISM staff will also ensure that the jurisdiction with the unrevoked period of supervised release is notified of a prisoner's return to imprisonment as a supervised release violator.

13a.8 D.C. Code § 24-203.2 (Misdemeanor Sentence). This section pertains to sentencing and good time credit for misdemeanor offenses committed on or after August 5, 2000, for persons who elect sentencing under this provision or whose offense was committed on and after 5:00 p.m. on August 11, 2000. The section states in part,

A sentence of incarceration, or of commitment pursuant to D.C. Code § 24-803, for a misdemeanor . . . shall be for a definite term, which shall not exceed the maximum term allowed by law. A person sentenced to incarceration, or to commitment pursuant to D.C. Code § 24-803, under this section, shall serve the term of incarceration or commitment specified in the sentence, less any time credited toward service of the sentence as provided in D.C. Code § 24-429 through D.C. Code § 24-433.

- (A) **ISM staff not responsible for calculating misdemeanor sentences.** ISM staff are not responsible for calculating D.C. Code misdemeanor sentences but it is necessary that they are able to identify those sentences. In addition, it is necessary that ISM staff are able to perform unofficial calculations to determine how the misdemeanor sentence fits into the overall sentencing scheme so that an informed decision can be made as to when, or whether, the prisoner should be returned to the D.C. Department of Corrections to serve the misdemeanor sentence. The D.C. Department of Corrections is to be contacted for a calculation of his or her misdemeanor sentence.
- (B) **Misdemeanor sentence not eligible for parole under SRAA.** A misdemeanor sentence under this section is for a definite term and not eligible for parole.
- (C) **Misdemeanor sentence eligible for educational and meritorious good time credits.** A misdemeanor sentence under 24-203.2 is eligible to earn educational and meritorious good time credits as administered by the D.C. Department of Corrections.

13a.9 Combining D.C. Code § 24-203.1 Sentences with PLRA Sentences for 3621(e) and 4046 Purposes. As noted in section 14.7(2)(a)(b), 18 U.S.C. §§ 3621(e) and 4046 do not apply to 24-203.1 sentences. Since those sentences may be combined with PLRA sentences that may qualify

for §§ 3621(e) and 4046 reductions, the sentences must be calculated initially as standing alone to determine which rule applies in each situation. (These same rules will apply to non-PLRA sentences except they will not be combined to form a single release date.)

- (A) In concurrent sentence situations, if the SRAA SRD is equal to or greater than the PLRA SRD, no §§ 3621(e) or 4046 reduction may be given.
- (B) In concurrent sentence situations, if the PLRA SRD is greater than the SRAA SRD, a §§ 3621(e) or 4046 reduction may be given. No reduction, however, may reduce the time to serve earlier than the SRAA SRD.
- (C) Regardless of which sentence comes first in combinations of **consecutive** sentences, a §§ 3621(e) or 4046 reduction may be given. In these instances, the RISA must be contacted.

13a.10 Fines. There are no provisions in D.C. Code to retain a prisoner in confinement beyond the release date for nonpayment of a fine. There is no provision in the SRAA that addresses a fine in connection with a prisoner being released on supervised release and 18 U.S.C. § 3624(e) does not apply. ISM staff are not required to monitor a prisoner's fine status for release purposes. ISM staff are required, however, to notify the appropriate U.S. Attorney of any prisoner released with an unpaid fine (see the Notice of Release of Inmate with Criminal Fine form (BP-S384)).

13a.11 Probation Under D.C. Code § 16-710. The **SRAA** has amended D.C. Code § 16-710 by adding a new subsection (b-1) that authorizes the court to order, as a condition of probation for a felony, that the defendant remain in custody or in a Community Correctional Center (CCC) during nights, weekends, or other intervals totaling not more than one year during the term of probation. Other probation provisions remain in effect. The amount of time in custody, or in a CCC is not to exceed one year, while on probation, may be accumulated during the entire period of probation. Jail time credit will be awarded as ordered in a subsequent term of imprisonment.