

What is sequencing?

Sequencing refers to the order in which the DOC applies earned credits when creating the formula to determine how much time an offender should spend in prison.

Offenders are credited for the number of days spent in jail prior to going to prison. Currently, they also receive days credited to their sentence for good behavior (referred to as good time) while in jail and in prison as an incentive to behave. DOC uses software to automatically sequence and calculate all those credits.

In this case, the problem with early releases occurred because the software used by DOC did not accurately sequence the credits certain offenders should receive for the time spent in jail -- specifically, offenders convicted of crimes with certain aggravating factors (referred to as enhancements), such as using a firearm.

Enhancements increase the length of a sentence. So for example, if an offender is sentenced to prison for robbery, he would have additional time added if there was an enhancement, such as using a firearm in the crime.

In that example, let's say the offender received a four-year "base" sentence for robbery and an additional one year enhancement for using a firearm. So all told, the offender has a five year sentence.

After the 2002 *King* decision, the DOC changed its software coding to credit offenders for time served while in jail but applied the credit to the enhancement portion of the prison sentence as opposed to the base portion. The sequencing of the jail credit in the sentence calculation would therefore allow an excess of good time credits for these affected offenders with enhancements by the end of the eventual prison sentence, and resulted in an earlier earned release date than should have occurred.