

**From:** [Downey, Elaine K. \(DOC\)](#)  
**To:** [Stigall, Wendy S. \(DOC\)](#)  
**Subject:** RE: Should DOC reprogram OMNI to run jail time off base rather than off enhancement? / Robinson #357042  
**Date:** Friday, December 07, 2012 3:57:30 PM

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I am off on Monday's, so can we talk about it Tuesday? It's way too late in the day to think this hard anyway 😊

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**From:** Stigall, Wendy S. (DOC)  
**Sent:** Friday, December 07, 2012 3:08 PM  
**To:** Downey, Elaine K. (DOC)  
**Subject:** FW: Should DOC reprogram OMNI to run jail time off base rather than off enhancement? / Robinson #357042

Elaine, this offender is currently at CCCC. Will you please read Ronda's advice and we will have to manually adjust Robinson's credits to extend his ERD. I will talk to you about it on Monday since I have to think it through.

Wendy

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**From:** Larson, Ronda (ATG)  
**Sent:** Friday, December 07, 2012 2:29 PM  
**To:** Stigall, Wendy S. (DOC)  
**Cc:** ATG MI COR Oly Advice; Weisser, Paul (ATG)  
**Subject:** Should DOC reprogram OMNI to run jail time off base rather than off enhancement? / Robinson #357042

DOC

Headquarters

Time credits

Sentences

Requestor: Wendy Stigall

Issue: If a sentence contains an enhancement during which no good time can be earned, OMNI subtracts jail time served from the enhancement and subtracts jail good time from the base. When the base is short (e.g., 6 months), OMNI's method results in offenders getting more good time (e.g., 58% in Robinson's case) than allowed by law.

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This case revealed a problem with OMNI's calculation method for sentences with an enhancement where the base is short. I would recommend that the DOC do a hand-calculation fix of Robinson's sentence now, and that it start the long process of reprogramming OMNI for everyone else. I don't believe it is necessary, from a risk management perspective, to do hand calculations now of everyone in prison with an enhancement. Waiting for OMNI to be reprogrammed should be sufficient, except for in Robinson's case.

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This is resulting in offenders with short bases receiving more good time than allowed by statute. In Robinson's case, his base is a mere 183 days (6 months) long, This results in 60 days of early release credits that he can earn by statute (33% rate). However, his jail time is 134 days and jail good time is 67 days because the jail gave him good time at a rate of 33% ( $67 \div 134 = 0.33 \div 0.66$ ). Thus, he already exceeded his maximum amount of good time at the jail by 7 days. Even so, OMNI is giving him another 39 days of DOC early release credits, for a total of 106 days of early release time. His sentence is 183 days long and he's getting 106 days of early release time. Thus, he is getting early release credits at a rate of 58%. ( $106 \div 183 = 58\%$ ).

This mathematical problem occurs because OMNI is subtracting 67 days of jail good time from a base of 183 days, resulting in a remaining sentence to serve in the DOC of 116 days. Multiplying 116 by 33% results in 39 days of DOC early release credits. So it appears to be correct on its face. But when you look at how much good time he should be getting overall by merely multiplying 33% by the 183-day sentence, and considering he already got 67 days of jail good time, you realize that he is getting way too much good time.

This would not happen if the base were long. It happens because the base is shorter than the total jail credits. His total jail credits are  $134+67=201$ . Because DOC applies those jail credits of 134 to the enhancement, it enables him to preserve his base sentence (less 67 days) to continue to earn early release time after coming to the DOC. So he gets to earn early release time both at the jail and at the DOC and ends up with more than 33% overall.

Robinson's victim's parents are concerned because they have figured out that Robinson is getting more than 33% good time and thus will be releasing sooner than what they had anticipated.

If the DOC does not fix Robinson's sentence, the likelihood that DOC will be sued and lose in a tort lawsuit is unreasonably high, if Robinson were to release and immediately go and kill the victim, for example. In such a scenario, because the DOC knew that Robinson was getting 58% good time illegally, and didn't fix it, the DOC would lose such a lawsuit and sustain a lot of monetary damages.

OMNI will not allow records staff to fix Robinson's sentence until OMNI is reprogrammed. This would take a long time and would almost certainly occur after Robinson's current (and erroneous) ERD of February 5, 2013. Thus, the only way to fix Robinson's sentence before he is released on February 5<sup>th</sup> is to override OMNI.

One would apply 60 of the 67 days of jail good time to the base (because only 60 days of total good time is allowed on a 183-sentence at a rate of 33%:  $183 \times 0.33 = 60$ ), apply 123 of the 134 days of jail time served to the base (because 123 days wipes out the 183-day sentence after adding in 60 days of good time), and apply the remaining 11 days of jail time served to the enhancement (134 days of jail time less 123 days of jail time applied to the base equals 11 days of jail time to apply to the enhancement). This removes 46 days of early release credits from Robinson's current ERD, adding a month and a half to his ERD (106 days of overall good time currently minus 60 days of correct good time equals 46 days surplus he should not get). Hence, he should have a resulting ERD of about March 19, 2012.

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Furthermore, this is something that the DOC has identified internally, rather than something that is being forced upon it by an outside entity such as the court. It is therefore not so urgent as to require the large input of personnel resources to do hand-calculations of hundreds of sentences.

*Ronda D. Larson*

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✉ [Ronda.Larson@atg.wa.gov](mailto:Ronda.Larson@atg.wa.gov)

**From:** [Stigall, Wendy S. \(DOC\)](#)  
**To:** [Gastreich, Kathy E. \(DOC\)](#)  
**Cc:** [Doyt, Denise H. \(DOC\)](#)  
**Subject:** FW: Should DOC reprogram OMNI to run jail time off base rather than off enhancement? / Robinson #357042 2  
**Date:** Tuesday, December 11, 2012 11:24:29 AM

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Kathy,

Before I do an IT request to have the programming changed I wanted to run this past you for your input. OMNI has been calculating these sentences the same for approximately 10 years now (since the King decision). We are going to manually adjust Robinson's case but this has the potential to add time to several hundred offenders. We are not talking huge amounts of time but in this case as an example it will add about a month. Implementing these changes is always a lot easier if it is going the offenders favor.

Let me know what you think.

Thanks.

Wendy

Wendy Stigall

Correctional Records Program Administrator

7345 Linderson Way SW

Tumwater, WA 98501

360-725-8881

[wendy.stigall@doc.wa.gov](mailto:wendy.stigall@doc.wa.gov)

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**Sent:** Friday, December 07, 2012 2:29 PM  
**To:** Stigall, Wendy S. (DOC)  
**Cc:** ATG MI COR Oly Advice; Weisser, Paul (ATG)  
**Subject:** Should DOC reprogram OMNI to run jail time off base rather than off enhancement? / Robinson #357042

DOC

Headquarters

Time credits

## Sentences

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OMNI will not allow records staff to fix Robinson's sentence until OMNI is reprogrammed. This would take a long time and would almost certainly occur after Robinson's current (and erroneous) ERD of February 5, 2013. Thus, the only way to fix Robinson's sentence before he is released on February 5<sup>th</sup> is to override OMNI.

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Furthermore, this is something that the DOC has identified internally, rather than something that is being forced upon it by an outside entity such as the court. It is therefore not so urgent as to require the large input of personnel resources to do hand-calculations of hundreds of sentences.

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**From:** [Stigall, Wendy S. \(DOC\)](#)  
**To:** [Larson, Ronda \(ATG\)](#)  
**Cc:** [Weisser, Paul \(ATG\)](#)  
**Subject:** FW: Should DOC reprogram OMNI to run jail time off base rather than off enhancement? / Robinson #357042 1  
**Date:** Wednesday, December 26, 2012 3:57:54 PM  
**Attachments:** [DOC1PTUM148@doc.wa.gov\\_20121226\\_164633.pdf](#)

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I have been trying to come up with the information that I need to have OMNI programmed. The issue I have been having is that regardless of which way I would have it programmed (with the exception of the current programming) it seems that they would be losing their jail good time. I have attached three different examples of calculations along with the current calcs.

Example 1. I ran the base first and applied all of the county jail credit and jail good time to that portion of the sentence (Page 1) and ran the enhancement consecutively with no credits (Page 2). Overall ERD: 11-23-20

Example 2. I ran the enhancement 1<sup>st</sup> and applied the county jail credits. (Page 1) and then ran the base sentence consecutive with no good time (Page 2). Overall ERD: 11-23-20.

Example 3. If I followed right this is your suggestions. I ran the enhancement first with no jail time or jail good time (Page 1) and then ran the base consecutive and applied all of the jail time/jail good time credits to the base. Overall ERD: 11-23-20.

The last page attached is the current calculations from OMNI with an overall ERD of 09/04/20.

I believe the 11-23-20 ERD should be correct because any other way is giving him too much overall good time but it seems that what we are really doing in taking away the county jail good time and then we would not be following the King decision. If the calculations are all going to come out the same, it would be much easier not to apply the jail good time than to make any other changes.

Please review and when you get a chance maybe give me a call to discuss before I request programming changes. My supervisors are interested in this because it will be adding time to offenders sentences. I also find that it is making a change regardless if this is a short base sentence or not.

Thanks for your help.

Wendy

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*Example 1**Pg. 1***Analyze Prison Calculations : ADEM, Liban Hassen (361058)****Cause:****Consecutive To Cause:****Count:**

| <b>Calculation Type: Base</b>             | <b>Length: Y, 65 M, D</b> | <b>Consecutive to:</b> |              |
|-------------------------------------------|---------------------------|------------------------|--------------|
| ERT% 33                                   | ERD                       | Max Ex Date            | Original ERD |
| Time Start                                | 12/11/2012                | 12/11/2012             | 12/11/2012   |
| (+) Length                                | 1977                      | 1977                   | 1977         |
| (-) Cause Credits                         | 239                       | 239                    | 239          |
| (-) Good Time Credits                     | 119                       |                        | 119          |
| (-) Potential Earned Time Release Credits | 179.85                    |                        | 179.85       |
| (+) Earned Time not Earned                |                           |                        |              |
| (-) Potential Good Conduct Time           | 360                       |                        | 360          |
| (+) Good Conduct Time Lost                | 0                         |                        |              |
| (+) Out Time                              | 0                         | 0                      | 0            |
| Expiration Date                           | 11/25/2015                | 09/14/2017             | 11/25/2015   |
| Remaining Days To Be Served               | 1,063                     | 1,722                  | 1,063        |

Date Printed: 12/26/2012

logged on user: Wendy Stigall

*Pg. 1*

*Base 1st  
W/JT/JCT  
Enhancement CS*

*Pg. 2 Overall GPB 11/23/20*

*Example 1**Pg. 2*

## Analyze Prison Calculations : ADEM, Liban Hassen (361058)

Cause:

---

Consecutive To Cause:

Count:

| Calculation Type:<br>Enhancement |            | Length: Y, 60 M, D | Consecutive to: |
|----------------------------------|------------|--------------------|-----------------|
| ERT% 0                           | ERD        | Max Ex Date        | Original ERD    |
| Time Start                       | 11/25/2015 | 11/25/2015         | 11/25/2015      |
| (+) Length                       | 1825       | 1825               | 1825            |
| (-) Cause Credits                | 0          | 0                  | 0               |
| (+) Out Time                     | 0          | 0                  | 0               |
| Expiration Date                  | 11/23/2020 | 11/23/2020         | 07/27/2020      |
| Remaining Days To Be Served      | 1,825      | 1,825              | 1,825           |

Date Printed: 12/26/2012

logged on user: Wendy Stigall

## Example 2

Pg. 1

## Analyze Prison Calculations : ADEM, Liban Hassen (361058)

**Cause:****Consecutive To Cause:****Count:**

| Calculation Type:<br>Enhancement |            | Length: Y, 60 M, D | Consecutive to: |
|----------------------------------|------------|--------------------|-----------------|
| ERT% 0                           | ERD        | Max Ex Date        | Original ERD    |
| Time Start                       | 12/11/2012 | 12/11/2012         | 12/11/2012      |
| (+) Length                       | 1825       | 1825               | 1825            |
| (-) Cause Credits                | 239        | 239                | 239             |
| (+) Out Time                     | 0          | 0                  | 0               |
| Expiration Date                  | 04/15/2017 | 04/15/2017         | 04/15/2017      |
| Remaining Days To Be Served      | 1,570      | 1,570              | 1,570           |

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logged on user: Wendy Stigall

Pg. 1 Enhancement 1<sup>st</sup>  
w/ jail time  
Pg. 2 base sentence  
as w/ no good time  
Overall End: (11-23-20)

*Example 2 Pg. 2*

**Analyze Prison Calculations: ADEM, Liban Hassen (361058)**

Cause:

Consecutive To Cause:

Count:

| Calculation Type: Base                    | Length: Y, 65 M, D | Consecutive to: |              |
|-------------------------------------------|--------------------|-----------------|--------------|
| ERT% 33                                   | ERD                | Max Ex Date     | Original ERD |
| Time Start                                | 04/15/2017         | 04/15/2017      | 04/15/2017   |
| (+) Length                                | 1977               | 1977            | 1977         |
| (-) Cause Credits                         | 0                  | 0               | 0            |
| (-) Good Time Credits                     | 0                  |                 | 0            |
| (-) Potential Earned Time Release Credits | 219.62             |                 | 219.62       |
| (+) Earned Time not Earned                |                    |                 |              |
| (-) Potential Good Conduct Time           | 439                |                 | 439          |
| (+) Good Conduct Time Lost                | 0                  |                 |              |
| (+) Out Time                              | 0                  | 0               | 0            |
| Expiration Date                           | 11/23/2020         | 09/13/2022      | 11/23/2020   |
| Remaining Days To Be Served               | 1,977              | 1,977           | 1,977        |

Date Printed: 12/26/2012

logged on user: Wendy Stigall

*Example 3 Pg. 1*

### Analyze Prison Calculations : ADEM, Liban Hassen (361058)

Cause:  
---

Consecutive To Cause:

Count:

| Calculation Type:<br>Enhancement |            | Length: Y, 60 M, D | Consecutive to: |
|----------------------------------|------------|--------------------|-----------------|
| ERT% 0                           | ERD        | Max Ex Date        | Original ERD    |
| Time Start                       | 12/11/2012 | 12/11/2012         | 12/11/2012      |
| (+) Length                       | 1825       | 1825               | 1825            |
| (-) Cause Credits                | 0          | 0                  | 0               |
| (+) Out Time                     | 0          | 0                  | 0               |
| Expiration Date                  | 12/10/2017 | 12/10/2017         | 12/10/2017      |
| Remaining Days To Be Served      | 1,809      | 1,809              | 1,809           |

Date Printed: 12/26/2012

logged on user: Wendy Stigall

*Enhancement 1st  
No JT / BT*

*Yr Base CS  
w/ JT / JOT  
Overall CP  
11.23.20*

*Example 3 Pg. 2*

## Analyze Prison Calculations : ADEM, Liban Hassen (361058)

Cause:

---

Consecutive To Cause:

Count:

| Calculation Type: Base                    | Length: Y, M, D | Consecutive to: |              |
|-------------------------------------------|-----------------|-----------------|--------------|
| ERT% 33                                   | ERD             | Max Ex Date     | Original ERD |
| Time Start                                | 12/10/2017      | 12/10/2017      | 12/10/2017   |
| (+) Length                                | 1977            | 0               | 0            |
| (-) Cause Credits                         | 239             | 239             | 239          |
| (-) Good Time Credits                     | 119             |                 | 119          |
| (-) Potential Earned Time Release Credits | 179.85          |                 | 0.00         |
| (+) Earned Time not Earned                |                 |                 |              |
| (-) Potential Good Conduct Time           | 360             |                 | 0            |
| (+) Good Conduct Time Lost                | 0               |                 |              |
| (+) Out Time                              | 0               | 0               | 0            |
| Expiration Date                           | 11/23/2020      | 12/10/2017      | 12/17/2016   |
| Remaining Days To Be Served               | 1,977           | 0               | 0            |

Date Printed: 12/26/2012

logged on user: Wendy Stigall

Current OMNI Calculations**Analyze Prison Calculations : ADEM, Liban Hassen (361058)****Cause:**

AA-121007591-King-CCP

**Consecutive To Cause:****Count:**

1

| <b>Calculation Type:</b><br><b>Enhancement</b> |            | <b>Length: Y, 60 M, D</b> | <b>Consecutive to:</b> |
|------------------------------------------------|------------|---------------------------|------------------------|
| ERT% 0                                         |            | ERD                       | Max Ex Date            |
| Time Start                                     | 12/11/2012 | 12/11/2012                | 12/11/2012             |
| (+) Length                                     | 1825       | 1825                      | 1825                   |
| (-) Cause Credits                              | 239        | 239                       | 239                    |
| (+) Out Time                                   | 0          | 0                         | 0                      |
| Expiration Date                                | 04/15/2017 | 04/15/2017                | 04/15/2017             |
| Remaining Days To Be Served                    | 1,570      | 1,570                     | 1,570                  |

| <b>Calculation Type: Base</b>             |            | <b>Length: Y, 65 M, D</b> | <b>Consecutive to: Enhancement (12/11/2012)</b> |
|-------------------------------------------|------------|---------------------------|-------------------------------------------------|
| ERT% 33                                   |            | ERD                       | Max Ex Date                                     |
| Time Start                                | 04/15/2017 | 04/15/2017                | 04/15/2017                                      |
| (+) Length                                | 1977       | 1977                      | 1977                                            |
| (-) Cause Credits                         | 0          | 0                         | 0                                               |
| (-) Good Time Credits                     | 119        |                           | 119                                             |
| (-) Potential Earned Time Release Credits | 206.40     |                           | 206.40                                          |
| (+) Earned Time not Earned                | 0.00       |                           |                                                 |
| (-) Potential Good Conduct Time           | 413        |                           | 413                                             |
| (+) Good Conduct Time Lost                | 0          |                           |                                                 |
| (+) Out Time                              | 0          | 0                         | 0                                               |
| Expiration Date                           | 09/04/2020 | 09/13/2022                | 09/04/2020                                      |
| Remaining Days To Be Served               | 1,977      | 1,977                     | 1,977                                           |

Date Printed: 12/26/2012

logged on user: Wendy Stigall

**From:** [Larson, Ronda \(ATG\)](#)  
**To:** [Stigall, Wendy S. \(DOC\)](#)  
**Cc:** [ATG MI COR Oly Advice](#); [Weisser, Paul \(ATG\)](#)  
**Subject:** RE: Should DOC reprogram OMNI to run jail time off base rather than off enhancement? 1  
**Date:** Wednesday, December 26, 2012 5:37:29 PM

---

DOC

Headquarters

Time credits

Sentences

Requestor: Wendy Stigall

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Example 2 is unlawful. Although it produces the correct ERD, in contrast to OMNI's current calculation, it violates *King*. And it is how DOC calculated the ERD prior to *King*. It is desirable from a policy perspective (if it were lawful) because the enhancement is served first.

Example 3 is lawful. It produces the correct ERD, and it does not violate *King*—the offender still gets his jail good time. And it is desirable from a policy perspective because the enhancement is served last.

As you mentioned, the current ERD of 9/4/2020 is not correct because it gives too much good time. It gives 80 days too many. The overall good time allowed in this sentence is 659 days, which is 33.333% of the 1,977-day base. But the current calculation by OMNI gives a total of 739 days of good time (119 JGT + 207 DOC earned time + 413 DOC good conduct time). That is a good time rate of 37.379%, which is too much ( $739/1977 = 0.37379$ ).

## *Ronda D. Larson*

Assistant Attorney General  
Corrections Division  
PO Box 40116  
Olympia WA 98504-0116  
' (360) 586-1445  
Fax (360) 586-1319  
✉ [Ronda.Larson@atg.wa.gov](mailto:Ronda.Larson@atg.wa.gov)

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**From:** Stigall, Wendy S. (DOC)  
**Sent:** Wednesday, December 26, 2012 3:58 PM  
**To:** Larson, Ronda (ATG)  
**Cc:** Weisser, Paul (ATG)  
**Subject:** FW: Should DOC reprogram OMNI to run jail time off base rather than off enhancement? /  
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Example 3. If I followed right this is your suggestions. I ran the enhancement first with no jail time or jail good time (Page 1) and then ran the base consecutive and applied all of the jail time/jail good time credits to the base. Overall ERD: 11-23-20.

The last page attached is the current calculations from OMNI with an overall ERD of 09/04/20.

I believe the 11-23-20 ERD should be correct because any other way is giving him too much overall good time but it seems that what we are really doing in taking away the county jail good time and then we would not be following the King decision. If the calculations are all going to come out the same, it would be much easier not to apply the jail good time than to make any other changes.

Please review and when you get a chance maybe give me a call to discuss before I request programming changes. My supervisors are interested in this because it will

be adding time to offenders sentences. I also find that it is making a change regardless if this is a short base sentence or not.

Thanks for your help.

Wendy

<< File: DOC1PTUM148@doc.wa.gov\_20121226\_164633.pdf >>

---

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**Cc:** ATG MI COR Oly Advice; Weisser, Paul (ATG)  
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DOC

Headquarters

Time credits

Sentences

Requestor: Wendy Stigall

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This is to memorialize our phone conversation today. Because the parents of the victim of Robinson are worried about when their son's aggressor is going to be released, they did their own calculation of his early release date. They realized his actual early release date is far sooner than it should be. As a result, they called victim coordinator Steve Eckstrom about the problem. He explained the early release problem to me and I agree that OMNI is calculating an ERD that gives Robinson too much early release credits (i.e., 58% of the sentence rather than 33%).

This case revealed a problem with OMNI's calculation method for sentences with an enhancement where the base is short. I would recommend that the DOC do a hand-

calculation fix of Robinson's sentence now, and that it start the long process of reprogramming OMNI for everyone else. I don't believe it is necessary, from a risk management perspective, to do hand calculations now of everyone in prison with an enhancement. Waiting for OMNI to be reprogrammed should be sufficient, except for in Robinson's case.

The fix to OMNI would result in OMNI subtracting the jail time served from the base rather than from the enhancement. This would have the effect of starting the enhancement time on the time start date (i.e., the day the offender arrives at the DOC), rather than at time of arrest.

Before *In re King*, 146 Wn.2d 658, 49 P.3d 854 (2002), DOC started the enhancement time at date of arrest (i.e., it applied the jail time served to the enhancement). But it did not credit the jail good time toward the base. Thus, offenders received no jail good time and received only DOC time. Overall, the amount of good time never exceeded the 1/3<sup>rd</sup> allowed by statute, and offenders did not lose good time overall. This is the proper way to run enhancements because it avoids the mathematical problem we now face and also results in the best use of the offender's early release time—DOC can use it for offering them work release, for example, because every offender will be guaranteed to serve their base at the end of their sentence, and thus will be earning early release at the end of their sentence. However, the WSSC tried to fix a problem that didn't exist and thus prohibited the DOC from doing it this way. We are stuck with it now.

After *In re King*, the DOC continued to start the enhancement time at the date of arrest by subtracting the jail time served from the enhancement rather than from the base. But because of *King*, the DOC took the jail good time and subtracted it from the base, rather than simply eliminating the jail good time.

This is resulting in offenders with short bases receiving more good time than allowed by statute. In Robinson's case, his base is a mere 183 days (6 months) long. This results in 60 days of early release credits that he can earn by statute (33% rate). However, his jail time is 134 days and jail good time is 67 days because the jail gave him good time at a rate of 33% ( $67 \div 134 = 0.33 \div 0.66$ ). Thus, he already exceeded his maximum amount of good time at the jail by 7 days. Even so, OMNI is giving him another 39 days of DOC early release credits, for a total of 106 days of early release time. His sentence is 183 days long and he's getting 106 days of early release time. Thus, he is getting early release credits at a rate of 58%. ( $106 \div 183 = 58\%$ ).

This mathematical problem occurs because OMNI is subtracting 67 days of jail good time from a base of 183 days, resulting in a remaining sentence to serve in the DOC of 116 days. Multiplying 116 by 33% results in 39 days of DOC early release credits. So it appears to be correct on its face. But when you look at how much good time he should be getting overall by merely multiplying 33% by the 183-day sentence, and considering he already got 67 days of jail good time, you realize that he is getting way too much good time.

This would not happen if the base were long. It happens because the base is shorter

than the total jail credits. His total jail credits are  $134+67=201$ . Because DOC applies those jail credits of 134 to the enhancement, it enables him to preserve his base sentence (less 67 days) to continue to earn early release time after coming to the DOC. So he gets to earn early release time both at the jail and at the DOC and ends up with more than 33% overall.

Robinson's victim's parents are concerned because they have figured out that Robinson is getting more than 33% good time and thus will be releasing sooner than what they had anticipated.

If the DOC does not fix Robinson's sentence, the likelihood that DOC will be sued and lose in a tort lawsuit is unreasonably high, if Robinson were to release and immediately go and kill the victim, for example. In such a scenario, because the DOC knew that Robinson was getting 58% good time illegally, and didn't fix it, the DOC would lose such a lawsuit and sustain a lot of monetary damages.

OMNI will not allow records staff to fix Robinson's sentence until OMNI is reprogrammed. This would take a long time and would almost certainly occur after Robinson's current (and erroneous) ERD of February 5, 2013. Thus, the only way to fix Robinson's sentence before he is released on February 5<sup>th</sup> is to override OMNI.

One would apply 60 of the 67 days of jail good time to the base (because only 60 days of total good time is allowed on a 183-sentence at a rate of 33%:  $183 \times 0.33 = 60$ ), apply 123 of the 134 days of jail time served to the base (because 123 days wipes out the 183-day sentence after adding in 60 days of good time), and apply the remaining 11 days of jail time served to the enhancement (134 days of jail time less 123 days of jail time applied to the base equals 11 days of jail time to apply to the enhancement). This removes 46 days of early release credits from Robinson's current ERD, adding a month and a half to his ERD (106 days of overall good time currently minus 60 days of correct good time equals 46 days surplus he should not get). Hence, he should have a resulting ERD of about March 19, 2012.

As to the long process of reprogramming OMNI, it would be reasonable to not manually fix the hundreds of sentences that have enhancements and instead wait for the reprogramming to occur so that OMNI can do the recalculation automatically. Although this will result in offenders being released earlier than the law allows for the time being, until OMNI gets fixed, the DOC has been releasing them earlier for a decade (since the *In re King* decision), and a few more months is not going to make that much difference in light of this (with the exception of Robinson's case).

Furthermore, this is something that the DOC has identified internally, rather than something that is being forced upon it by an outside entity such as the court. It is therefore not so urgent as to require the large input of personnel resources to do hand-calculations of hundreds of sentences.

*Ronda D. Larson*

Assistant Attorney General

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✉ [Ronda.Larson@atg.wa.gov](mailto:Ronda.Larson@atg.wa.gov)

**From:** [Stigall, Wendy S. \(DOC\)](#)  
**To:** [DOC IT Gatekeeper](#)  
**Subject:** IT Request-Jail Credits-Mandatory-Enhancement  
**Date:** Thursday, December 27, 2012 7:27:19 AM  
**Attachments:** [IT Request-Jail Credits-Mandatory-Enhancement.doc](#)  
[RE Should DOC reprogram OMNI to run jail time off base rather than off enhancement.msg](#)

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## Information Technology Service Request

Request # \_\_\_\_\_

Applied by Gatekeeper

### Contact Information

|                                                                                                                                         |                  |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------|
| Requested By: Wendy Stigall<br>(The person named here will be sent all notifications and follow-up information regarding this request.) | Date: 12/27/2012 |                   |
| Job Title: Statewide Correctional Records Program Administrator                                                                         | Location: HQ     | Phone #: 725-8881 |

#### Division or Contractor: (Please select one)

- Administrative Services Division  
 Community Corrections Division  
 Correctional Industries  
 Health Services Division  
 ISRB

- Organizational Development  
 Policy Support  
 Prisons Division  
 Secretary's Office  
 Contractor \_\_\_\_\_

#### Why must this request go forward?

- Legislative mandate: Bill # \_\_\_\_\_  
 RCW change: RCW # \_\_\_\_\_  
 Cost Savings: estimated savings \$ \_\_\_\_\_  
 Other: AAG Advice

#### Which Strategic Goal does this request address?

- Maintain core correctional operations  
 Focus on the workforce  
 Increase successful re-entry of offenders to communities  
 Improve business practices and performance

#### What is your business need? (Please be specific with details so we understand your need.)

The application of jail credits in OMNI when there is a mandatory/enhancement that are being served as flat time needs to be changed. The current programming is allowing more than the maximum amount of good time to be applied to the base sentences. Current programming applies the jail time to the mandatory/enhancement and the jail good time to the base sentence. Programming needs to be changed to apply the jail time and jail good time to the base sentence. If the number of jail days exceeds the base sentence, the remainder would then be applied to the mandatory/enhancement. The mandatory/enhancement would still run first in the system. Any jail good time in excess of the base sentence would not be applied to the mandatory/enhancement.

Do you have a suggested solution?  Yes  No

If yes, then please explain? See business need.

#### Funding:

Is funding secured?  Yes  No

If yes, then what is the source?

If no, then please explain: Not sure if funding would be from ASD or Prisons as this is a prison calculation issue.

#### Is this request time-sensitive?

Yes  No

If yes, then when must it be completed by? ASAP. This needs to be a Records/SSTA priority.

Why must it be done by this date? All current ERD's when there is a mandatory/enhancement are in error.

#### Required Signature (Please check one)

- Statewide Request-Assistant Secretary \_\_\_\_\_  
 Facility Request-Superintendent \_\_\_\_\_  
 Field Request-FA or Program Manager \_\_\_\_\_

(Electronic signatures must be contained in the email thread submitted with the completed IT Request form.)

#### TRB Representative ONLY

- IT Consultant needed

TRB Representative Recommendation & Signature: \_\_\_\_\_

#### IT Executive Review ONLY

- Approved to move forward-Signature \_\_\_\_\_  
 Return to TRB Representative \_\_\_\_\_  
 Needs assessment \_\_\_\_\_

#### Notes:

*The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.*

Distribution: Outlook e-mail to [docitgatekeeper@doc1.wa.gov](mailto:docitgatekeeper@doc1.wa.gov) - OR - Send to: IT Request Gatekeeper at DOC HQ  
P.O.B. 41109 Mail stop: 41109  
Olympia, WA 98504-1109

## Instructions for Filling Out the IT Service Request

| Section                                         | Description                                                                                                                                                                                                                          |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contact Information                             | Please fill out all sections.                                                                                                                                                                                                        |
| Division or Contractor                          | Please check one box. If you represent a contracted organization, then please check the Contractor box and type the organization represented.                                                                                        |
| Why must this request go forward?               | Check one or more boxes. Please enter the follow-on information after each box checked.                                                                                                                                              |
| Which Strategic Goal does this request address? | The DOC Strategic Plan lists 4 primary goals for the agency. Check the box that indicates what goal this request will help attain.                                                                                                   |
| What is your business need?                     | What issue do you need resolved? What are you attempting to accomplish with the request? Please describe as clear as possible.                                                                                                       |
| Do you have a suggested solution?               | If you have a specific way you would like to meet the need, then please enter it here.                                                                                                                                               |
| Funding                                         | Many requests require funding. Is funding available? And from what source?                                                                                                                                                           |
| Is this request time-sensitive?                 | If the request is time-sensitive, please enter the date and explain why the request must be completed by that date.                                                                                                                  |
| Required Signature                              | Based on the type of request, have the appropriate person sign. Forwarding the completed form to the approver and having the approver forward stating their approval will work. Or, print and have them physically sign the request. |
| TRB Representative Only                         | This section is to be used by IT and the Technology Resource Board (TRB) representative. Each area (Prisons, CCD, ASD, etc...) of DOC has a TRB representative who chooses whether or not to sponsor the request.                    |
| IT Executive Review Only                        | IT executives review the request to ensure it fits into the overall IT architecture.                                                                                                                                                 |

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**To:** [Stigall, Wendy S. \(DOC\)](#)  
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<< File: DOC1PTUM148@doc.wa.gov\_20121226\_164633.pdf >>

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Before *In re King*, 146 Wn.2d 658, 49 P.3d 854 (2002), DOC started the enhancement time at date of arrest (i.e., it applied the jail time served to the enhancement). But it did not credit the jail good time toward the base. Thus, offenders received no jail good time and received only DOC time. Overall, the amount of good time never exceeded the 1/3<sup>rd</sup> allowed by statute, and offenders did not lose good time overall. This is the proper way to run enhancements because it avoids the mathematical problem we now face and also results in the best use of the offender's early release time—DOC can use it for offering them work release, for example, because every offender will be guaranteed to serve their base at the end of their sentence, and thus will be earning early release at the end of their sentence. However, the WSSC tried to fix a problem that didn't exist and thus prohibited the DOC from doing it this way. We are stuck with it now.

After *In re King*, the DOC continued to start the enhancement time at the date of arrest by subtracting the jail time served from the enhancement rather than from the base. But because of *King*, the DOC took the jail good time and subtracted it from the base, rather than simply eliminating the jail good time.

This is resulting in offenders with short bases receiving more good time than allowed by statute. In Robinson's case, his base is a mere 183 days (6 months) long. This results in 60 days of early release credits that he can earn by statute (33% rate). However, his jail time is 134 days and jail good time is 67 days because the jail gave him good time at a rate of 33% ( $67 \div 134 = 0.33 \div 0.66$ ). Thus, he already exceeded his maximum amount of good time at the jail by 7 days. Even so, OMNI is giving him another 39 days of DOC early release credits, for a total of 106 days of early release time. His sentence is 183 days long and he's getting 106 days of early release time. Thus, he is getting early release credits at a rate of 58%. ( $106 \div 183 = 58\%$ ).

This mathematical problem occurs because OMNI is subtracting 67 days of jail good time from a base of 183 days, resulting in a remaining sentence to serve in the DOC of 116 days. Multiplying 116 by 33% results in 39 days of DOC early release credits. So it appears to be correct on its face. But when you look at how much good time he should be getting overall by merely multiplying 33% by the 183-day sentence, and considering he already got 67 days of jail good time, you realize that he is getting way too much good time.

This would not happen if the base were long. It happens because the base is shorter

than the total jail credits. His total jail credits are  $134+67=201$ . Because DOC applies those jail credits of 134 to the enhancement, it enables him to preserve his base sentence (less 67 days) to continue to earn early release time after coming to the DOC. So he gets to earn early release time both at the jail and at the DOC and ends up with more than 33% overall.

Robinson's victim's parents are concerned because they have figured out that Robinson is getting more than 33% good time and thus will be releasing sooner than what they had anticipated.

If the DOC does not fix Robinson's sentence, the likelihood that DOC will be sued and lose in a tort lawsuit is unreasonably high, if Robinson were to release and immediately go and kill the victim, for example. In such a scenario, because the DOC knew that Robinson was getting 58% good time illegally, and didn't fix it, the DOC would lose such a lawsuit and sustain a lot of monetary damages.

OMNI will not allow records staff to fix Robinson's sentence until OMNI is reprogrammed. This would take a long time and would almost certainly occur after Robinson's current (and erroneous) ERD of February 5, 2013. Thus, the only way to fix Robinson's sentence before he is released on February 5<sup>th</sup> is to override OMNI.

One would apply 60 of the 67 days of jail good time to the base (because only 60 days of total good time is allowed on a 183-sentence at a rate of 33%:  $183 \times 0.33 = 60$ ), apply 123 of the 134 days of jail time served to the base (because 123 days wipes out the 183-day sentence after adding in 60 days of good time), and apply the remaining 11 days of jail time served to the enhancement (134 days of jail time less 123 days of jail time applied to the base equals 11 days of jail time to apply to the enhancement). This removes 46 days of early release credits from Robinson's current ERD, adding a month and a half to his ERD (106 days of overall good time currently minus 60 days of correct good time equals 46 days surplus he should not get). Hence, he should have a resulting ERD of about March 19, 2012.

As to the long process of reprogramming OMNI, it would be reasonable to not manually fix the hundreds of sentences that have enhancements and instead wait for the reprogramming to occur so that OMNI can do the recalculation automatically. Although this will result in offenders being released earlier than the law allows for the time being, until OMNI gets fixed, the DOC has been releasing them earlier for a decade (since the *In re King* decision), and a few more months is not going to make that much difference in light of this (with the exception of Robinson's case).

Furthermore, this is something that the DOC has identified internally, rather than something that is being forced upon it by an outside entity such as the court. It is therefore not so urgent as to require the large input of personnel resources to do hand-calculations of hundreds of sentences.

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