

## **Earned Release Time (ERT) – DOC Sentences**

ERT is the time that an individual can earn, based on good behavior and programming. The credit is applied to the term of confinement as ordered by the court.

### **Current Definition:**

RCW 9.94A.030: Earned Release is the earned release from confinement as provided in RCW 9.94A.728.

RCW 9.94A.728: An offender may earn early release time as authorized by RCW 9.94A.729;

RCW 9.94A.729(1)(a): The term of the sentence of an offender committed to a correctional facility **operated by the department** may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

Per DOC policy, ERT is calculated at 2/3 for good-conduct time and 1/3 of earned time.

### **Credit Allowance:**

- Serious Violent or Class A Sex offenses committed on or after July 1, 1990 and before July 1, 2003, may not exceed 15% of the sentence.
- Serious Violent or Class A Sex offenses committed on or after July 1, 2003, may not exceed 10% of the sentence.
- All other offenses are eligible for up to one-third of the total sentence (33.3%)

### **Exclusions to ERT:**

- Firearm and other Deadly Weapon enhancements (RCW 9.94A.533(4) and (5)) – no ERT allowed for the enhancement portion of the sentence.
- Impaired Driving enhancements (RCW 9.94A.533(7) and (13)) – no ERT allowed for the enhancement portion of the sentence.
- Sexual Motivation enhancements (RCW 9.94A.533(8)) – no ERT allowed for the enhancement portion of the sentence.
- For individuals serving confinement under a Sex Offender Sentence Alternative, no ERT is allowed.
- No ERT during mandatory minimum terms: Murder 1 the mandatory minimum is not less than 20 years, Assault 1 or Assault of a Child 1 when force was used likely to result in death or intent was to kill the victim – not less than 5 years, Rape 1- not less than 5

years, Sexually Violent Predator Escape – not less than 60 months, and Aggravated Murder committed prior to age 18 – not less than 25 years.

## **Earned Release Time (ERT) – Local (Jail) Sentences**

For felony sentences other than those for a Serious Violent or Class A sex offense, ERT served at a county jail cannot exceed up to 1/3 of the sentence. Some counties allow individuals to earn up to 1/3 of the sentence and others limit the ERT to less than 1/3. For Serious Violent or a Class A Sex offenses, up to 15% of the sentence can be earned.

For individuals that are sentenced to DOC, the presentence time served at a county jail is subject to the amount of ERT that is allowed for the portion of the sentence served at DOC, if DOC allows a higher rate. For example, an individual serving pre-sentence time at a county facility that only allows 10% ERT, DOC would award ERT credits of 1/3 for the time spent in the county facility prior transferring to DOC.

### **RCW 9.92.151 Early release for good behavior.**

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

(3) If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned.