

RESTORING EARNED TIME IN DOC

Over the past two decades the length of sentences have increased exponentially in Washington. At the same time, parole and other forms of release have been stripped away. Due to racial disparities and injustice within the criminal legal system, people of color, especially Black people, often serve longer sentences than white people. Restoring Washington's earned time accrual rate to 33% percent for all people would allow people to earn time off their sentence through participation in education, employment, and rehabilitative programming and release more prepared to reenter the community.

The restoration of earned time would:

- ◆ Allow all incarcerated individuals to earn good time credits off their determinate sentences, including the time spent serving mandatory minimums and enhancements
- ◆ Extend the amount of a time a person is under DOC supervision in the community
- ◆ Incentivize participation in work, education, or rehabilitative programming such as substance abuse or domestic violence programming.
- ◆ Reduce the prison population by more than XXXX

The restoration of earned time would not:

- ◆ Release all people from prison early; earned time would only be granted if the person positively participated in programming.
- ◆ Endanger public safety; only people who **earn** time would be eligible for release and any savings from this measure would be reinvested into supervision and reentry

Would the 33% earned time accrual rate be retroactive?

Yes. Justice is not served when two similarly situated persons face vastly different outcomes – in some cases the difference between returning to the community or dying in prison – due solely to the era in which they committed their offenses. In order to meaningfully address racial inequities in the criminal legal system, **all sentencing reforms must be applied retroactively**, including earned time accrual. When sentencing reforms are applied only for future crimes, this does nothing to address the injustices of the past or to provide for relief for the

What is the current earned time policy?

Some people earn 33% off their sentence, while others earn only 10% or 15%. Until recently, a small subset of people were able to earn 50%. None of these earned time rates apply to sentence enhancements, which are disproportionately applied against people of color and can extend a sentence for years. Earned time also does not accrue during a person's mandatory minimum term. Restoring the earned time to 33% for all people will simplify DOC's calculations and clarify release dates for incarcerated people, crime survivors, and the community.

The History of Earned Time

When Washington passed the Sentencing Reform Act in 1984, every incarcerated individual not serving life without parole could earn up to one-third off of their sentence through participation in DOC programming and exhibiting good behavior. In the years since, "tough on crime" legislation driven by federal financial incentives and racist sentencing schemes has chipped away at earned time, resulting in many individuals serving twenty or more years while receiving a year or less of earned time, despite their positive participation in programs. Restoring earned time to 33% would create a more equitable sentencing system.