

IN THE TRIBAL COURT
FOR THE
ASSINIBOINE AND SIOUX TRIBES

ADMINISTRATIVE ORDER 2016-9.1

ORDER CONCERNING APPLICATION OF SENTENCE REDUCTIONS FOR "GOOD TIME" OF INMATES

WHEREAS the Court sees the need to outline the parameters of "good time", and the following will apply:

1. The Adult Detention Handbook (Volume 3 Page 7.5.1) utilized by the Fort Peck Adult Corrections is attached to this Order and is the resource available when requesting a sentence reduction for good time.
2. A sentence reduction is not authorized by tribal code; therefore, any applications made to the Court for a sentence reduction must be in compliance with the detention handbook in order for the Court to make a determination on such requests. Sentence reductions are not mandatory and are always at the discretion of the Court.
3. Corrections administrator or designee is responsible for calculating any good time earned and/or revoked. The information must be provided to the Court in a well-documented form, such as a spreadsheet, logs or other evidence of proper timekeeping.
4. The procedure for calculation and revocation of good time for inmates shall be set by the corrections facility in accordance with their Adult Detention Handbook.
5. The ratio recognized by the Court is a 1 for 1 formula, meaning every day worked reduces the sentence by one day).
6. Please note, the Adult Detention Handbook (Volume 3 Page 7.5.1) refers to inmates working in the facility and the Comprehensive Code of Justice (Title 3 Sec. 306) refers to inmates working for the benefit of the Tribes upon authorization of the Presiding Judge of the Tribal Court.
7. Any written request to the Court must follow the corrections policy in order to allow the Court to make a ruling on the matter. Once requests are submitted they will be scheduled on the court docket.

This policy shall remain in effect until modified, vacated or superseded by future policy.

DATED this 20th day of September 2016.



Stacie Smith, Chief Judge

SECTION 5. SENTENCE REDUCTION

Statement of Purpose. The facility administrator or designee calculates "good time" or a reduction in sentences. If authorized by tribal code, all inmates are eligible for sentence reduction at the rate allowed by tribal code. The facility administrator or designee has the right to revoke "good time" for just cause.

General Information.

1. Each program identifies circumstances under which "good time" may be earned and revoked.
2. Each program attaches to this chapter the applicable section of tribal code which authorizes sentence reduction.

Definitions.

1. Good Time. This is the practice of allowing inmates to reduce the amount of time they must actually serve on their sentence by working in the facility. Good time is often expressed as a ratio, i.e., 1 for 1 (every day worked reduces the sentence by one day).
2. Good Time Calculation Form. This is a form used to calculate an inmate's accumulated good time.

Documentation.

1. Good Time Calculation Form.

Procedures.

Calculation of Good Time. This procedure explains how and when good time is calculated. This procedure must be tailored for each facility. It includes:

1. If the jurisdiction applies good time.
2. The formula for calculating good time, including how to calculate the release date applying the formula for good time.
3. How an inmate petitions the court for good time, if applicable.
4. Who monitors good time for the facility.
5. Rate at which good time is earned.
6. Where good time is recorded once it is calculated to ensure the proper release of the inmate, such as use of a Good Time Calculation Form.

Revocation of Good Time. This procedure explains how and when good time is revoked. This procedure must be tailored for each facility. It includes:

1. If good time may be revoked.
 2. Circumstances under which good time may be revoked, if applicable.
 3. Who can revoke good time.
 4. How Volume 3, Chapter 3, Section 7, Inmate Grievances relates.
 5. Where revocation of good time is recorded to ensure the proper release of the inmate.
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