



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

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| CD-080400 Earned Meritorious Deductions | Issued: 10/17/83 Effective: 11/13/83 | Reviewed: 06/30/25 Revised: 06/30/25 |
| Alisha Tafoya Lucero, Cabinet Secretary | | <i>Original Signed and Kept on File</i> |

AUTHORITY:

- A. NMSA 1978, Sections 33-2-34, 33-2-36 and 33-2-37, as amended.
- B. NMSA 1978, Section 66-8-102(G), as amended.

REFERENCE:

- A. ACA Standard 5-ACI-1E-03, *Performance Based Standards and Expected Practices for Adult Correctional Institutions*, 5th Edition.
- B. ACA Standard 2-CO-1E-05, *Standards for Administration of Correctional Agencies*, 2nd Edition.

PURPOSE:

To establish procedures for awarding, revoking, forfeiting and restoring Earned Meritorious Deductions for inmates in the New Mexico Corrections Department (NMCD).

APPLICABILITY:

All inmates committed to the New Mexico Corrections Department (NMCD) for crimes committed on or after July 1, 1999, including those still incarcerated as of July 1, 2025, and inmates convicted of crimes committed on or after that date. Excludes inmates serving life sentences.

FORMS:

- A. **Revocation of Earned Meritorious Deductions** form (*CD-080400.1*)
- B. **Forfeiture of Earned Meritorious Deductions** form (*CD-080400.2*)
- C. **Restoration of Forfeited Earned Meritorious Deductions** form (*CD-080400.3*)
- D. **Correction of Earned Meritorious Deductions Errors** form (*CD-080400.4*)
- E. **Award of Earned Meritorious Deductions** form (*CD-080400.5*)

ATTACHMENTS:

- A. **EMD Prorating Scales Attachment** (*CD-080400.A*)

DEFINITIONS:

- A. *Active participant*: An inmate who has begun and is regularly engaged in approved programs.
- B. *Classification Committee*: The classification committee shall be comprised of the unit manager as well as a security representative, sergeant or above.

- C. Classification Officer: A correctional employee who manages inmate classification, program assignments, and release planning.
- D. Contract Facilities: Any facility that houses inmates pursuant to a contract or joint powers agreement with the New Mexico Corrections Department (NMCD).
- E. Contract Monitor: The individual(s) designated by the Director of Adult Prisons to exercise oversight responsibilities at contract facilities.
- F. Current Term of Imprisonment: The total sentence an inmate is serving, including any previous concurrent or consecutive counts, provided that the inmate has not yet been released from a facility on parole or discharged.
- G. Disciplinary Restrictive Housing: The placement of an inmate in a cell restriction with limited privileges as a result of being found guilty on a misconduct report.
- H. Earned Meritorious Deductions: Sentence reductions granted for participation in approved programs and exemplary conduct, subject to eligibility requirements.
- I. Exemplary Conduct: A record free of major or minor misconduct reports and negative behavior notations.
- J. In-house Parole (IHP): An inmate serving their parole term in prison after completing their sentence, eligible for immediate release with an approved parole plan.
- K. Lockdown: A security measure restricting inmate movement, confining individuals to cells, housing units, or designated areas within a general population facility.
- L. Nonviolent Offense: Any offense not classified as a serious violent offense.
- M. Offender Management Information System: A digital system used by NMCD to track offender status and records.
- N. Pre-Hearing Detention (PHD): The placement of an inmate after alleged misconduct, but prior to a finding of guilt, in a more secure location to control his or her behavior if he or she poses a threat to the security of the institution.
- O. Program: An approved work, vocational, educational, special management, substance abuse, or mental health program designed to enhance an inmate's personal and occupational skills. Recreational activities are not considered programs.
- P. Protective Custody: Form of separation from the general population for inmates requesting or requiring protection from other inmates for reason of health or safety.
- Q. Restrictive Housing: A placement that requires an inmate to be confined to a cell at least 22 hours per day for the safe and security operation of the facility.

R. Serious Violent Offense:

1. second degree murder
2. voluntary manslaughter
3. third degree aggravated battery
4. third degree aggravated battery against a household member
5. first degree kidnapping
6. first and second degree criminal sexual penetration
7. second and third degree criminal sexual contact of a minor
8. first and second-degree robbery
9. second degree aggravated arson
10. shooting at a dwelling or occupied building
11. shooting at or from a motor vehicle
12. aggravated battery upon a peace officer
13. assault with intent to commit a violent felony upon a peace officer
14. aggravated assault upon a peace officer
15. any of the following offenses, when the nature of the offense and the resulting harm are such that the court judges the crime to be a serious violent offense for the purpose of this section:
 - a. involuntary manslaughter
 - b. fourth degree aggravated assault
 - c. third degree assault with intent to commit a violent felony
 - d. fourth degree aggravated assault against a household member
 - e. third degree assault against a household member with intent to commit a violent felony
 - f. third and fourth-degree aggravated stalking
 - g. second degree kidnapping
 - h. second degree abandonment of a child
 - i. first, second, and third-degree abuse of a child
 - j. third degree dangerous use of explosives
 - k. third and fourth degree criminal sexual penetration
 - l. fourth degree criminal sexual contact of a minor
 - m. third degree robbery
 - n. homicide by vehicle or great bodily harm by vehicle
 - o. battery upon a peace officer

S. Special Management: Housing status inclusive of administrative segregation, protective custody, and disciplinary detention. Inmates in this status are placed in a cell in a special management unit for time less than 22 hours per day.

T. Unit Manager: The official overseeing the daily operation of the unit, including recommending programming and assessing participation. At facilities without a unit manager, the classification supervisor shall be responsible for the duties of the unit manager.

U. Warden: The facility administrator responsible for overall operations and program implementation.

POLICY:

The New Mexico Corrections Department (NMCD) shall administer Earned Meritorious Deductions fairly and consistently, rewarding inmate participation in approved programs while ensuring compliance with institutional rules and regulations. .

Inmate time shall be accurately computed and recorded in conformance with applicable statutes and regulations. **[2-CO-1E-05][5-ACI-IE-03]**



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| CD-080401 Earned Meritorious Deductions | Issued: 10/17/83 Effective: 11/13/83 | Reviewed: 06/30/25 Revised: 06/30/25 |
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AUTHORITY:

Policy *CD-080400*

PROCEDURE:

A. Awarding Earned Meritorious Deductions

1. Earned Meritorious Deductions (EMD) shall be awarded upon an inmate's admission to an NMCD-designated facility for the remainder of their sentence, after pre-sentence confinement credits are deducted.
2. EMD shall not exceed:
 - a. Four (4) days per month for inmates convicted of a serious violent offense.
 - b. Thirty (30) days per month for inmates convicted of any crime not designated as a serious violent offense.
 - c. Parole violators shall receive EMD based on the underlying offense classification.
3. EMD shall not be awarded for the first sixty (60) days of incarceration for a serious violent offense.

Inmates who committed crimes between July 1, 1999, and July 1, 2025, will begin to receive awards in the manner described in this policy on July 1, 2025. Meritorious deductions earned, not earned, forfeited, or restored prior to July 1, 2025, will be vested and will not be adjusted.

4. To retain Earned Meritorious Deductions, inmates must actively participate in programs recommended by the unit manager and approved by the warden or designee.
5. Participation shall be assessed based on:
 - a. Attendance in programs
 - b. Compliance with institutional rules
 - c. Performance in assigned labor duties
6. In-House Parole (IHP) and Parole Violator Awards:

Inmates serving IHP or those returned to custody as parole violators shall not be awarded Earned Meritorious Deductions (EMD) upon admission due to the

uncertainty of their release dates. Under normal circumstances, EMD shall be awarded when the inmate is in the process of release and the release date has been confirmed. The standard process shall proceed as follows:

- a. The records coordinator shall verify the inmate's eligibility, calculate the total time served under IHP or parole violator status, and determine the EMD award based on time served and the applicable offense classification.
- b. The records coordinator shall complete the **Award of Earned Meritorious Deductions** form (*CD-080400.5*) and submit it to the classification officer to be provided to the inmate.
- c. The final action shall be documented in the inmate's file and entered into the offender management information system by the records coordinator or records manager.

In cases where an inmate remains on IHP or parole violator status for one year or longer, the inmate shall be awarded EMD annual for time served to date. When the inmate's release date is confirmed, any additional EMD earned since the last award shall be calculated and applied following the standard process described above.

B. Revocation of Earned Meritorious Deductions

1. Earned Meritorious Deductions (EMD) may be revoked if an inmate:
 - a. Fails to actively participate in approved programs
 - b. Is placed in disciplinary restricted housing, to include pre-hearing detention time served upon finding of guilt
 - c. Disobeys an order to perform labor
2. If program participation is interrupted due to a lockdown, EMD shall not be revoked unless the inmate's conduct contributed to the lockdown.
3. The process for the revocation of EMD shall proceed as follows:
 - a. The classification officer shall complete the **Revocation of Earned Meritorious Deductions** form (*CD-080400.1*) and submit it to the classification committee.
 - b. The inmate shall be scheduled for a classification hearing in accordance with policy *CD-080100*.
 - c. The classification committee shall review and make a recommendation.
 - d. The recommendation shall be forwarded to the warden, deputy warden, or contract monitor for final action. Where inmates are held outside of NMCD jurisdiction, the recommendation shall be forwarded to the interstate compact coordinator for final action.
 - e. The warden, deputy warden, or contract monitor approves or disapproves the recommendation and forwards the final decision to the records department.
 - f. The final action shall be recorded in the inmate's file and entered into the offender management system by the records coordinator or manager.

4. If an inmate's conduct resulting in EMD revocation persists for more than 30 days, the classification officer shall submit a new **Revocation of Earned Meritorious Deductions** form (*CD-080400.1*) to the classification committee every 30 days until compliance is achieved.

C. Forfeiture of Earned Meritorious Deductions

1. Forfeiture of Earned Meritorious Deductions is separate and distinct from Revocation of Earned Meritorious Deductions.
2. EMD forfeiture applies only after the finding of guilt and a specified number of days to be forfeited as a sanction imposed for major misconduct.
3. The process for the forfeiture of EMD shall proceed as follows:
 - a. The disciplinary hearing officer shall initiate the **Forfeiture of Earned Meritorious Deductions** form (*CD-080400.2*) and forward it to the unit manager.
 - b. The inmate shall be scheduled for a classification hearing in accordance with policy *CD-080100*.
4. The classification committee shall review and make a recommendation.
 - a. The recommendation shall be forwarded to the warden, deputy warden, or contract monitor for final action. Where inmates are held outside of NMCD jurisdiction, the recommendation shall be forwarded to the interstate compact coordinator for final action.
 - b. The warden, deputy warden, or contract monitor approves or disapproves the recommendation and forwards the final decision to the records department.
 - c. The final action shall be recorded in the inmate's file and entered into the offender management system by the records coordinator or manager.
 - d. All forfeiture recommendations shall require final approval by the director of the adult prisons division or designee.
 - e. The final action shall be recorded in the inmate's file and entered into the offender management system by the records coordinator or manager.
5. The secretary of corrections may review and revise any forfeiture decision.
6. Forfeitures may include any EMD awarded during the inmate's current sentence.
7. If an inmate is released on parole, whether in-house parole or community release, only EMD awarded while on parole is subject to forfeiture if the inmate is found guilty of misconduct.

D. Restoration of Forfeited Earned Meritorious Deductions

1. Forfeited EMD may be restored in whole or in part to an inmate who maintains exemplary conduct and work performance for at least six months following the date of the forfeiture.

2. The process for the restoration of forfeited EMD shall proceed as follows:
 - a. The inmate may request a review to determine eligibility for EMD restoration.
 - b. The classification officer shall verify eligibility, complete the **Restoration of Forfeited Earned Meritorious Deductions** form (*CD-080400.3*), and submit it to the unit manager.
 - c. The inmate shall be scheduled for a classification hearing in accordance with policy *CD-080100*.
3. The classification committee shall review and make a recommendation.
 - a. The recommendation shall be forwarded to the warden, deputy warden, or contract monitor for final action. Where inmates are held outside of NMCD jurisdiction, the recommendation shall be forwarded to the interstate compact coordinator for final action.
 - b. The warden, deputy warden, or contract monitor approves or disapproves the recommendation and forwards the final decision to the records department.
 - c. The final action shall be recorded in the inmate's file and entered into the offender management system by the records coordinator or manager.
 - d. All restoration of forfeited EMD recommendations shall require final approval by the director of the adult prisons division or designee.
 - e. The final action shall be recorded in the inmate's file and entered into the offender management system by the records coordinator or manager.
4. Inmates who forfeited EMD due to a guilty finding for any of the following offenses are ineligible for restoration:
 - a. murder or Manslaughter
 - b. taking of hostages or kidnapping
 - c. arson
 - d. battery
 - e. assault or battery with a weapon on another person
 - f. assault or battery without a weapon on a staff member or visitor
 - g. assault or battery without a weapon on an inmate
 - h. engaging in or inciting to Riot
 - i. escape with or without force
 - j. possession of escape paraphernalia
 - k. threats
 - l. possession of dangerous contraband
 - m. sexual misconduct or rape
 - n. robbery or extortion
 - o. tampering with locks or security items
 - p. possession of key or key pattern
 - q. engaging in security threat group activities (March 30, 2012)
 - r. dealing in dangerous drugs;(March 30, 2012)
 - s. any offense, although not listed above, that has been referred for criminal prosecution

- t. failing to participate in parole plan process (May 27, 2014)
 - u. abuse of medication (May 27, 2014)
 - v. possession of syringe or drug paraphernalia (May 27, 2014)
 - w. refusal to submit to an authorized drug test (May 27, 2014)
 - x. possession or use of dangerous drugs (May 27, 2014)
5. When determining the number of days (if any) to be restored, the following factors shall be considered:
 - a. The inmate's conduct record since the forfeiture offense
 - b. Participation in self-improvement programs
 - c. Work or program performance
 - d. Satisfactory adjustment in the living unit, during leisure time, and in other activities
 - e. History of repetitive misconduct, as indicated by prior misconduct reports
 - f. Whether the inmate has outstanding disciplinary time that has not been served due to facility needs
 6. EMD revoked under section B. Revocation of Earned Meritorious Deductions is separate from forfeiture and is not eligible for restoration.
 7. Restoration applies to EMD forfeited during the inmate's current sentence except in the following cases:
 - a. EMD forfeited for offenses listed in Subsection 3 is not eligible for restoration.
 - b. Lump Sum Awards cannot be restored.
 - c. Inmates on In-House Parole (IHP) may only have EMD forfeited during IHP status restored.
 - d. EMD forfeited during a prior sentence is not eligible for restoration.
 - e. If an inmate is released on parole, returns as a parole violator, and subsequently engages in misconduct, only EMD forfeited after returning as a parole violator may be restored.
 - f. Inmates within 90 days of release, or whose restoration would place them within 90 days of release, are not eligible for restoration.

E. Correction of Earned Meritorious Deduction Errors

1. If an error is identified during a file review or audit—whether an inmate was incorrectly awarded EMD or was not awarded EMD to which they were entitled—it must be reported to the inmate's classification officer.
2. EMD errors may be corrected only during the inmate's current term of imprisonment.
3. The process for correcting EMD errors shall proceed as follows:
 - a. The classification officer shall complete the **Correction of Earned Meritorious Deduction Errors** form (*CD-080400.4*) and submit it to the classification committee.

- b. The inmate shall be scheduled for a classification hearing in accordance with policy *CD-080100*.
- c. The classification committee shall review the case, determine the number of days to be corrected, and take appropriate action:
 - i. In state facilities, the recommendation shall be forwarded to the warden or deputy warden.
 - ii. In contract facilities, the recommendation shall be forwarded to the contract monitor.
 - iii. In federal or out-of-state facilities, the recommendation shall be forwarded to the interstate compact coordinator.
- d. The decision of the warden, deputy warden, contract monitor, or compact coordinator regarding the initial award or revocation of EMD shall be final and does not require further review.
- e. All corrections involving forfeiture, restoration, or LSA shall require final approval by the director of the adult prisons division or designee.
- f. The final action shall be recorded in the inmate's file and entered into the offender management system by the records coordinator or manager.

F. Notification and Documentation

- 1. Upon admission, inmates shall receive a summary of the rules governing Earned Meritorious Deductions (EMD).
- 2. Inmates shall receive written notice of any changes to their release date.
- 3. Inmates shall be provided with a statement detailing:
 - a. Initial award of earned meritorious deductions.
 - b. Any additional awards granted.
 - c. Any revoked EMD and the reasons for revocation.
 - d. Any forfeited EMD and the reasons for forfeiture.
 - e. Any restored EMD.
 - f. Any corrections made to EMD records.
 - g. Their current EMD balance, upon request.
- 4. All records related to EMD shall be maintained in the inmate's file and updated in the offender management system.
- 5. Only the records manager or records coordinator is authorized to update EMD records in the inmate's file or the offender management system.

**NEW MEXICO CORRECTIONS DEPARTMENT
REVOCATION OF EARNED MERITORIOUS DEDUCTIONS
() MGT () EMD () MD**

Inmate's Name: _____ NMCD # _____ Date: _____

Facility: _____ Unit: _____ CR# _____

Recommendation for Revocation:

- Failure to actively participate in approved programs
- Placement in disciplinary restrictive housing, to include pre-hearing detention time served upon finding of guilt
- Disobeyed an order to perform labor

Comments: _____

Classification Officer: _____ / _____
(Print) (Sign)

Approve Disapprove Effective Date: _____

Date: _____

Classification Committee: _____ / _____
(Print) (Sign)

Comments: _____

Approve Disapprove

Date: _____

Warden/Dep. Warden/Cont. Monitor: _____ / _____
(Print) (Sign)

Comments: _____

**NEW MEXICO CORRECTIONS DEPARTMENT
FORFEITURE OF EARNED MERITORIOUS DEDUCTIONS**

Inmate Name: _____ NMCD# _____ Date: _____

Facility: _____ Unit: _____ Report Log #: _____ Incident Date: _____

Days to be forfeited: _____

Offense(s): (List Full charge(s), not just codes)

Hearing Officer: _____ / _____
Print Sign

Comments: _____

Approve Deny Effective Date: _____

Cause # _____ Cause# _____

Amount of MGT/MD/EMD to be forfeited: _____ LSA to be forfeited _____

Date: _____

Classification Committee: _____ / _____
Print Sign

Comments: _____

Approve Deny Effective Date: _____

Date: _____

Warden/Dep. Warden/Cont. Monitor: _____ / _____
Print Sign

Comments: _____

Accept as recommended

Accept forfeiture of _____ days, as modified

Reject

Director/Deputy Director of Adult Prisons: _____ Date: _____
Sign

Comments: _____

NEW MEXICO CORRECTIONS DEPARTMENT
RESTORATION OF FORFEITED EARNED MERITORIOUS DEDUCTIONS

Inmate's Name: _____ NMCD# _____ Date: _____

Program Assignment: _____ Forfeiture Date: _____

Facility: _____ Unit: _____ Report Log # _____

CR# _____ (cc or cs) CR# _____

Amount of MGT/MD/EMD forfeited _____

Recommendation for restoration: _____

Were any offenses referred to an outside agency for criminal prosecution? () Yes () No

Classification Officer: _____ / _____
Print Sign

() Approve Restoration of _____ days of MGT/MD/EMD

() Disapprove

Date: _____

Classification Committee: _____ / _____
Print Sign

Comments: _____

() Approve () Disapprove () Modify to _____ days

Date: _____

Warden/Dep. Warden/Cont. Monitor: _____ / _____
Print Sign

() Approve () Disapprove () Modify to _____ days

Modify as follows: _____

Director/Deputy Director of Adult Prisons: _____ / _____
Print Sign

**NEW MEXICO CORRECTIONS DEPARTMENT
CORRECTION OF EARNED MERITORIOUS DEDUCTION ERRORS**

Inmate Name: _____ NMCD# _____ Date: _____

Facility: _____ Unit: _____ Program Assignment: _____

CR# _____ (cc or cs) CR# _____

Recommendation to Rescind _____ days of erroneously awarded MGT/MD/EMD based on the following (*must be specific and include facility, as well as dates of erroneous award*): _____

Attach additional documentation if necessary

Recommendation to Award _____ days of MGT/MD/EMD that inmate was entitled to but did not receive based on the following (*must be specific and include facility as well as dates of erroneous award*):

Attach additional documentation if necessary

Classification Officer: _____ / _____
Print Sign

Note: Any correction of good time involving quarterly or monthly award must be approved by the Warden/Deputy Warden or Contract Monitor. Any correction of good time involving forfeiture, restoration or lump sum award must be forwarded to the Director/Deputy Director of Adult Prisons for approval.

Approved Disapproved

Date: _____

Classification Committee: _____ / _____
(print) (sign)

Comments: _____

Approve Disapprove

Modify as follows: _____

Date: _____

Warden/Dep. Warden/ Cont. Monitor: _____ / _____
Print sign

Approve Disapprove

Modify as follows: _____

Date: _____

Director/Deputy Director of Adult Prisons: _____ / _____
Print Sign

**NEW MEXICO CORRECTIONS DEPARTMENT
AWARD OF EARNED MERITORIOUS DEDUCTIONS**

Inmate Name: _____ NMCD# _____ Date: _____

Date of Receipt: _____

[] EMD 4 [] EMD 30

Days to be awarded: _____

OMS Advanced Coordinator: _____ / _____
(print) (sign)

Comments: _____

OMS Records Manager: _____ / _____
(print) (sign)

Comments: _____

**NEW MEXICO
 CORRECTIONS DEPARTMENT
EMD PRORATING SCALES**

Days Eligible Prorating Scale;

@ 4 days / 8 days / 30 days

| | | | |
|-----|---|---|----|
| 1. | 0 | 0 | 01 |
| 2. | 0 | 0 | 02 |
| 3. | 0 | 1 | 03 |
| 4. | 1 | 1 | 04 |
| 5. | 1 | 1 | 05 |
| 6. | 1 | 1 | 06 |
| 7. | 1 | 2 | 07 |
| 8. | 1 | 2 | 08 |
| 9. | 1 | 2 | 09 |
| 10. | 1 | 2 | 10 |
| 11. | 2 | 3 | 11 |
| 12. | 2 | 3 | 12 |
| 13. | 2 | 3 | 13 |
| 14. | 2 | 3 | 14 |
| 15. | 2 | 4 | 15 |
| 16. | 2 | 4 | 16 |
| 17. | 2 | 4 | 17 |
| 18. | 2 | 5 | 18 |
| 19. | 3 | 5 | 19 |
| 20. | 3 | 5 | 20 |
| 21. | 3 | 5 | 21 |
| 22. | 3 | 6 | 22 |
| 23. | 3 | 6 | 23 |
| 24. | 3 | 6 | 24 |
| 25. | 3 | 7 | 25 |
| 26. | 3 | 7 | 26 |
| 27. | 4 | 7 | 27 |
| 28. | 4 | 8 | 28 |
| 29. | 4 | 8 | 29 |
| 30. | 4 | 8 | 30 |

Quality of Work Prorating Scale;

EMD @ 4 days

Performance Points / Days Subtracted

| | |
|-------|----|
| 27-45 | -0 |
| 23-26 | -1 |
| 18-22 | -2 |
| 14-17 | -3 |
| 0-13 | -4 |

EMD @ 8 days

Performance Points / Days Subtracted

| | |
|-------|----|
| 27-45 | -0 |
| 23-26 | -2 |
| 18-22 | -4 |
| 14-17 | -6 |
| 0-13 | -8 |

EMD @ 30 days

Performance Points / Days Subtracted

| | |
|-------|-----|
| 27-45 | -0 |
| 23-26 | -7 |
| 18-22 | -15 |
| 14-17 | -22 |
| 0-13 | -30 |