

DATE:	MAY 18, 2022
NUMBER:	T.13
SUBJECT:	SENTENCE MODIFICATION
RELATED SECTIONS:	

PURPOSE

To establish guidelines and give specific direction to staff regarding sentence modifications.

POLICY

Detention staff shall adhere to the following procedures concerning the evaluation of incarcerated persons who, through the courts or their attorney, have requested sentence modifications.

PROCEDURE

- I. Sentence modification is a motion made before the sentencing judge requesting re-consideration of the terms and conditions of the sentence.
- II. A motion for sentence modification may seek to have the incarcerated person's sentence modified to:
 - A. A “served time” release.
 - B. A temporary release for special purposes (i.e., family illness or death).
 - C. Convert the remaining sentence to weekends or short-term Work Furlough.
 - D. Reflect credit for time previously served (on same case).
 - E. Effect changes in fines, terms of probation, etc.
- III. Incarcerated persons may make a motion for sentence modification in any of the following ways:
 - A. Through the attorney of record in the case or a new attorney.
 - B. Through legal services.
 - C. Through Probation Officers.
 - D. Through the incarcerated person's direct correspondence with the court.
- IV. Detention staff shall not communicate with the court in order to initiate a modification motion except in cases relative to correctional or rehabilitative programs conducted by Reentry Services and with approval of the facility commander.

- V. Detention staff may provide an Incarcerated Person Adjustment report to the court for the Modification Hearing.
- A. The report is prepared by a correctional counselor upon written request of the court, the incarcerated person, or the incarcerated person's attorney. It is directed to the court and signed by the facility commander or their designee, or the correctional counselor.
 - B. The report summarizes:
 - 1. The incarcerated person's status in regard to their sentence.
 - 2. The incarcerated person's work record, if they are an incarcerated worker.
 - 3. The incarcerated person's behavior/conduct while in custody.
 - 4. The incarcerated person's participation in rehabilitation programs.
 - 5. Detention staff desiring to comment on an incarcerated person's behavior should contact a correctional counselor. Evaluations or recommendations may not be made directly to the court or the incarcerated person's attorney.