

DOCR'S ILLUSORY "GOOD TIME" CALCULATIONS

DOCR's good time calculations and the resultant "time served" statistics are not what they seem.

Under N.D.C.C. § 12-54.1-01, an inmate can earn 5 days of good time for each month of the sentence that was "imposed" by meeting "performance criteria established through department and penitentiary rules."

However, in practice, DOCR gives each inmate a lump sum of good time at the beginning of their sentence based on the totality of the sentence, rather than giving them credit each month they actually serve for the good time they earn, regardless of the department's policies.

Maximum good time calculations appear to be included in the "time served" statistics that DOCR provides, even if the inmates were paroled or otherwise left confinement before the good time could actually be earned.

This appears to be one way DOCR's "time served" statistics are inflated.

DOCR staff have provided examples of the way they calculate good time incorrectly, including:

- Example:
 - Cori Willard received more than 40 days of good time per month served.
 - She received unearned credit for 210 days of good time she might have earned *if she had not been paroled*.
 - She was sentenced to a 4-year term in April 2022.
 - She was paroled in September 2022, after spending 157 days in custody.
 - Per DOCR's Legal Records Department, she received "240 days DOCR good time credit and 5 days earned good time applied to her sentence."
 - Under the statute, in 6 months, she should have been credited only 30 days of good time, assuming she did not lose any for poor behavior.
 - **DOCR explained the 240 days of good time credit was based on her 4-year sentence, even though she served less than 6 months.**
 - DOCR said she "did not lose any good time" from the 240-day total.
 - DOCR said the additional 5 days of good time credit were "meritorious credit" for participating in a crisis intervention team.

- Example:
 - Jaden Patrick received credit for more than 13 days of good time / per month served.
 - He received credit for 125 days of good time he might have earned *if he had not been paroled*.
 - He was sentenced to 4 years for an A felony (dealing fentanyl).
 - He served 31.3% of his sentence (176 days in jail and 281 days in prison) before he was paroled.
 - Per DOCR's Legal Records Department, he received credit for 200 days of good time during the 457 days he was in custody.
 - Under the statute, he should have been credited only about 75 days of good time total, assuming he did not lose any for poor behavior.

- Example:
 - Scott Michael Huber received credit for more than 11 days of good time / month served.
 - He received credit for 210 days of good time he might have earned *if he had not been paroled*.
 - He was initially paroled in May 2022 after spending roughly 33 months in prison and 40 days in jail.
 - Per DOCR's Legal Records Department, he received credit for 380 days of good time during the roughly 34 months he was in custody.
 - Under the statute, he should have been credited only about 170 days of good time, assuming he did not lose any for poor behavior.
 - Huber's parole was revoked in October 2023. He was paroled again the next month. That parole was revoked in July 2024.