Good Time Compliance Computation Q&A

Background

A 2002 state Supreme Court ruling required the Washington State Department of Corrections (DOC) to give credited time for good behavior time earned in jail to a certain group of offenders in prison. This is referred to as the King decision. Prior to the court decision, DOC only credited offenders for good time earned in prison.

However, when the department changed its computation coding to comply with the ruling, the computation coding fix was inaccurately sequenced and over-credited good time to select offenders. State law limits the amount of "good time" an offender can receive to no more than 33 percent of their base sentence. As a result, DOC has been releasing certain offenders prior to their actual earned released date for the past 13 years.

Questions and Answers

Q: When did DOC discover the problem?

A: DOC first discovered the IT error in 2012. However, for reasons that are not yet understood, the appropriate computer coding sequencing fix was not made. Gov. Jay Inslee is hiring an outside team of experts to investigate what happened.

Q: How many offenders were released before their actual earned release date?

A: It's not clear yet, but a preliminary analysis indicates three percent of offenders -- up to roughly 3,200 inmates -- may have been released early over the course of 13 years because of the computer coding sequencing error.

Q: How premature were the releases?

A: Early estimates indicate that offenders were released a median of 49 days before they should have been.

Q: Did any offenders commit new felonies during the time they would have otherwise been incarcerated?

A: DOC is working continuously to determine that. Our team of records, data and IT experts are looking carefully at the select offenders who were over-credited good time to their sentences and are checking to see if any were charged with new felonies during the time they would have otherwise been incarcerated.

Q: If the error was brought to your attention in 2012, why has it taken three years to implement a fix?

A: The governor is hiring an independent team of experts to complete a thorough investigation into this matter to answer that question. We are focused on taking immediate action to fix the computer coding sequencing error.

Q: Are there people currently under DOC supervision who should actually be in prison?

A: Yes, there will be some offenders who should still be in prison due to the computer coding sequencing error. An agency priority is finding those who should still be in prison.

Q: Will there be any arrests made of those already released from prison?

A: There will be arrests made of those offenders who still have portions of their sentence left to serve in prison. The number of offenders who should still be incarcerated will be low but each of them needs to be back in custody and we're going to make that happen. We're partnering with local law enforcement agencies and the Washington State Patrol to coordinate law enforcement efforts.

Q: Have you been in contact with victims on this matter?

A: The Department of Corrections has an office for victim registration and services. We are working to contact them victims registered with the department individually to update them as to what this means to them.

Q: How can you be sure there aren't other errors in your sentence computations?

A: Sentence computations and calculations are an extremely complex function of the department. We are immediately implementing an auditing and quality assurance system to check the accuracy of sentence computations. There is also an information technology governance plan being implemented to oversee prioritization of technological fixes that will affect sentencing computation.

Q: Has the problem been fixed?

A: A software fix will be in place by Jan. 7, 2016. In the meantime, DOC is hand-calculating release dates to ensure no more offenders are released early.

Good Time/Earned Time Process and Law Q&A

Q: What is good time/earned release time?

A: "Good time" – also referred to as earned release time, by state statue, provides reduced time as an incentive for positive behavior while incarcerated. It is also provided by local jails to offenders housed in their custody. Good time can be earned for good behavior, remaining infraction-free, and for participating in work and education programs while incarcerated.

Q: How is earned time calculated?

A: The calculation for earned time is a complicated and frequently changing system dictated by changes in state law, which occur in nearly every legislative session. The policy regarding Earned Release Time has been updated five times in the past three years. The calculation for earned time varies on a number of factors including, when the offender was sentenced, the type of crime and, for offenders serving for multiple crimes, on which crime they are currently serving their time, to name a few. In the most basic case, an offender who is demonstrating good behavior and participating in programs can earn a maximum reduction of 33.3 percent of his/her sentence in earned release time.

Q: What is the error in calculation for these cases?

A: The state Supreme Court's decision *King* decision applies only to offenders who were convicted of crimes with certain aggravating factors (referred to as enhancements), such as using a firearm and who earned good time while serving in jail. State law does not allow a sentence reduction based on good time for the enhancement sentence.

The *King* case required DOC to modify the way it applies good time – DOC complied with the changes but the IT changes resulted in two errors: it altered the amount of good time being credited and it did not appropriately cap good time credits at the 33 percent limit.