

J & S Webinar Questions

Q1. Will there be a change/addition to the last page of the Judgment & Sentence (J&S) where it indicates the sex of the defendant, male or female in terms of gender identity?

Answer: The Gender and Justice Commission would support a change to this section of the J&S so we can gather better gender/sex information.

Q2. Does DOC have authority to overrule the Judge's calculation of credit for time served, or time remaining?

Answer: No, DOC does not have authority to overrule a court order. The DOC will follow the Court order for days of credit. If clarification is needed, we will reach out to the Court.

Q3. Does the Earned Release Date (ERD) include community custody?

Answer: The ERD is related to the term of confinement and does not include the term of community custody. It is the earliest date that an individual may release from total or partial confinement.

Q4. Do you do this for youthful offenders at Green Hill on an adult sentence?

Answer: Yes, DOC completes the time calculations for youthful offenders sentenced as adults.

Q5. What is finding type?

Answer: 9.94A.533 Adjustments to standard sentences.

Q6. Does DOC keep a current list of the offenses eligible for community custody?

Answer: DOC follows RCW 9.94A.501 to determine if an offense will be supervised by DOC. RCWs 9.94A.701 and 9.94A.702 are used by DOC to determine if an offense is eligible for community custody to be ordered by the court. The Sentencing Guidelines Manuals are another resource based on the date of offense to determine if community custody is applicable.

Q7. Why would you not give Community Custody (CC) to a defendant to qualifies and is ordered on J&S

Answer: DOC does not have the authority to correct an erroneous J&S.

Q8. (Follow up from Q7) What I mean is that I have seen cases where defendant is convicted of Assault 3 it states it correctly on J&S and then DOC sends a letter and states that it is terminating CC even though via statute there is 12 months of CC.

Answer: By statute, DOC must only supervise individual who meet the criteria in RCW 9.94A.501.

Q9. In our county, the jail has asked us as DPAs to calculate credit for time served and include an actual number of days in the J&S. At some point, I was told that DOC required the language “___ days credit for time served, minus DOC sanction time, subject to DOC calculation.” Is all of that extra language necessary? Per today’s presentation, it does not appear so.

Answer: Both parts of this statement are not necessary: "minus DOC sanction time AND subject to DOC calculation." Including one or the other will give DOC the authority to adjust the credits that the Court is ordering deducting any DOC sanctions.

Q10. 2) Am I correct in understanding that good time calculations do not start until a defendant/inmate is in DOC custody? And essentially jail time credit accrues in the same way as how "flat time" is served?

Answer: No, earned time (good time) may be earned while at the jail and at DOC. Jail earned time is based on the number of days served pre-sentence and on the individual's behavior while confined at the jail. DOC earned time is calculated after arrival to DOC is earned based on behavior and programming. Generally, all presentence jail time credit earns earned time (as long as the individual's behavior warrants it) and it is not served as "flat time".

Q11. Who is responsible for sending those re-sentencing docs to DOC?

Answer: I believe it depends on the county. DOC receives them from a variety of sources: county clerks, prosecutor, court bailiff, and defense attorney.

Q12. I send a newly filed J&S's to our local DOC office. I don't have the jail certification. Should I be sending it also to the docdlwccrecords email?

Answer: That is a tough one. If the individual is sentenced to prison the J&S should come to the prison with them upon transport to DOC so there isn't a need to send it to the DL you listed above. A prison sentence J&S does not need to be sent to the local DOC office. The only time, you should send to the email address listed above, is when you believe the prison confinement term has been satisfied and you are asking DOC to complete the calculations to avoid a transfer to DOC from the jail.

Q13. Have there been counties that have successfully included gross misdemeanor/misdemeanor conviction dispositions within the felony AOC J&S documents? Our jurisdiction enters two separate J&S documents – one for the felony convictions, one for the GM/M convictions.

Answer: DOC has not been tracking these types of J&S documents. In asking staff, some larger counties complete separate J&S for the felony and misdemeanor convictions with expressed written intent on how the sentences relate. A recent example of a merged J&S received by DOC was from Stevens County. If merging, it is important that the J&S and Warrant of Commitment are consistent in regard to the confinement terms.