



Time Served in New Mexico Prisons, FY 2023: Analysis of the Impact of Earned Meritorious Deductions for Male Offenders

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Summary

- This study calculates proportions served on total sentence length and prison sentence length for a sample of male offenders released in FY23 by NMCD under the EMD policy. The study also examines the proportion of time in-house parolees serve incarcerated.
- Serious violent offenders with a basic sentence receiving 4 days of credit for 30 days served 87.7% of their prison sentence and 89.3% of their total sentence.
- Parole violators in FY23, excluding offenders on in-house parole, served 87.0% of their total sentence and 81.7% of their prison sentence.
- In FY23, 32.0% of offenders released were fully discharged from the criminal justice system, while the remaining 68.0% of offenders were released to probation or parole.
- 42.3% of all admissions were for a new conviction; 42.0% were for a probation or parole violation, and 15.7% were in-house parolees, or individuals who started their parole term still incarcerated.
- The Second JD contributed the greatest number of offenders and releases, followed by the Fifth and Twelfth JDs. Combined, the three JDs accounted for 47.5% of offenders.

INTRODUCTION

This report was prepared by the New Mexico Sentencing Commission (NMSC). We calculate the average proportion of time served by male offenders who were released by the New Mexico Corrections Department (NMCD) in FY23 (July 1, 2022 –June 30, 2023) and who were eligible for sentence reductions under the Earned Meritorious Deductions (EMD) statutory policy (Section 3-2-34 NMSA 1978). The EMD statute came into law on July 1, 1999.

This study includes four types of prison admissions. A basic sentence admission is an offender's stay on a conviction for offense(s) in which the judge sentences the offender to prison. A parole violation admission occurs when an offender violates the conditions of parole and the parole board has revoked the individual to prison for the remainder of their parole term. In addition to the statutory parole terms, judges have the discretion to sentence an offender to probation sentences of up to five years. Those who violate the conditions of probation may be put in prison for a portion of the remainder of their term, the third type of sentence. The fourth type of sentence is served by an in-house parolee who begins his parole term incarcerated due to the lack of an approved parole plan--usually a failure to find suitable housing outside prison, missing paperwork, or an administrative backlog.

The same individual may be

represented in the dataset multiple times, for example both for a basic sentence and for a parole violation.

We examine two metrics, the percentage of sentences served from the sentencing date (total sentence percentage) as well as the percentage of sentences served from the date of prison admission (prison sentence percentage) for the four different types of admissions in this report. The EMD statute allows individuals incarcerated in prison to earn good-time from their sentences at a rate specified in the Earned Meritorious Deductions (EMD) statute (Section 33-2-34 NMSA 1978) based on the severity of their charges. For a basic sentence, the amount of deducted time ranges from 4 days per month (defined as 30 days) for those convicted of serious violent offenses (SVOs) to 30 days per month for those convicted of nonviolent offenses. Thus, serious violent offenders are expected to serve approximately 87% of their prison sentence, and those convicted of other offenses are expected to serve approximately 50% of their prison sentence.¹ Incarcerated individuals may earn additional 'lump-sum' meritorious deductions by completing approved vocational, substance abuse, or mental health programs, by earning educational degrees, or for a heroic act. Probation and parole violators may deduct good time from their punishment at the rate of 4, 8, or 30 days per month depending on the type of violation.² The statute also allows people on in-house parole to deduct good time from their parole sentence

at the same rate as their prison sentence.

METHODOLOGY

Each fiscal year, we rotate the study between male and female offenders. In this report (FY23), we are reporting on male offenders only.

In July 2023, NMSC staff obtained a list of all male offenders who had committed their crimes on or after July 1, 1999, making them potentially eligible for EMD, and who had prison release dates between July 1, 2022, and June 30, 2023. From this list, we drew an initial sample of 331 cases. Thirty-one cases were excluded from the initial sample due to incomplete or inconclusive records and parole violators who had an indefinite parole sentence (certain sex offenders) serving in-house parole. We ultimately derived a sample of 300 cases, representing 255 unique offenders, as several offenders had multiple entries and releases or changes in prison status during the reporting period.

For our final sample, this study provides the average percentage of time served for both the total sentence and prison sentence. The total sentence percentage 'starts the clock' for time served (the numerator) when the offender is sentenced to prison. The denominator in this measure is the sentence length as defined by the court. The total sentence percentage is useful for understanding the proportion of their total sentences that an offender served. For those admitted for a probation or parole violation, the metric represents the percentage of total sentence the offender has completed (both in prison and under community supervision). The inverse of the total sentence percentage is the percentage of sentence yet to be served under community supervision. For in-house parolees, the metric represents the percentage of the parole sentence spent in prison. The percentage of the total sentence is computed as follows:

For people serving a basic sentence: We divide the total time served, including pretrial time served in jail and post-sentencing time served in prison, by the prison sentence as defined by the court.

For parole violators: We sum the time served in community supervision and time served in prison for the parole revocation, then divide the total by the parole sentence as defined by the court.

For probation violators: We sum time served, including any pretrial time served in jail, time spent in community supervision before the probation violation, and time served for the probation violation, then divide the total by the probation sentence as defined by the court.

For in-house parolees: We divide the time served in prison on in-house parole by the original parole sentence.

Our second metric, the prison sentence percentage, 'starts the clock' when the offender is admitted to prison in both the numerator and denominator. This metric is useful for understanding the percentage of sentences offenders have served in prison relative to the maximum amount of time they could serve if no good time was earned. The metric defines the extent to which good time impacts offenders' sentences after earning good time in prison becomes possible. Calculations are as follows:

For people serving a basic sentence: We divide the time served in prison by the prison sentence as defined by the court.

For parole violators: We divide the time served in prison for the parole violation by the parole sentence remaining at the time of incarceration for the parole violation.

For probation violators: We divide the time served in prison for the probation violation by the sentence remaining at the time of incarceration for the probation violation.

For in-house parolees: We divide the time served in prison as an in-house parolee by the original parole sentence as defined by the court. (This is the same calculation as for total sentence percentage.)

DEFINITIONS

- **Basic Sentence:** represents an admission to a prison under the New Mexico Corrections Department (NMCD) for a new conviction. This sentence does not include the offender's parole sentence.
- **Community Supervision:** supervision of offenders in the resident population by a probation or parole officer, as opposed to incarceration.
- **EMD Types:** the amount of time an offender can earn in sentence deductions for every 30 days served. For example, if an offender earns four days for every 30 days served, his EMD type is denoted as 4/30.
- **In-House Parole (30/30):** indicates offenders who finished their basic sentence but did not have an approved parole plan, so started their parole sentence inside the prison facility. They are not expected to serve any particular length of time incarcerated. EMD earned during in-house parole shaves time from offenders' parole sentence, unlike EMD earned for probation or parole violations.

- **Parole Violators (4/30, 8/30, or 30/30):** represent offenders who have been incarcerated for violating a condition of parole. Parole Violators are assigned an EMD rate of 4/30 if they absconded or allegedly committed a new offense; an EMD rate of 8/30 if they failed to pass a drug test administered as a condition of parole or if they had been convicted of a serious violence offense; or 30/30 if their parole is revoked for a technical violation as determined by the Parole Board and none of the above conditions apply.

- **Prison Sentence Length:** the total sentence length (defined above) minus any credits for time served outside the prison facility (in jail or under community supervision) – this is the time served in prison, from the day the offender enters prison to the expected full-time release date.

- **Probation Violation (30/30):** represents admission for those revoked for violations of probation.

- **Serious Violent Offenders (4/30):** represent offenders whose underlying charge is considered a serious violent offense.

- **Technical Violation:** any violation that does not involve new criminal charges.

- **Total Sentence Length:** the total time in prison set by the court at sentencing; this includes time served in jail before sentencing.³

ADMISSIONS AND EMD TYPES

Admission Type	Frequency	Percentage
Basic Sentence	127	42.3%
Probation Violator	61	20.3%
Parole Violator	65	21.7%
In-House Parole	47	15.7%
Total	300	100.0%

Table 1 indicates that the majority of the admissions were for offenders serving a basic sentence (42.3%), followed by parole violators (21.7%), and probation violators (20.3%). In-house parolees comprise 15.7% of the sample.

EMD Type	Frequency	Percentage
EMD 4	85	28.3%
Basic Sentence SVO (4/30)	30	10.0%
Probation Violation SVO (4/30)	7	2.3%
Parole Violation (4/30)	32	10.7%
In-House Parole SVO (4/30)	16	5.3%
EMD 8	26	8.7%
Parole Violation (8/30)	26	8.7%
EMD 30	189	63.0%
Basic Sentence (30/30)	97	32.3%
Probation Violation (30/30)	54	18.0%
Parole Violation (30/30)	7	2.3%
In-House Parole (30/30)	31	10.3%
Total	300	100.0%

As seen in Table 2, 63% of sentences earned 30 days of credit for every 30 days served (EMD 30). This EMD type is comprised primary of offenders serving basic sentences (32.3% of all cases), followed by those serving probation violations (18.0%), a handful of parole violators (2.3%), and a notable number of in-house parolees (10.3%). Sentences earning 4 days of credit for every 30 days served (EMD 4) were the second most frequent EMD type (28.3%), comprised of serious violent offenders serving a basic sentence (10.0% of all cases) and parole violators (10.7%). Sentences earning 8 days credit for 30 days served (EMD 8) is the least common category, applicable to some parole violators only.

Admission Type	EMD Type			Total
	EMD 4	EMD 8	EMD 30	
Basic Sentence	30	0	97	127
Probation Violator	7	0	54	61
Parole Violator	32	26	7	65
In-House Parole	16	0	31	47
Total	85	26	189	300

When we take a closer look at admissions by EMD type in Table 3, we see that EMD 30 is the most common EMD type for probation violators (54), in-house parole (31) and offenders serving a basic sentence (97). Parole violators (32) on the other hand, have usually been assigned EMD 4 and, nearly as often, EMD 8.

ANALYSIS OF TIME SERVED

Basic Sentences

EMD Type	Frequency	Total Sentence Percentage	Prison Sentence Percentage
Basic Sentence SVO (4/30)	30	89.3%	87.7%
Basic Sentence (30/30)	97	56.7%	50.6%
Total	127	64.4%	59.3%

In Tables 4 through 8, we examine total sentence and prison sentence percentages separately for the four types of admissions, starting in Table 4 with offenders admitted for a basic sentence. About 3 in 4 of such offenders were assigned EMD type 30/30 for non-violent offenses. These offenders served 56.7% of their total sentence and 50.6% of their prison sentence. While the offenders served almost 60% of their total sentence incarcerated, once EMD became available, offenders served just over the expected time of 50%. In fact, nearly all offenders served very close to the expected amount of time after sentencing, with very few serving less than 45% of their prison sentence (4%) or more than 55% of their prison sentence (11%). This suggests that adjustments to EMD—either an increase in EMD for lump-sum awards or a decrease for infractions—are usually not extensive. The higher total sentence percentage indicates that presentence confinement notably extends the percentage of sentences offenders spend incarcerated. About 64% of these offenders spent time in jail presentence. Among those who did, the median presentence length of stay in jail was 40 days.

Turning now to those with 4/30 EMD status (serious violent offenders), we see that those admitted for a basic sentence served 89.3% of their sentence incarcerated. All but four of the 30 offenders had served time in jail presentence, with a median presentence length of stay in jail of 244 days. The average prison sentence percentage was 87.7%, just over the expected percentage of 87%. Most offenders served close to the expected percentage of time incarcerated, with relatively few serving less than 82% of their sentence incarcerated (6.7%) or more than 92% of their prison sentence incarcerated (13.3%). Thus, adjustments to EMD in this group, as with offenders serving a 30/30 basic sentence, are usually minor.

Offense	Frequency	Percentage
Violent	57	44.6%
Homicide	5	3.9%
Sexual Offenses	5	3.9%
Armed Robbery	6	4.7%
Other Homicide	4	3.1%
Other Sexual Offenses	5	3.9%
Kidnapping	7	5.5%
Robbery	1	0.8%
Battery	14	11.0%
Assault	5	3.9%
Other Violent Offenses	5	3.9%
Property	25	19.8%
Burglary	11	8.7%
Larceny - Theft	1	0.8%
Motor Vehicle Theft	9	7.1%
Arson	1	0.8%
Fraud	2	1.6%
Other Property	1	0.8%
Drug	22	17.3%
Drug Trafficking	15	11.8%
Drug Possession	7	5.5%
Public Order	23	18.1%
Weapons	8	6.3%
Driving While Intoxicated	9	7.1%
Judicial Interference	6	4.7%
Total	127	100%

Table 5 groups offenders admitted on a new charge by the offense type of their most severe offense. The majority of offenders' most severe charge was a violent offense (44.6%); property offenses comprise 19.8% of most severe offenses; and about equal numbers of offenders most severe offense was a public order (18.1%) or drug crime (17.3%). Battery (11.0%) and drug trafficking (11.8%) were the most frequent specific offenses.

Probation Sentences

Table 6. Average Percentage of Sentence and Prison Sentence Served for Probation Sentences			
EMD Type	Frequency	Total Sentence Percentage	Prison Sentence Percentage
Probation Violation SVO (4/30)	7	90.9%	90.1%
Probation Violation (30/30)	54	54.5%	51.6%
Total	61	58.7%	56.0%

Table 6 focuses on the offenders who had been admitted for a probation violation. The great majority of probation violators were assigned 30/30 EMD. They served 54.5% of their total sentence incarcerated by the time they were released from incarceration. Given that this includes time outside prison (in community supervision and/or presentence time in jail), the fact that this value is above 50% is no surprise. The average prison sentence percentage, 51.6%, is close to the expected value of 50%. Compared to those with a basic sentence, more probation violators served more than 55% of their prison sentence incarcerated (14%). This indicates more substantial losses of EMD during prison for infractions among probation violators.

Few probation violators assigned 4/30 EMD are present in this dataset, only seven offenders. Their average total sentence percentage was 90.9% and average prison sentence percentage was 90.1%. All seven served more than the expected 87% of their prison sentence incarcerated; 28.6% served more than 92% of their prison sentence incarcerated.

Parole Sentences

Table 7. Average Percentage of Sentence and Prison Sentence Served for Parole Sentences			
EMD Type	Frequency	Total Sentence Percentage	Prison Sentence Percentage
Parole Violation (4/30)	32	94.3%	91.3%
Parole Violation (8/30)	26	81.5%	75.1%
Parole Violation (30/30)	7	73.5%	62.7%
Total	65	87.0%	81.7%

There are relatively parole violations with 30/30 EMD in this dataset. Again, the high total sentence percentage of 73.5% is not surprising since it includes time spent in community supervision before the parole violation. The prison sentence percentage (62.7%) indicates a substantial loss of EMD during prison for infractions. In fact, all parole violators served more than the expected 50% of their prison sentence incarcerated, 57.1% serving more than 55% of the time incarcerated.

The most prevalent type of parole offenders is those with a 4/30 EMD type, 10% of the overall dataset. On average, they completed 94.3% of their total sentence at the time of release and served on average 90.1% of their prison sentence incarcerated. A small percentage of offenders (6.3%) served less than the anticipated 87% prison sentence incarcerated, while a fair number served more than 92% of their prison sentence incarcerated (18.8%).

Finally, parole violators assigned EMD 8 had served on average 87.5% of their total sentence when released from prison, and 75.1% of their prison sentence incarcerated. On average, they would be expected to serve 79% of their prison sentence incarcerated. The prison sentence percentage varies more than the other categories of parole violators, with a fair number serving less than 74% of their prison sentence incarcerated (19%) or more than 85% (12%).

In-House Parole Sentences

Table 8. Average Percentage of Sentence and Prison Sentence Served for In-House Parole Sentences			
EMD Type	Frequency	Total Sentence Percentage	Prison Sentence Percentage
In-House Parole SVO (4/30)	16	42.4%	42.4%
In-House Parole (30/30)	31	27.1%	27.1%
Total	47	32.3%	32.3%

Finally in-house parolees served on average of 27.1% of their parole incarcerated. This percentage varies from almost none to the entire parole sentence being served in prison. In-house parolees assigned 4/30 EMD served on average 42.4% of their sentence incarcerated. As with in-house parolees assigned 30/30 EMD, this percentage varies from almost none to the entire parole sentence being served in prison. To some extent, the metrics for in-house parolees are high due

to the fact that EMD earned during in-house parole shortens one's parole sentence.

TYPES OF RELEASE

Release Type	Frequency	Percentage
Parole	204	68.0%
Discharge	96	32.0%
Total	300	100.0%

Table 9 reveals that just under one third (32%) of released offenders are discharged from prison without a parole term, about two-thirds (68%) had a parole term to fulfill. Discharged offenders include those who served their parole term while in prison, those whose parole was revoked and they were sent back to prison to complete their parole term, those who were admitted for violating probation and had already completed their parole term, or those serving time for misdemeanors who had no parole term.

Admission Type	Release Type		Total
	Parole	Discharged	
Basic Sentence	127	0	127
Probation Violator	37	24	61
Parole Violator	7	58	65
In-House Parole	33	14	47
Total	204	96	300

Table 10 illustrates that all offenders serving basic sentences, and the majority of probation violators (61%) and in-house parolees (70%) are released with a parole term. In contrast, most parole violators (58) are discharged without a parole term because they typically complete their parole term incarcerated.

POPULATION DEMOGRAPHICS

Table 11 and 12 only consider the unduplicated sample of males (n=255) rather than the total number of their releases (n=300).

Age	Frequency	Percentage
18-21	11	4.3%
22-25	24	9.4%
26-30	38	14.9%
31-35	55	21.6%
36-40	44	17.3%
41-45	44	17.3%
46-50	15	5.9%
51+	24	9.4%
Total	255	100.0%

As seen in Table 11, the age of offenders when admitted to prison varied from 18 to 79. The most common age group was 31 to 35 years; and the average age was about 36.

District	Frequency	Percentage	Population Percentage
1	8	3.1%	10%
2	63	24.7%	32%
3	23	9.0%	11%
4	6	2.4%	2%
5	31	12.2%	9%
6	14	5.5%	3%
7	7	2.8%	2%
8	6	2.4%	2%
9	18	7.1%	3%
10	6	2.4%	1%
11	21	8.2%	9%
12	27	10.6%	4%
13	25	9.8%	12%
Total	255	100.0%	100%

Note: District population percentages are estimates calculated from the "Annual Estimates of the Resident Population for Counties in New Mexico: April 1, 2020 to July 1, 2022 (CO-EST2022-POP-35)," by the U.S. Census Bureau, 2023.

Table 12 illustrates that the Second Judicial District (Bernalillo County) accounted for the largest percentage of released offenders at 24.7%.

Following this were 12.2% of released offenders by the Fifth Judicial District (Chaves, Eddy, and Lea Counties) and the Twelfth Judicial District (Lincoln and Otero Counties), which accounted for 10.6% of released offenders. Together, these three judicial districts are estimated to represent 45% of the state's population and 47.5% of all released offenders in our sample.

ABOUT THIS STUDY

The EMD policy was part of the Sentencing Standards Package proposed by the New Mexico Sentencing Commission to the New Mexico State Legislature in 1999. The Commission is statutorily mandated to provide an analysis of the average reduction in the sentence of imprisonment due to meritorious deductions earned by prisoners (Section 31-18-15(G) NMSA 1978). This report is the fulfillment of that mandate for FY23.

ACKNOWLEDGMENT

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ABOUT THE COMMISSION

The New Mexico Sentencing Commission serves as a criminal and juvenile justice policy resource to the three branches of state government and interested citizens. Its mission is to provide impartial information, analysis, recommendations, and assistance from a coordinated cross-agency perspective, with an emphasis on maintaining public safety and making the best use of our criminal and juvenile justice resources. The Commission is made up of members of the criminal justice system, including members of the Executive and Judicial branches, representatives of lawmakers, law enforcement officials, criminal defense attorneys, and citizens.

ENDNOTES

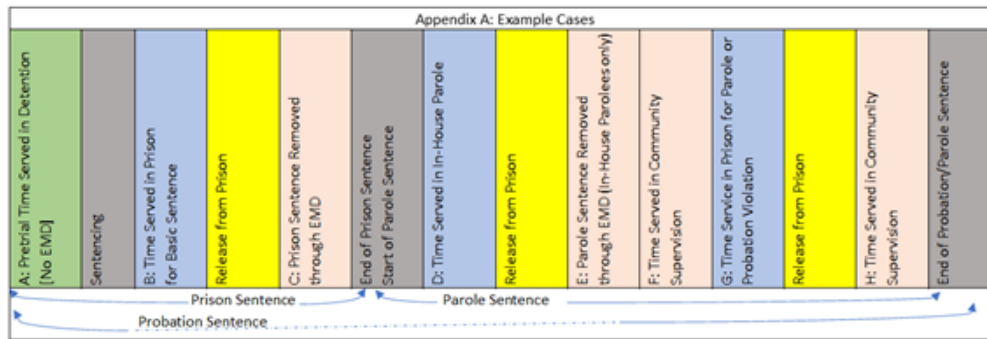
1. EMD does not apply to time spent incarcerated in jail pretrial.
2. Probation and parole officers, at their discretion, bring violations to the attention of the court or the parole board, respectively, which determines whether to revoke probation or parole. EMD for probation and parole violations are assigned as follows: 4/30 for a new felony offense or for absconding; 8/30 (parole violators only) if the offender had been convicted of a serious violent offense or failed to pass a drug test administered as a condition of parole; 30/30 if the offender was convicted of a nonviolent offense.
3. Offenders may serve time in jail after sentencing, awaiting transfer to prison. For the purposes of this project, this time is treated as 'presentence' time.

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2021 New Mexico Statutes: Chapter 33 - Correctional Institutions: Article 2 - State Correctional Facilities: Section 33-2-34 - Eligibility for earned meritorious deductions. (n.d.). Justia Law. <https://law.justia.com/codes/new-mexico/2021/chapter-33/article-2/section-33-2-34/>

APPENDIX



	<u>Total Sentence %</u>	<u>Prison Sentence %</u>
Basic Sentence:	$(A+B)/(A+B+C)$	$B/(B+C)$
Parole Violation:	$(F+G)/(F+G+H)$	$G/(G+H)$
In-House Parole:	$D/(D-E+F)$	$D/(D-E+F)$
Probation Violation:	$(A+F+G)/(A+F+G+H)$	$G/(G+H)$

Basic Sentence. Aidan was sentenced to 3 years in prison and 2 years of parole. He served 1 year in pretrial detention and earned standard EMD throughout his prison sentence.

We would expect Aidan to be released after 1 year in prison.

Aidan would have a total sentence percentage of 67%, having been incarcerated for 2 years of a 3-year prison sentence. He would have a prison sentence percentage of 50%, having been incarcerated in prison for 1 year of the 2 years remaining of his prison sentence.

Parole Violation. Brad begins his 2-year parole sentence unincarcerated. After 1 year, he fails a drug test administered as a condition of parole and is sentenced to serve the remainder of his parole in prison with 8/30 EMD.

We would expect Brad to be released after 9 months, 19 days in prison.

Brad would have a total sentence percentage of 90%, having been in community corrections or incarcerated for 1 year, 9 months, 19 days of his parole sentence. His prison sentence percentage would be 79%, having been incarcerated for that among of his remaining one year of parole.

In-House Parole. Carson begins his 2-year parole sentence incarcerated, in in-house parole. He finds appropriate housing and is released after 3 months. He earns 30/30 EMD.

Carson would have a total sentence percentage of 14%, having served 90 days of his parole sentence, less 90 days EMD. His prison sentence percentage metric is identical.

Probation Violation. Dana has a 2-year probation sentence. He served 6 months in pretrial detention. One year after he is sentenced, he fails a drug test administered as a condition of probation and is sentenced to prison with 30/30 EMD for the remainder of his probation.

We would expect Dana to be released after 3 months in prison.

Dana would have a total sentence of 88%, having served 6 months in pretrial detention, 1 year in community supervision, and 3 months in prison for his probation violation at the time of his release. His prison sentence would be 50%, having been incarcerated for 3 months of the remaining 6 months of his probation sentence.

Earned Meritorious Deductions Statute

The EMD statute can be found at Section 33-2-34 NMSA 1978. Offenders who committed their crimes on or after July 1, 1999, the effective date of the statute, or who violated their parole or probation on a crime committed on or after July 1, 1999, are subject to the statute. Under this policy, offenders convicted of the following “serious violent offenses”, as defined by New Mexico statute, may only receive up to 4 days of credit for 30 days served (4/30). The list can be found at Section 33-2-34(L)(4) (a) through (n). Note that first degree murder, when committed by an adult, is not subject to any meritorious deductions because it results in a life sentence without the possibility of parole.

- Second degree murder
- Voluntary manslaughter
- Third degree aggravated battery
- Third degree aggravated battery against a household member
- First degree kidnapping
- First and second degree criminal sexual penetration
- Second and third degree criminal sexual contact of a minor
- First and second degree robbery
- Second degree aggravated arson
- Shooting at a dwelling or occupied building
- Shooting at or from a motor vehicle
- Aggravated battery upon a peace officer
- Aggravated assault upon a peace officer
- Assault with intent to commit a violent felony upon a peace officer

The following list of violent offenses are also considered to be “serious violent offenses” when the nature of the offense and the resulting harm are such that the court judges the crime to be so. (The list can be found at Section 33-2-34(L)(4) (o).) People convicted of these crimes might also be subject to 4 days of credit for 30 days served (4/30):

- Involuntary manslaughter
- Fourth degree aggravated assault
- Third degree assault with intent to commit a violent felony
- Fourth degree aggravated assault against a household member
- Third degree assault against a household member with intent to commit a violent felony
- Third and fourth degree aggravated stalking
- Second degree kidnapping
- Second degree abandonment of a child
- First, second, and third degree abuse of a child
- Third degree dangerous use of explosives
- Third and fourth degree criminal sexual penetration
- Fourth degree criminal sexual contact of a minor
- Third degree robbery
- Third degree homicide by vehicle or great bodily harm by vehicle
- Battery upon a peace officer

Parole violators may also be subject to reduced credit eligibility under the EMD statute. Parole violators who are convicted of new crimes or are found to be absconders may receive 4 days of credit for 30 days served. Parole violators revoked for violations may receive 8 days of credit for 30 days served (8/30). All other types of parole violators continue to receive 30 days credit for 30 days served (30/30).

EMD can be forfeited for misconduct or restored for exemplary conduct or work performance. Prisoners are kept informed of their EMD status quarterly.

Additionally, the statute allows the opportunity for an offender to earn “lump sum awards” for activities such as successfully completing an approved vocational, substance abuse or mental health program, earning various educational degrees, or for a heroic act. See the full EMD statute for details.