

Improving Public Safety by Positively Changing Lives

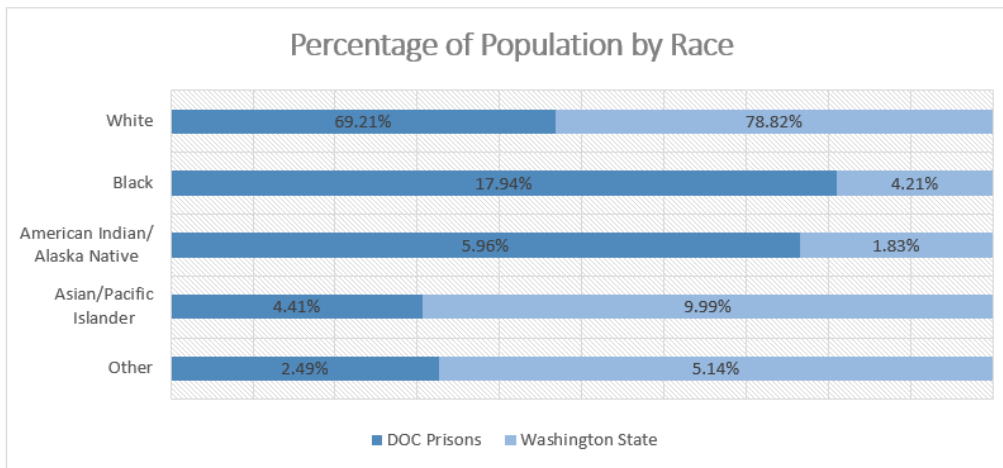
Increased Earned Time Scenarios

2021-23 Biennium



There remain racial disparities in Washington State prisons, with Black and American Indian/Alaskan Native individuals over-represented compared to population proportions in our state. The non-partisan [Council on Criminal Justice](#) noted that while arrests and prison admission rates have been dropping for individuals of color since the year 2000, they are still spending longer in prison than their white counterparts.

Earned time is one of the few tools available to the department to address the current disparities within Washington’s criminal justice system, as well as incentivize good behavior and participation in programming in prisons.



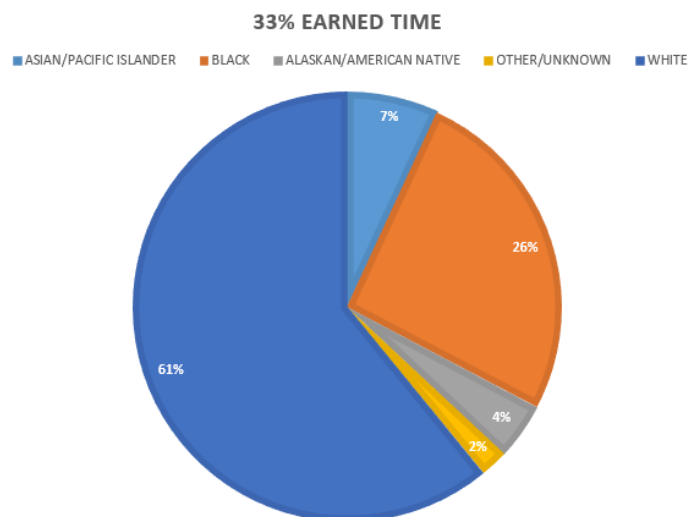
33 Percent Earned Time

Currently, certain incarcerated individuals are eligible for earned early release for good behavior and good performance. The amount of the sentence eligible for earned early release varies depending on the circumstances of individual's underlying offense and date of conviction.

This scenario would require an amendment to [RCW 9.94A.729](#), changing the amount of earned time on a sentence to a maximum of 33 percent, for all crimes currently eligible for earned time. The changes would be applied retroactively.

33 percent earned time would reduce the average daily population (ADP) in prisons by 536 in FY 2022 and 530 in FY 2023. Over a ten year period, approximately 26 percent of the prison ADP reduction will be Black individuals and 7 percent American Indian/Alaskan Native.

This increased earned time proposal has interdependencies with the proposal to allow earned time on enhancements. As a result, the impacts cannot simply be added together.



Allow Earned Time on Enhancements

Establishing consistent sentencing calculations for offenses that carry enhancements supports the agency's efforts to ensure each person's release date is accurate, and meets the requirements of the court order. This proposal was included in the SGC Recommendations as part of the 2019 Review of the Sentencing Reform Act and reauthorized in November 2020 to include all enhancements.

This scenario would amend [RCW 9.94A.729](#), to remove the restriction that enhancements are not eligible for earned time. This change would be applied retrospectively to any applicable sentences, and would reduce the complexity associated with sentences that have enhancements by allowing the same amount of earned time to be applied for the enhancement as for the underlying base offense.

Allowing earned time on enhancements would reduce the average daily population (ADP) in prisons by 190 in FY 2022 and 187 in FY 2023. Over a ten year period, approximately 29 percent of the prison ADP reduction will be Black individuals and 8 percent American Indian/Alaskan Native.

** The first year, FY 2022, population reductions included above assumes an implementation date of July 1, 2021. DOC does not know which, if any, of the sentencing reform items proposed/considered would be enacted and therefore is unable to calculate the needed phase in period.*

Long-Term Impacts

As a direct result of these policy scenarios, and absent other legislative changes, the racial disparities in Washington's prisons would be dramatically reduced over the next ten years. By the 2031-33 biennium:

- Approximately, 11 percent of the prison population would be black, as compared to 18 percent today; and
- 5 percent of the prison population would be Alaskan/American natives, as compared to 6 percent today.

These estimates are based on September 2020 prison population data, and do not account for future caseload increases. Population growth and demographic changes to the state of Washington, as well as policies and actions by upstream criminal justice agencies could significantly alter DOC populations in the future.

“Through these initiatives and others the agency hopes to correct some of the systemic disproportionality in the criminal justice system, which has led to over incarceration of people of color.”

- **Stephen Sinclair**
DOC, Secretary

