

WAC 137-30-040 County jail earned release time. For offenders transferred from a county jail to the department, the jail administrator will certify to the department the amount of jail time spent in custody at the jail and the amount of ERT.

(1) If no certification has been provided, the CRS/designee will send a request to the jail administrator requesting he/she provide a jail certification.

(a) If the jail administrator certifies jail time credits to consecutive sentences for the same time period and the judgment and sentence does not address jail time credits, the CRS will correct the jail certification by deducting any duplicate jail time credits and jail earned release time credits from the jail certification totals and applying the remaining credits.

(b) In the case of a department sanction, if the jail administrator certifies jail credits to a consecutive sentence that includes credits for time served on the department sanction and the judgment and sentence does not address jail time credits, the CRS will deduct the sanction days served from the jail credits and the jail earned release time for sanction time served and apply the remaining credits to the consecutive sentence.

(c) The CRS will send a request to the jail administrator requesting an amended jail certification, unless the jail administrator has requested that the department not send a letter. The CRS does not need to wait for the amended jail certification to apply the proper credits.

(2) The CRS will send the offender DOC Policy 09-261 Court of Appeals Decision - Jail Time Credits, informing him/her of the department's authority to correct the jail certification when there is a manifest error of law in the jail's certification.

(3) If the court orders jail time credits for the same time period on consecutive sentences with the same intake date to prison, the judgment and sentence must be followed and the jail time credits will be applied accordingly. The department may contest the court's calculations by way of the post sentence petition process.

(4) If the court orders jail time credits for the same time period on consecutive sentences with different intake dates to prison, the CRS will apply the credits from the judgment and sentence and then apply wickert time (i.e., out time applied to a period of confinement when the offender is required to serve a consecutive period of confinement starting before the current confinement is complete) for that same time period.

(5) Credit for time served/resentenced on previous conviction. Offenders who are resentenced on a previous conviction are entitled to receive credit for the original jail time, original jail earned release time, department time served, and ERT on the department time served. All time the offender served for the conviction offense, as well as the ERT at the appropriate percentage, will be applied. Any good conduct time lost due to infractions, or earned time not earned during the time served on the original sentence, must be deducted from the department ERT.

[Statutory Authority: RCW 72.09.130, 72.01.090, and 9.95.070. WSR 11-11-018, § 137-30-040, filed 5/9/11, effective 6/9/11.]