



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON/WORK RELEASE**  
OFFENDER/SPANISH MANUALS

REVISION DATE

9/24/08

PAGE NUMBER

1 of 11

NUMBER

**DOC 350.100**

**POLICY**

TITLE

**EARNED RELEASE TIME**

**REVIEW/REVISION HISTORY:**

- Effective: 1/4/82 DOC 280.100
- Revised: 5/1/83 DOC 350.100
- Revised: 3/1/86
- Revised: 8/15/90
- Revised: 7/1/96
- Revised: 10/30/96
- Revised: 12/1/98
- Revised: 12/20/00
- Revised: 3/3/05
- Revised: 8/28/06
- Revised: 3/10/08 AB 08-004
- Revised: 9/24/08

**SUMMARY OF REVISION/REVIEW:**

Several changes. Read carefully!


**APPROVED:**

Signature on File

\_\_\_\_\_  
**ELDON VAIL**, Secretary  
Department of Corrections

8/26/08

\_\_\_\_\_  
Date Signed

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## REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.92.151](#); [RCW 9.94A.030](#); [RCW 9.94A.505](#); [RCW 9.94A.602](#); [RCW 9.94A.728](#); [RCW 9.95](#); [RCW 69.50](#); [RCW 69.52](#); [RCW 72.09.130](#); [WAC 137-25-030](#); [ACA 4-4480](#); [DOC 320.150 Disciplinary Sanctions](#); [DOC 320.400 Risk Assessment Process](#)

## POLICY:


- I. The Department will award Earned Release Time (ERT), which includes good conduct time and earned time credits, to offenders committed to Department facilities within the guidelines established by law.
- II. For an offender convicted of a serious violent offense, or a Class A felony sex offense, committed on or after July 1, 1990, and before July 1, 2003, the ERT may not exceed 15 percent of the sentence.
- III. For offenders convicted of a serious violent offense, or a Class A felony sex offense, committed on or after July 1, 2003, the ERT may not exceed 10 percent of the sentence.

## DIRECTIVE:

- I. Good Conduct Time
  - A. All offenders will be eligible for good conduct time, except:
    1. Offenders sentenced to death or Life Without Parole, and
    2. Community Custody Board (CCB) offenders serving the mandatory enhancement portion of their sentences.
  - B. Good conduct time will be applicable to all Class A, B, and C felonies, except that:
    1. Indeterminate offenders cannot earn good conduct time if their minimum term has expired and they have not been paroled or transferred to a consecutive sentence.
      - a. Any good conduct time earned or denied will be addressed to the correct sentence after the parole/transfer date is determined.
    2. Offenders who are serving time as a result of lost earned time or lost good conduct time may not earn good conduct time.

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- C. Offenders may fail to earn good conduct time if found guilty of serious infractions per WAC 137-25-030 and sanctioned per DOC 320.150 Disciplinary Sanctions.
- D. A sentence reduction based on good conduct time will be established for each offender and computed on a pro rata basis for every 30 day period served, as allowed by crime category.
- E. The following offenders may lose their uncertified or un-validated good conduct time if found guilty of a serious infraction:
  - 1. Indeterminate offenders whose time has not been adopted by the Indeterminate Sentence Review Board (ISRB), and
  - 2. Determinate offenders serving time as a result of not earning earned time or having lost good conduct time.
- F. Good conduct time lost as a result of disciplinary action for a serious infraction(s) will not be certified by the Superintendent/Community Corrections Supervisor (CCS). This includes available good conduct time for offenders who are serving time as a result of lost good conduct time. The amount of time lost will be determined by the Disciplinary Hearing Officer/Committee and subject to Superintendent/CCS approval at the time of validation or certification. Offenders found guilty of infraction 557 or 810 will lose available earned release credits and privileges as outlined by DOC 320.150 Disciplinary Sanctions. Offenders found guilty of an infraction 813 related to employment or programming while in Work Release will also lose available earned release credits and privileges.
- G. Offenders serving the mandatory minimum portion of their sentence are subject to a loss of future good conduct time available during the non-mandatory portion of their sentence. Lost good conduct time will be applied to the remainder of the sentence after the mandatory period is served.
- H. Offenders may lose good conduct time if infringed while out to court.
- I. An offender who has transferred from one sentence within a cause number to the next sentence, or from one cause number to the next cause number, cannot lose ERT associated with the previous sentence or cause.
- J. When all of an indeterminate offender's available good conduct time has been denied due to infractions, the Superintendent/CCS may request, via the Headquarters Community Screening Committee (HCSC), that the ISRB schedule a disciplinary hearing to address the offender's time structure.

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K. When an offender paroled from an indeterminate sentence to a consecutive determinate sentence commits an infraction, the Counselor/Community Corrections Officer (CCO) will notify the ISRB via email or hard copy, describing the behavior and recommended action. The report will note this behavior as a violation.

## II. Earned Time

A. [4-4480] Offenders who participate in approved programs, including work and school, are eligible for earned time for each calendar month as follows:

- |    |  |            |
|----|--|------------|
| 1. | Earned Time eligible under 10 percent rule | 1.11 days  |
| 2. | Earned Time eligible under 15 percent rule | 1.76 days  |
| 3. | Earned Time eligible under 33 percent rule | 5.00 days  |
| 4. | Earned Time eligible under 50 percent rule | 10.00 days |

B. Reception Diagnostic Center Records staff at Washington Corrections Center (WCC-RDC) or Washington Corrections Center for Women (WCCW-RDC) will initiate DOC 12-025 50% Earned Time Review. If the risk assessment is completed by staff at another facility, a new DOC 12-025 50% Earned Time Review will be completed when the risk level is determined.

C. The Counselor/CCO and Records staff will follow the Process Steps for 50% Earned Time Review (Attachment 3) and Offender Notification of 50% Earned Time Eligibility (Attachment 2).

D. When a Counselor/CCO completes a risk reassessment that changes an offender's 50% earned time eligibility from eligible to ineligible, s/he will follow 50% Earned Time Eligibility - Modified (Attachment 1).

1. An offender who disagrees with the risk assessment results has the right to appeal to the Superintendent of the facility where the decision was made within 48 hours of notification per DOC 320.400 Risk Assessment Process.

E. Effective July 1, 2003, the ERT may not exceed 50 percent of the sentence for offenders who are classified as Moderate Risk or Low Risk, and are not convicted of or have a prior:

1. Sex offense,
2. Violent offense,



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3. Crime against a person, including Identity Theft 1<sup>st</sup> and 2<sup>nd</sup> committed on or after June 7, 2006,
4. Felony domestic violence,
5. Residential burglary,
6. Violation of, or attempt, solicitation, or conspiracy to violate, RCW 69.50.401 prohibiting manufacture or delivery or possession with intent to deliver methamphetamine,
7. Violation of, or attempt, solicitation, or conspiracy to violate, RCW 69.50.406 prohibiting delivery of a controlled substance to a minor,
8. Gross misdemeanor stalking,
9. Domestic violence court order violation, including gross misdemeanors, or
10. Any felony committed under community supervision.


F. Offenders are not eligible for earned time if:

1. They are not involved in mandatory programming as determined through the classification process and consistent with their Custody Facility Plan. This includes refusing a mandatory work/school/program assignment or being terminated from a mandatory work/school/program for documented negative or substandard performance.
  - a. Offenders found guilty of infraction 557 or 810 will lose available earned release credits and privileges as outlined by DOC 320.150 Disciplinary Sanctions. Offenders found guilty of an infraction 813 related to employment or programming while in Work Release will also lose available earned release credits and privileges.
  - b. Offenders previously determined qualified to receive 50% earned time will participate in programming or activities targeted in the Custody Facility Plan. The offender will not be penalized if programs and activities not available.
  - c. If found guilty of infraction 557 or 810, the calculation of earned time will revert to being calculated based on the current offense. The Disciplinary Hearing Officer will notify the Records Manager of all guilty findings for 557 and 810 infractions. The Hearing Officer will notify Records staff at the sending facility if the infraction is incurred in Work Release or a facility transfers the offender prior to

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completion of the hearing. Records staff at the sending facility will revise DOC 02-329 50% Earned Time Eligibility Change Notice.

2. They refuse any transfer, excluding Work Release. Earned time, at the appropriate earned time percentage as allowed by crime category, will not be granted for each calendar month the offender refuses assignment.
  3. They serve 20 days or more in one calendar month in Administrative Segregation/Intensive Management status or disciplinary segregation. Loss of ERT will be calculated as allowed per crime category. The offender is not eligible to begin earning earned time until the Superintendent approves placement in general population. Offenders who are approved for transfer to general population and are scheduled for release to the community within 60 days will not lose earned time unless found guilty of infraction 557 or 810, or of an infraction 813 related to employment or programming while in Work Release. For other than negative behavior, offenders on Administrative Segregation/Intensive Management status will continue to earn earned time at the rate allowed by crime category.
  4. They are serving the mandatory minimum portion of their sentence, except indeterminate offenders sentenced for crimes committed before July 1, 1984. The offender's electronic file will be updated to record the behavior.
  5. Their Counselor/CCO receives new information or completes a risk reassessment that changes the offender's risk management level to High Risk Violent or High Risk Non-Violent. The Counselor/CCO will follow the steps in 50% Earned Time Eligibility - Modified (Attachment 1).
- G. Earned time will be reviewed and recorded on the OMNI Earned Time screen at the regularly scheduled review or during any month earned time is not earned. The Counselor/CCO will provide documentation to the Correctional Records Supervisor (CRS) to update the OMNI Earned Time screen prior to the scheduled review and prior to transfer to another facility. Counselors and Work Release CCOs will request an OMNI Earned Release Credits Report. At a classification hearing where earned time will be addressed, the offender will receive a written record of his/her earned time at least 24 hours prior to the scheduled classification review if earned time is not earned. Action taken by the committee is final and cannot be appealed.
- H. Earned time not earned as a result of infraction 557 or 810, or of an infraction 813 related to employment or programming while in Work Release, cannot be restored.


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I. Offenders will receive a written record of all earned time denials.

III. County Jail Earned Time

A. The Department does not calculate the ERT for the county jails. For offenders transferred from a county jail to the Department, the jail administrator will certify to the Department the amount of time spent in custody at the jail and the amount of ERT.

1. If no certification has been provided, the CRS/designee will send a letter to the jail administrator requesting s/he provide a jail certification.
  - a. If the jail administrator certifies jail time credits to consecutive sentences for the same time period and the Judgment and Sentence does not address jail time credits, the CRS will correct the jail certification by deducting any duplicate jail time credits and jail good time credits from the jail certification totals and applying the remaining credits.
  - b. In the case of a Department sanction, if the jail administrator certifies jail credits to a consecutive sentence which includes credits for time served on the Department sanction and the Judgment and Sentence does not address jail time credits, the CRS will deduct the sanction days served from the jail credits and the good time for sanction time served and apply the remaining credits to the consecutive sentence.
  - c. The CRS will send a letter to the jail administrator requesting an amended jail certification. However, the CRS does not need to wait for the amended jail certification to apply the proper credits.
2. The CRS will send the offender DOC 09-261 Court of Appeals Decision – Jail Time Credits, informing him/her of the Department’s authority to correct the jail certification when there is a manifest error of law in the jail’s certification.
3. If the court orders jail time credits for the same time period on consecutive sentences with the same intake date to Prison, the Judgment and Sentence must be followed and the jail time credits will be applied accordingly.
4. If the court orders jail time credits for the same time period on consecutive sentences with different intake dates to Prison, added causes, the CRS will apply the credits for the Judgment and Sentence and then apply

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Wickert time (i.e., out time applied to a period of confinement when the offender is required to serve a consecutive period of confinement starting before the current confinement is complete) for that same time period.

#### IV. Re-sentenced Credit Time Served

- A. Offenders who are re-sentenced are entitled to receive credit for the original jail time, original jail good time, Department time served, and earned time on the Department time served. All time the offender served for the conviction offense, as well as the ERT at the appropriate earned time percentage, will be applied. Any conduct time loss due to infractions, or earned time not earned during the time served on the original sentence, must be deducted from the Department earned time.

#### V. Persistent Prison Misbehavior

- A. An offender serving a sentence for an offense committed on or after August 1, 1995, who has lost all of his/her good conduct time credits for the current incarceration may have future and/or un-validated earned time credits taken away as part of a disciplinary sanction for Persistent Prison Misbehavior per DOC 320.150 Disciplinary Sanctions.


#### VI. Release Date

- A. A determinate offender held beyond his/her Earned Release Date (ERD) may have available ERT taken if found guilty of an infraction.
- B. An offender with an established release date who receives a Category A infraction after a community release plan has been approved will have the release date suspended until adjudication of the infraction and all time loss and sanctions are completed.
- C. The CRS will be immediately notified by telephone if the release date changes, when the offender is denied earned time or loses good conduct time and/or the ERD is within 120 days to release.

#### VII. Recording/Validation Certification

- A. The CRS will update the earned time on the OMNI Earned Time screen. Entries on OMNI Earned Time begin with the time start and subsequent entries will be from the first of each month. Entries will be made at:
  1. Annual review,
  2. The request of the ISRB,




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3. The end of the longest concurrent sentence,
  4. Transfer from one cause to a consecutive cause,
  5. Transfer to another facility,
  6. The time of escape and at apprehension, and
  7. Release.
- B. ERT and good conduct time will be reviewed and validated by the Superintendent/CCS at intervals not to exceed one year. At the time of his/her yearly review, each offender will receive a written record of the ERT s/he is eligible to earn.
- C. ERT will be certified by the Superintendent/CCS or designee.
1. For indeterminate offenders, certification is final when adopted by the ISRB at the time of parole or transfer to a consecutive determinate sentence.
  2. If an offender is found guilty of an infraction after certification on the sentence s/he is currently serving, but prior to release, the certification may be rescinded.
- D. Prior to adoption by the ISRB for indeterminate sentences or certification by the Superintendent/CCS for determinate sentences, the projected ERD should be used for classification purposes when considering minimum facility placement, Work Release, and pre-parole/community release planning.

#### VIII. Restoration of Good Conduct Time

- A. At a regularly scheduled review, offenders may request restoration of good conduct time from the Superintendent/CCS where the offender is housed.
- B. The unit team may recommend approval provided:
1. The good conduct time on a determinate sentence has not been certified,
  2. The offender has been free of serious infractions for at least one year from the date of the last serious infraction,
  3. The offender is not within 6 months of his/her ERD and the restoration will not put the offender less than 120 days to release,
  4. That during the current incarceration the offender has not committed infraction 501, 502, 507, 511, 521, 550, 601, 602, 603, 604, 611, 612, 613, 635, 636, 637, 650, or 651,

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5. That during the current incarceration the offender has not committed infraction 557 or 810, or an infraction 813 related to employment or programming while in Work Release, and

6. That during the current incarceration the offender has not committed infraction 857 before November 20, 2006.

C. When making this decision, the Superintendent/CCS will consider:

1. Length of positive program participation,
2. Period of infraction free behavior,
3. Nature of infractions,
4. Overall behavior during the commitment period, and
5. Unit team recommendation.

D. A copy of the Custody Facility Plan and any associated documents (e.g., infraction reports), along with a criminal history summary, will be sent to the Superintendent/CCS. S/he will complete DOC 21-730 Restoration of Good Conduct Time to recommend or deny restoration of the good conduct time.

E. Designated staff will document restoration of good conduct time in the infraction narrative on OMNI Infraction Summary screen.


F. The CRS will be immediately notified by telephone when the release date is adjusted upon restoration of good conduct time.

## IX. Community Custody

A. The Superintendent/CCS will certify the ERT and the transfer of eligible offenders to community custody.

1. Offenders convicted of the following offenses may have their sentences reduced by ERT:

- a. A sex crime,
- b. An offense statutorily categorized as a serious violent offense,
- c. Assault 2<sup>nd</sup>,
- d. Vehicular Homicide,
- e. Vehicular Assault,
- f. Assault of a Child 2<sup>nd</sup>,
- g. Any crime against a person where it is determined, per RCW 9.94A.602, that the offender or an accomplice was armed with a deadly weapon at the time of commission, or
- h. Any felony offenses under RCW 69.50 or RCW 69.52.

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2. Community Custody Violators confined in a Department facility for sanction time are eligible for ERT credits at the rate of 33 percent.

**DEFINITIONS:**

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

**ATTACHMENTS:**

- [50% Earned Time Eligibility - Modified \(Attachment 1\)](#)
- [Offender Notification of 50% Earned Time Eligibility \(Attachment 2\)](#)
- [Process Steps for 50% Earned Time Review \(Attachment 3\)](#)

**DOC FORMS:**

- [DOC 02-329 50% Earned Time Eligibility Change Notice](#)
- [DOC 05-066 Request for Disclosure of Records](#)
- [DOC 05-794 Classification Hearing Notice/Appearance Waiver](#)
- DOC 09-261 Court of Appeals Decision – Jail Time Credits
- [DOC 12-025 50% Earned Time Review](#)
- [DOC 21-730 Restoration of Good Conduct Time](#)