

Summary of County Detention Center Earned Time Policies

The New Mexico Sentencing Commission's annual survey of adult detention centers contained a series of questions regarding NMSA 33-3-9; County jails, deduction of time for good behavior. Of the 28 counties with detention facilities, 15 indicated that their facility has established rules for the accrual of earned time. Seven detention facilities included a copy of their rules. These rules are analyzed below.

Currently, the policies are not uniform across facilities. Commonalities in the 7 policies were identified. All the policies specify offenders could not earn time on mandatory portions of their sentences; specifically NMSA 66-8-102, DWI and 66-5-59, driving with a revoked or suspended license. One facility did not allow offenders sentenced on contempt of court charges to earn time.

Three facilities policies note the judge must state on the judgment and sentence when earned time is not allowed. Five facilities with informal policies also said language in the judgment and sentence is added when good time is not allowed.

Two facilities do not allow earned time for offenders with a sentence less than a pre-determined length. Three facilities note multiple sentences are combined for the purposes of determining earned time. Additionally, 2 facilities policies state the availability of earned time starts on the date of sentencing.

Four facilities allow offenders to earn up to 1/2 off their sentences. Two facilities allow offenders to earn a maximum of 1/3 off their sentence. One facility grants trustees a higher percentage of earned time. Another facility only allows trustees to earn time off their sentences. One facility has a tiered system where the amount of time an offender is eligible to earn is tied to the length of sentence.

All of the policies outline how offenders forfeit earned time if they violate the facility's rules. In 2 facilities the amount of earned time forfeited is determined by a disciplinary board. In 3 facilities the amount of time forfeited is pre-determined based on whether or not the offender commits a minor or a major infraction. The remaining 2 facilities did not specify how the amount of time to be forfeited is determined.

None of the facilities specify the types of programming for which offenders can earn time. Several of the facilities talk about work assignments. One facility states equal opportunities for earned time needed to be available for males and females.

Based on the informal and formal policies provided, the awarding of earned time varies widely throughout the state. There is no uniformity in the types of programming available and eligibility requirements. Additionally, the willingness of judges to allow earned time varies between jurisdictions. ■

Characteristics of Earned Time Policies

