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State lawmakers return to Capitol for 60-day session; hearing held on early release of prisoners

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The Associated Press
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OLYMPIA — Shortly after Washington lawmakers kicked off the start of the 60-day legislative session, a Senate committee held a hearing Monday to discuss the erroneous early release of thousands of prisoners over a 13-year period.

The hour-long work session before the Senate Law and Justice Committee included testimony from Corrections Secretary Dan Pacholke on the software coding error that miscalculated sentences, which led to the early release of as many as 3,200 prisoners since 2002. At least two deaths have been tied to the early releases.

Sen. Mike Padden, a Republican from Spokane Valley who is the committee's chairman, called the error "one of the most egregious management failures in state government."

"I don't know of anybody who is not very concerned about what happened and also interested in fulfilling the legislative function of trying to get to the bottom of this," he said at the beginning of the hearing.

Pacholke apologized for "this tragic error" and told lawmakers that a software fix will be in place today and that officials are doing manual sentence recalculations for all potentially impacted prisoners who are scheduled to be released through Feb. 7.

"This is a grave breach of public trust and it's critical that we rebuild confidence in the Department of Corrections," he said.

Pacholke was unable to answer several of Padden's questions, including why it took more than a month for the head of the agency's technology to notify senior officials in the agency, including Pacholke, who said he didn't learn of the problem until mid-December, a week before the public was notified.

Pacholke told the committee that the department needs to be held accountable, and noted that his agency is cooperating fully with two retired federal prosecutors appointed by Gov. Jay Inslee to investigate.

He said that who knew what, and when, and why there was such a long lag between the error and the fix is something "the public deserves to know, and people should be held accountable for that breach."

The mistake followed a 2002 state Supreme Court ruling that requires the Department of Corrections to apply good-behavior credits earned in county jail to state prison sentences. But the programming fix ended up giving prisoners with sentencing enhancements too much so-called good time credit.

Sentencing enhancements include additional prison time given for certain crimes, such those using firearms. Under state law, prisoners who get extra time for sentencing enhancements cannot have it reduced for good behavior.

The agency was alerted to the error in December 2012, when a victim's family learned of a prisoner's imminent release.

The family did its own calculations and found that the prisoner was being credited with too much time for good behavior.

Corrections officials have said that the software fix was delayed 16 times over the past three years and ultimately never done.

The average number of days by which the release date was inaccurate is 51 days, according to the agency.

Based on another Supreme Court ruling that credits time out to the sentence of prisoners who have been mistakenly released early, most of the affected offenders won't have to go back to prison.

At least 27 prisoners mistakenly released early due committed crimes when they should have still been in prison, according to the latest update from the agency.

Of that number, eight committed felonies and 19 committed misdemeanors.

Those numbers reflect a review of prisoners released early between December 2011 and December 2015.

So far, officials have apprehended 77 people who need to serve additional time, but another 103 former prisoners need to be returned to custody.

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