



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/REENTRY
FACILITY/SPANISH MANUALS

REVISION DATE
4/24/22

PAGE NUMBER
1 of 7

NUMBER
DOC 350.100

POLICY

TITLE
EARNED RELEASE TIME

REVIEW/REVISION HISTORY:

Effective: 1/4/82 DOC 280.100	Revised: 9/24/08
Revised: 5/1/83 DOC 350.100	Revised: 5/5/09 AB 09-015
Revised: 3/1/86	Revised: 4/29/11
Revised: 8/15/90	Revised: 10/24/11
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Revised: 12/1/98	Revised: 1/12/15
Revised: 12/20/00	Revised: 5/25/15
Revised: 3/3/05	Revised: 9/21/15
Revised: 8/28/06	Revised: 4/24/22
Revised: 3/10/08 AB 08-004	

SUMMARY OF REVISION/REVIEW:

Major changes to include applicability, updated terminology throughout, and removal of information repetitive of statute. Read carefully!

APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

4/14/22

Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 9.92.151](#); [RCW 9.94A](#); [RCW 9.95](#); [RCW 69.50](#); [RCW 69.52](#); [RCW 72.09.130](#); [WAC 137-25-030](#); [WAC 137-30](#); DOC 280.500 Records Management of Official Offender Files; DOC 300.380 Classification and Custody Facility Plan Review; DOC 320.100 Indeterminate Sentence Review Board; DOC 320.255 Restrictive Housing

POLICY:

- I. The Department will award Earned Release Time (ERT) to individuals committed to confinement as required by law. ERT is the reduction of confinement days that an incarcerated individual may earn as follows:
 - A. Earned Time for program participation
 - B. Good Conduct Time for good behavior

DIRECTIVE:

- I. Requirements
 - A. ERT will be applied to the Earned Release Date (ERD) once the sentence structure is entered in the individual's electronic file and is calculated at two-thirds good conduct time and one-third earned time.
 1. Minimum terms will be set for individuals under Indeterminate Sentence Review Board (Board) jurisdiction per DOC 320.100 Indeterminate Sentence Review Board.
 2. Individuals may lose ERT on any eligible current or consecutive cause during the current confinement for being found guilty of a serious violation.
 - a. Release dates for individuals with an approved release plan who commit a Category A violation will be suspended until the violation is adjudicated and all time loss and sanctions are completed.
 3. The ERD may be adjusted per DOC 280.500 Records Management of Official Offender Files.
 - B. The case manager will:
 1. Review and update earned time in the electronic file:

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- a. During each classification review,
 - b. Before transfer to a different unit/facility,
 - c. For any month earned time is not earned.
2. Have the individual sign the Earned Time Not Earned report listing all earned time not earned. Copies of the signed report will be provided to the individual and maintained in the central and electronic imaging files.

C. Employees/contract staff responsible for entering sanction information will immediately notify the case manager/Correctional Records Supervisor/designee by telephone and/or email for individuals who:

1. Lose ERT, or
2. Have time restored and are within 120 days to the ERD.

II. Eligibility for ERT

A. Individuals will be eligible for ERT per RCW 9.94A.729 with the following being ineligible:

1. Individuals sentenced to Life Without Parole.
2. Community supervision violators sanctioned by the Department on or after May 2, 2012.
3. Community Custody Prison (CCP) return or Community Custody Inmate (CCI) termination.
4. Individuals under Board jurisdiction whose minimum term has expired and who have not been paroled or transferred to a consecutive sentence.
 - a. ERT will be addressed to the correct sentence after the parole/transfer date is determined.
5. Juvenile Board individuals who have not completed the minimum term of confinement.
6. Individuals found guilty of a 557 or 810 violation, or 813 violation related to employment or programming while in a Reentry Center.
7. Individuals found guilty of a 762 violation will lose all available earned time and programming points for the month the violation occurred.

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III. Earned Time

- A. Individuals who participate in programming (e.g., work programs, education), as targeted in the Custody Facility/Case Plan, are eligible for earned time per RCW 9.94A.729 each month as follows:
1. 10 percent rule = 1.11 days
 2. 15 percent rule = 1.76 days
 3. 33¹/₃ percent rule = 5.00 days
- B. Individuals will be ineligible for earned time if they:
1. Were sentenced under the Pre-Sentencing Reform Act and the Board has:
 - a. Extended the cause to the maximum term, or
 - b. Previously denied future earned time.
 2. Refuse any transfer, excluding to a Reentry Center.
 3. Serve 20 consecutive days or more in restrictive housing as defined in DOC 320.255 Restrictive Housing for negative behavior or unfounded/unsubstantiated protection concerns.
 - a. Individuals who transfer out to court from restrictive housing will not be eligible for earned time.
 - b. Individuals will be eligible for earned time when authorized to transfer/return to general population.
 - c. Individuals housed in Maximum Custody will be eligible for earned time, including time out-to-court, but will be ineligible for programming points. Individuals must be in compliance with their current:
 - 1) Custody Facility/Case Plan, and
 - 2) Behavior and Programming Plan.
 - d. Individuals will be eligible for earned time if they are pending investigation for negative behavior in Administrative Segregation and the investigation does not result in a serious violation(s) and/or custody demotion.
- C. Individuals will not be penalized if programs and activities are not available.

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D. Denials of earned time may be appealed per DOC 300.380 Classification and Custody Facility Plan Review.

IV. Good Conduct Time Restoration

A. Good conduct time, and earned time lost in lieu of good conduct time due to persistent Prison misbehavior, is the only ERT that can be restored.

1. Time may be restored on a current or consecutive sentence(s) being served during the current confinement term.
2. The following violations will be eligible for restoration after:
 - a. 10 years for a 501, 502, 511, 521, 550, 604, 611, 613, 635, or 637 violation
 - b. 5 years for a 601, 602, or 704 violation
 - c. 3 years for a 507, 603, 650, 651, or 882 violation
 - d. One year for any other serious violation except when lost as a result of a:
 - 1) 557, 762, 810, or 857 violation
 - 2) 813 violation related to employment or programming while in a Reentry Center
3. Time will not be restored:
 - a. For individuals within 120 days of the ERD.
 - b. For individuals who have been found guilty of a serious violation within the last year.
 - c. Once addressed/adopted by the Board for individuals sentenced under the Pre-Sentencing Reform Act, unless approved in advance by the Board.

B. The case manager will establish/review good conduct time restoration plans with eligible individuals during each classification review, regardless of custody level or housing assignment. The restoration plan may be established before the applicable timeframe for restoration, and will:

1. Include all eligible violations,
2. Not place the individual within 120 days of the ERD,
3. Be targeted for completion at least 10 months before the ERD, and

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4. Be documented in the Custody Facility/Case Plan and approved by the Appointing Authority/designee. Plans restoring time lost for a 501, 502, 511, 521, 550, 604, 611, 613, 635, or 637 violation(s) require approval from the appropriate Deputy Assistant Secretary.
- C. The Appointing Authority/designee or appropriate Deputy Assistant Secretary will consider the following when determining whether to approve/deny the restoration plan:
1. Plan length and amount/type of required programming
 2. Reasonable expectations to fulfill plan requirements
 3. Period of violation free behavior
 4. Nature of violation(s)
 5. Overall behavior during the confinement term
 6. FRMT recommendation
 7. Compliance with the Custody Facility/Case Plan
 8. Length and type of prior and proposed program participation, including treatment services
- D. Restoration plans will be calculated based on the original sanction time and restored as follows:
1. Category A violations - Maximum of 50%
 2. Category B violations - Minimum of 50% up to 100%
 3. Category C violations - Minimum of 75% up to 100%
- E. Time lost will be restored if the individual:
1. Remains free from any serious violation,
 2. Follows the requirements as outlined in the plan, and
 3. It has been at least 6 months since the previous classification review.
- F. Once the restoration requirements in the plan are met:
1. The case manager will forward a copy of the Custody Facility/Case Plan, DOC 21-730 Good Conduct Time Restoration Plan/Approval, and any related documentation (e.g., violation reports, Criminal Conviction Record) to the Appointing Authority/designee.
 - a. The Appointing Authority/designee and, if applicable, appropriate Deputy Assistant Secretary will approve/deny restoration time.
 - b. Time will only be denied if a significant, compelling reason(s) exists and will be documented in the Custody Facility/Case Plan.



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- 2. Designated disciplinary hearings employees/contract staff will document restoration in the Decision, Sanction, or Appeal Result narrative on the Infraction Summary screen in the electronic file.
- G. The restoration decision is final and cannot be appealed. Restoration plans will remain in effect when an individual transfers between facilities.

DEFINITIONS:

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

ATTACHMENTS:

None

DOC FORMS:

DOC 21-730 Good Conduct Time Restoration Plan/Approval