

# **THIRTY YEARS OF DOC IN PIERCE COUNTY: IS IT WORTH IT?**



**A City Club of Tacoma Community Studies Report  
February 2007**



## Letter of Transmittal

This report is the latest in City Club of Tacoma's continuing series of community studies on topics of importance to the Tacoma/Pierce County community. The results of the study were discussed at the December luncheon meeting of City Club of Tacoma. The committee now presents this written report to City Club of Tacoma members.

The purpose of the study was to determine the impact of Washington State Department of Corrections (hereafter DOC) policies on offender release and work release programs on Pierce County and whether and how those policies impact the county in comparison with other counties. This topic has been also addressed by others in the community. Both The News Tribune's series of articles by investigative reporter Joseph Turner (October 2006) and the recently published and exhaustive report of the Office of the Pierce County Prosecuting Attorney Gerald Horne and authored by Bertha B. Fitzer, LL. M., Deputy Prosecuting Attorney, characterize Pierce County as DOC's dumping ground for offenders from other counties.

We conclude that Pierce County communities and officials did not initially complain when two state correctional institutions and work release programs were established in the county by DOC. These institutions and programs were considered economic benefits. Work release was originally conceived as a program of rehabilitation for offenders and a cost-effective alternative to incarceration, which provided important pre-release benefits to convicted felons. Pierce County has been a significant participant in statewide work release programs since the 1970s.

Over time, Pierce County's level of participation in the program has exceeded that of most other counties within the state, leading to higher rates of post-incarceration placement within the county. In addition, offenders from other counties serving time in Pierce County correctional institutions remained in Pierce County for community custody supervision by DOC. High numbers of post-incarceration offenders residing in the county result in higher crime and other negative costs.

The report recommends reevaluation of the work release concept, and a "fair sharing" of the work release burden and post-incarceration supervision by other counties within Washington state. We commend our state legislators for their past and current efforts to obtain equitable distribution of work release centers and released felons around the state (currently, House Bill 1733, sponsored by Tacoma legislators Reps. Steve Conway, Steve Kirby, and Jeanne Darneille).

The committee interviewed a wide variety of people—persons involved in the criminal justice system, State of Washington DOC personnel, social workers, and community leaders—for the purpose of gathering information and learning the perspective of the interviewees on the subject presented. In addition, the committee reviewed documents available through governmental agencies and persons interviewed (Appendix A).

The committee met from May 2005 to October 2006. Committee members who participated in the final report are Victoria Hankwitz, Dawn Lucien, and Debbie Winskill. Walter Neary,

current chair of the community studies committee, also helped finalize this report. Nina Rook assisted as copy editor, Ann Gosch as proofreader.

We acknowledge and thank Grantmaker Consultants and Sequoia Foundation for grants to the City Club community studies committee during the course of this study. These funds greatly aid City Club's ability to print and publish the community studies reports.

We acknowledge and thank all of those who contributed to this report.

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February 2007

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# **Thirty Years of DOC in Pierce County: Is It Worth It?**

## **Purpose of the Study**

The purpose of the study is to determine the impact of Washington State Department of Corrections (hereafter DOC) policies on offender release and work release programs on Pierce County and whether and how those policies impact the county in comparison with other counties.

## **Scope of Study**

The committee interviewed a wide variety of people, including persons involved in the criminal justice system, State of Washington DOC personnel, social workers, and community leaders. Interviews were conducted with the sole purpose of gathering information and learning the perspective of the interviewees on the subject presented. In addition, the committee reviewed documents available through governmental agencies and persons interviewed (Appendix A). The committee met from May 2005 to October 2006.

## **Why We Punish**

Work release participants are typically nearing the end of their criminal sentence. Their participation in work release is viewed as a part of the fulfillment of their criminal sentence. Other felony offenders residing in Pierce County are released here for community custody after incarceration or are released directly into the county from the Pierce County Jail or Pierce County Superior Courts.

To put the concept of work release and community custody into perspective, it is important to understand some of the reasons we punish, and some of the goals society seeks to achieve through punishing criminal behavior. Historically, societies punish criminal behavior for a variety of reasons. The four most common and well-accepted reasons for punishment are:

1. Incapacitation. We want to incapacitate, or physically separate convicted offenders from society, thereby protecting the public from their further criminal acts.
2. Deterrence. Deterrence involves imposing costs and consequences for criminal behavior and also serves to caution others who may be considering criminal acts. If the benefit of a certain criminal act is outweighed by the cost or consequence, a rational person will avoid the criminal act.
3. Moral Education. Punishment may include the opportunity for society to change the outlook and future behavior of a criminal offender by education, counseling, and conditioning of conscience.

4. Retribution. Punishment should exact from the offender a degree of suffering that matches the offense. This is perhaps the oldest theory of punishment.

Modern societies draw on the above rationales in defining the goals of punishment. The emphasis may lean more heavily on one theory and yet incorporate elements of another. In fact, punishment likely incorporates all four rationales set forth above, with emphasis on one or more aspects.

In general, punishment theory incorporates one of two views of human nature. The first view of human nature is best expressed by the writings of Thomas Hobbes that describe man as a self-seeking rational calculator, while the second view, expressed by Jean Jacques Rousseau, describes humans as naturally good.

Hobbes would emphasize retribution and deterrence as a basis for punishment. Since human nature is not good, but instead self-focused, rational, and calculating, the costs of criminal behavior must be real so that deterrence can work.

Criminologists drawing on Rousseau's view of human nature would focus on rehabilitation (moral education) and would be sympathetic to excuses based on societal factors. Since man is essentially good, it is society and its conventions that must be examined, adjusted, and understood to identify and eliminate environmental factors that cause individuals to commit criminal acts.<sup>1</sup>

Having considered some of the reasons we punish, and the assumption underlying those reasons, we now turn our attention to the subject of work release, especially as we have experienced that program in Pierce County, and to the release of other offenders into our community.

In the 1960s and 1970s there was a belief in the possibility of rehabilitation of offenders. Penitentiaries and prisons were relabeled "correctional centers." Laws were passed to allow release from prison to work in the community or to be supervised in the community by DOC case workers. In the 1980s, the legislature attempted to standardize sentencing so that offenders committing the same offenses and with similar criminal histories would be treated similarly. In the 1990s, fed up with repetitive lawbreakers, the legislature passed "Three Strikes You're Out" laws for violent crimes. In 2002, drug laws were changed to acknowledge drug addiction as requiring treatment, monitored by drug courts. Despite the changes of laws and attempts to deter crime, seek retribution for crime or rehabilitate the offender, numbers of offenders increase.

In the 1960s and 1970s, the rehabilitation model was ascendant and this history is important to an understanding of DOC in Pierce County. During this time in Pierce County, correctional institutions were welcomed along with a work release program, based on the belief that offenders would be rehabilitated.

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<sup>1</sup> See generally *Crime, Human Nature and Society*, Wilson & Herrnstein, pages 492-529 (1985).

## **Current Operations of DOC in the State of Washington and Pierce County**

**Department of Corrections.** DOC is responsible for management of all felony offenders in the State of Washington. Felony offenders are those convicted in Superior Court of a crime that carries a sentence of incarceration greater than one year. Increases in DOC's offender population and budget are directly attributed to increases in the number of sentences. Sentences are determined by state law.<sup>2</sup>

A person convicted of a felony receives a sentence that includes one of the following sentencing combinations: community supervision, jail time and community supervision, or prison time. DOC manages part or all of these sentencing conditions. DOC also supervises offenders convicted in Superior Court whose cases have been pled down from a felony to a misdemeanor. According to a recent DOC report, about 20–22 percent of felony sentences were for violent crimes, or crimes against a person such as assault or a sex crime. Thirty-four percent of sentences were for drug offenses and the remaining 44 percent of sentences were for property crimes such as burglary or motor vehicle theft.<sup>3</sup>

The mission statement of DOC states that the “DOC in collaboration with its criminal justice partners, victims, citizens, and other stakeholders will enhance community safety by holding offenders accountable through the administration of criminal sanctions and effective correctional programs.”

In 1999 the Washington State Legislature passed the Offender Accountability Act (OAA). This enactment governs how the state provides community supervision to adult felony offenders. Under the Act, DOC is required to (1) classify felony offenders (a) according to their risk for future offense, and (b) amount of harm the offender caused society in the past; (2) allocate more staff and rehabilitative resources to high-classification offenders; and (3) spend correspondingly fewer dollars on lower-classified offenders.

**Relationship of OAA and DOC.** The OAA expanded DOC's authority to establish and modify conditions of supervision and to sanction violators, allowing staff discretion in determining the period of supervision. DOC staff works with local law enforcement

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<sup>2</sup> The Sentencing Reform Act of 1981 specifically defines the amount of time to be served based on a standard grid that is based on seriousness of current offense and number of prior convictions. SRA ensures that offenders found guilty of similar crimes and that have similar criminal histories will be given the same amount of incarceration time. In the 1990s, two citizen initiatives altered offender sentencing; “Hard Time for Armed Crime” (Initiative 159) and “Three Strikes You’re Out” (Initiative 593) significantly increased amount of time in prison for specific crimes and will create an older population resulting in greater demand for health care services. In 2002 the legislature changed sentencing for drug offenses; changes in the law reflect the need to provide means other than prison for addressing drug offenders and substance abuse. The reduction in the offender population for drug offenses is thought to decrease demand for correctional facilities in the future. Savings provided through changes in length of sentence will support local drug treatment programs, specifically drug courts.

<sup>3</sup> DOC Overview Fiscal Years 2003-2009. Almost 60 percent of all felonies are in the five largest counties (Pierce County 19.7 percent; King County 21.2 percent; Snohomish County 6.6 percent; Clark County 6.4 percent, and Spokane 5.4 percent). All other counties account for 40.8 percent. [www. DOC.wa.gov](http://www.DOC.wa.gov)

agencies, community leaders and groups, crime victims, and businesses in those areas where community risk is greatest.

**Classification of Offenders.** Offenders are classified by four levels called Risk Management Identification (RMI) Criteria with RM-A, the highest, RM-B, RM-C, and RM-D, the lowest. The criteria for each risk management level are found in Appendix B.

**Allocation of DOC Costs and Expenses by Offender Category.** According to a report by the Washington State Institute for Public Policy, [www.wsipp.wa.gov](http://www.wsipp.wa.gov), July 2005, entitled “Washington’s Offender Accountability Act: A First Look at Outcomes,” the following are estimated annual costs per offender (by RMI) placed on community supervision. These costs are expended at the discretion of DOC in accordance with the legislative directive to allocate more community-based resources to higher-risk offenders:

RM-A & RM-B:	\$5,500.00
RM-C:	\$1,249.00
RM-D:	\$ 505.00

**Allocation of Supervision Hours Budgeted by Category of Offender.** Hours of supervision per offender per month by RMI Level are as follows:

RM-A:	9.2 hours/month
RM-B:	7.6 hours/month
RM-C:	5.4 hours/month
RM-D:	1.6 hours/month

The expenditures of these DOC resources in Pierce County represent DOC funds spent primarily for these high-risk offenders released to the community, rather than those offenders in work release programs, serving time in the Pierce County Jail, released from Pierce County Jail or on probation, so long as these offenders are in lower-risk categories.

**DOC Annual Spending in Pierce County.** The committee addressed specific questions to DOC: (1) how much money was spent in Pierce County, (2) where DOC dollars are spent, (3) how much is spent in Snohomish County, and (4) how are funds allocated among jail beds, contracts to community residential providers, supervision, and treatment.

DOC responded that the DOC does not budget down to the county level. But DOC was able to estimate the allotments based on the number of positions in Pierce County and the specific releases and contracts in Pierce County. The gross dollar amounts for two years (the current biennium) for Pierce and Snohomish counties follow:

County	FTE Estimate	Salaries & Benefits		Goods & Services		Leases		Total
Pierce	223	\$24,768,132	86%	\$1,585,770	5%	\$2,452,098	9%	\$28,806,000
Snohomish	86	\$9,536,834	85%	\$ 700,586	6%	\$1,038,668	9%	\$11,276,089

The News Tribune (hereafter TNT) noted in its recent article, “Pierce County: Dumping Ground” by investigative reporter Joseph Turner, that “the prison industry and related facilities account for 5,000 jobs and nearly \$300 million in annual spending in Pierce County.”<sup>4</sup>

### Work Release Program<sup>5</sup>

Work release is a program for those offenders deemed qualified to work in the community while completing their term of incarceration. It is less expensive for DOC to house inmates in a work release program than in prison. Supporters of the work release system believe the program assists an offender’s transition back into the community and enhances long-term prospects of reintegration into society. DOC’s position on work release was outlined in an op-ed article by Anne Fiala of DOC in the TNT on September 24, 2006; a copy of this opinion is found in Appendix C.

**Progress House.** Progress House is a work release facility located in Pierce County. It was established in the 1970s through the use of CETA<sup>6</sup> grants by the Rev. Leo Brown in Tacoma, with approval of Pierce County commissioners. Progress House has capacity for 69 males and 6 females.

**Rap House and Lincoln Park Work Release.** Two other, smaller work release centers in Tacoma are designed to assist developmentally disabled offenders (Rap House) and mentally ill offenders (Lincoln Park). These facilities house offenders from counties throughout the State of Washington. The program is operated by DOC in partnership with a private rehabilitative corporation. Rap House has 20 beds and Lincoln Park has 30 beds.

**Recidivism.** In general, recidivism means reconviction for a new offense or violation of a term of sentence.

During the course of our study, we encountered different meanings of the word *recidivism*. For example, the term *recidivism* is defined as “a return to prison within five years” according to a DOC-commissioned report by Lachman and Associates to study the

<sup>4</sup> October 23, 2006, Appendix C (TNT articles used with permission)

<sup>5</sup> DOC defines *work release* as “a supervisory program imposed on an offender who has been conditionally released from total confinement in an institution or on a parolee or probationer in need of increased supervision. Certain felons convicted after implementation of the Sentencing Reform Act may serve their term of partial confinement in a DOC work release facility. The program allows residents to work or attend educational programs during the day and be confined in the work release facility at night.”

www.doc.wa.gov

<sup>6</sup> A federal program designed to aid urban renewal and economic development in the 1970s

impact of work release in Pierce County from 1993 to 1997. According to that definition, Lachman found a 33 percent recidivism rate for work release participants in Pierce County and a 33 percent recidivism rate for offenders released directly from prison.

When recidivism means “commission of a new felony within five years,” Lachman found that those offenders released directly from prison had a 43 percent recidivism rate or felony conviction within five years, *while those released from Pierce County work release had a 48 percent recidivism rate or felony conviction within five years of release.*<sup>7</sup> In response to the Lachman statistics, Progress House personnel state that the higher rates of recidivism reported in the past demonstrate closer monitoring of violators in work release programs.

The Pierce County Prosecuting Attorney’s office surveyed 75 Progress House Work Release participants from February 9, 2005, through the end of 2006. At least 40, or 53 percent, of those offenders had been rearrested in Pierce County. In January 2007, 29 percent, or 22 offenders, were convicted of one or more new felonies. Three others have had convictions for misdemeanors involving driving with revoked licenses. Pierce County has filed felony charges that are now pending against an additional four offenders.<sup>8</sup> These findings include arrests, pending charges, and misdemeanor convictions, as well as felony convictions, and present a broad view of the negative effect and cost of repeat offenders in the community.

A report on work release in Washington published 10 years ago demonstrated that work release programs did not reduce offender recidivism in the State of Washington.<sup>9</sup> The study was based on re-arrest of offenders within 10 months of release.

**Location of Work Release Programs Throughout Washington State.** We find that local resistance to placement of work release facilities in communities across the state is a common problem for DOC. Local government officials often revisit the issue of establishment and location of work release facilities in their communities. DOC will site work release centers where they can, subject to certain restrictions, if the community insists on those restrictions. Historically, DOC and local communities negotiated terms for location of work release facilities within a community. For example, Clark County agreed to site a work release program at the county jail, thereby affording much more control over program participants.

Snohomish County currently has no work release program, in large part due to local resistance. Public involvement can affect the terms and conditions of work release programs. For example, as a result of community and local governmental concern in Pierce County and Tacoma, in February 2005 DOC agreed to restrict participation in the

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<sup>7</sup> Lachman & Laing Consulting, *DOC Releases in Pierce County: Comparison of County of Convictions and County of Release*, December 2003, Table 38, p. 48.

<sup>8</sup> Fitzer, LL.M., Bertha B., Deputy Prosecuting Attorney, *Washington State Department of Correction Policies and Pierce County’s High Crime Rate*, Offices of Gerald A. Horne, Pierce County Prosecuting Attorney (February 2007), pp. 100-101. This report is an exhaustive study and recommended reading.

<sup>9</sup> Turner, Susan, and Joan Petersilia. 1996. “Work Release in Washington: Effects on Recidivism and Corrections Costs,” *Prison Journal* 76 (2):138:164. See abstract, Appendix D.

work release program at Progress House only to those individuals with significant contacts in Pierce County (Appendix E). In addition, Kitsap County and DOC agreed that only offenders committing crimes on the Peninsula will be admitted to Kitsap County work release programs. Currently, Lakewood City Council has adopted an ordinance restricting the location of future DOC facilities. The ordinance is being appealed by DOC.

The following table from the Lachman report reflects the location of work release facilities in each of the four largest counties in Washington State.<sup>10</sup>

County	Work Release Beds	% of Work Release Beds	% of State Population
King	241	26%	29%
Pierce	125	15%	12%
Snohomish	0	0%	10%
Spokane	135	13%	7%

The DOC publishes tables of statistics about offenders on its website. According to a table entitled “Resident Offenders Within Facilities and Work Release County of Conviction as of September 30, 2005,”<sup>11</sup> the offenders in work release with convictions in each of the four largest counties numbered as follows:

County of Conviction	Offenders in Work Release Statewide	Work Release Beds in County
King	133	241
Pierce	97	125
Snohomish	46	0
Spokane	56	135

All 46 of Snohomish County’s offenders are placed in work release programs in other counties.

**Economics of Work Release.** Currently the average cost of incarceration per prison bed (security, operation and staffing of physical plant, room, board) is \$27,000 per year. The costs per offender bed per year at McNeil Island (\$34,950) and Purdy (\$37,837) are the highest cost per offender bed per year of all Washington correctional institutions. See Appendix F. The average cost of work release is \$21,000 (annualized cost) per year, for a work release bed. A small part of the cost difference is attributable to reimbursement of

<sup>10</sup> Lachman, pp. 21 and 37

<sup>11</sup> [www.DOC.wa.gov](http://www.DOC.wa.gov); “Facility Report, Offender Characteristics, Population Movement and Custody Fiscal Year 2006, as of September 30, 2005.” Prepared by Budget Resource Management. Table 2F Appendix G

room and board by work release participants.<sup>12</sup> If Pierce County has 125 work release beds, at \$21,000/bed/year, the total amount paid to private work release providers is \$2,625,000 per year for those work release beds.

**Community Mental Health and Social Services Assist DOC in Work Release Programs.** In its brochures and on the Internet, DOC describes the work release programs in Pierce County. At all three programs, local community social and mental health services are engaged and receive economic benefit by providing services to work release offenders.

At Progress House, “*Community corrections officers work with residents to engage community services appropriate to individual and criminogenic needs*” (italics added). In-house programs at Progress House consist of chemical dependency treatment, Alcoholics Anonymous, Narcotics Anonymous, Moral Reconciliation Therapy, and religious services. See Appendix H.

At Rap House and Lincoln Park work release programs, “work release offenders are expected to participate in one therapy group per week within their respective facility. These mental health groups are facilitated by community professionals. A therapist is available for limited individual counseling. *The supervising corrections officer may also link residents with appropriate community counseling services.*” In addition to mental health counseling services, Rap House and Lincoln Park both “utilize community resources that include the Division of Vocational Rehabilitation, Division of Mental Health, Tacoma Community House Urban League, Corrections Clearinghouse, and others.” If residents are unable to participate in employment or training because they are disabled, the program will “*facilitate further community care placement such as congregate care facilities*” (italics added). See Appendix I.

## **Offenders Released to Pierce County**

**Offenders Released to Pierce County Directly from Correctional Institutions.** The statistics that follow reflect the numbers of offenders released into Pierce County directly from prison during Fiscal Year 2006, as compared with the three other largest counties by population. The *italicized* columns have been added for ease of comparison.<sup>13</sup>

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<sup>12</sup> Net wages from the seven King and Pierce county work releases during fiscal year 2005 was \$1.8 million. Estimated net wages for Progress House are \$481,000 and out of that amount DOC recovered \$230,000. Source: DOC. Pierce County has 125 work release beds; each bed produces about \$1,840.00 (\$230,000/125) toward the \$21,000.00 annualized cost for each bed.

<sup>13</sup> www. DOC.wa.gov. Budget Resource Management, “Fiscal Year 2006 Releases.” Appendix J

Released to this county July 1, 2005 through June 30, 2006	Released from sentence: completion of prison sentence	Released from service of time due to violation of conditions	Total FY 2006	% of all releases	% of state population <sup>14</sup> (2005 estimated)
King	2125	4487	6612	28%	29%
Pierce	1317	1683	3000	13%	12%
Snohomish	548	768	1316	6%	10%
Spokane	831	1315	2146	9%	7%
WA total	9135	14384	23519	100%	100%

Based on DOC statistics, offenders released directly from prison to Pierce County during a 12-month period totaled 3,000. Many of these offenders are released to community custody and DOC supervision. These individuals are in addition to work release participants and offenders who may be released to DOC community supervision directly from Superior Court. Frequently the conditions of release include various types of counseling to be provided by the community. Over the years, the community service providers have received a substantial economic benefit.

**Offenders Released to Pierce County Directly from Superior Court.** In addition to offenders released from prison sentences to community supervision with conditions imposed, Pierce County has significantly high numbers of individuals, per capita, sentenced by Superior Courts to DOC community supervision and probation. The Superior Courts of Washington maintain statistics of criminal court activities. The “Criminal Case Completions and Sentences, January–September 2006”<sup>15</sup> statistics for each of the five most populous counties are as follows:

County of Conviction	Community Supervision Probation	Jail/Community Supervision/Probation	Jail Only	State Institution	Total Sentences	% of All Sentences	% of State Population
King	107	2,673	1,677	1,691	6,370	23%	29%
Pierce	87	1,787	555	1,255	3740	13%	12%
Snohomish	3	583	721	509	1623	6%	10%
Spokane	26	1,089	615	628	2381	9%	7%
Clark	0	196	985	518	1759	6%	6%
WA Total					27811		100%

<sup>14</sup> Retrieved from <http://quickfacts.census.gov/qfd/states/53000.html> 2/2/2007

<sup>15</sup> [www.courts.wa.gov/caseload](http://www.courts.wa.gov/caseload); Appendix K

Sentences imposed in Pierce County Superior Courts for jail, community supervision, and probation are likely carried out in Pierce County. Individuals serving these sentences are *in addition* to those individuals released from prison after serving prison sentences or release after violation of conditions of supervision or participating in a work release program in Pierce County. The sentences of these offenders frequently include counseling of one type or another.

In February 2005, DOC supervised 6,989 high-risk offenders in Pierce County—5,527 (65 percent) came from the Pierce County jail and 1,462 (35 percent) from prison.<sup>16</sup> High-risk offenders require more social and mental health services.

Pierce County district courts, juvenile courts, and municipal courts are full of young offenders. These offenders are often released into the community with supervision and probation and various types of counseling. Details are provided in Appendix L.

**Social Services in Pierce County: “The Compassionate Community.”** Over the years, many individuals and private nonprofit and faith-based organizations have benefited from direct payments for social services required by offenders. In addition, federal, state, and local grants are available to providers for establishing facilities to provide these social services. An infrastructure of social services related to DOC-supervised offenders has evolved in Pierce County. Supervised offenders frequently receive funds from DOC and Department of Social and Health Services (hereinafter DSHS), as well as Social Security Administration SSI benefits.

A recurrent theme in the interview process revealed a direct link between drug usage and criminal behavior. As a consequence, there is a large demand for chemical dependency treatment services as a component of DOC supervision. Providers in Pierce County have filled that demand.

Pierce County has 65 Certified Chemical Dependency Services providers compared with 159 in King County, 41 for Snohomish County, and 43 for Spokane County. These services include DOC-funded, other governmental services, Indian tribes, and privately provided services. Most of Pierce County listings are private providers. The Directory also publishes an “Access to Recovery Directory” that lists public and private recovery and support specialists. Pierce County has eight recovery and support specialists (two are county agencies), compared with seven in King County, three in Snohomish County (all three are Snohomish County listings, none private), and five in Spokane County.<sup>17</sup>

In addition to drug and alcohol counseling, many offenders require services such as anger management counseling, mental health counseling, treatment required for sex offenders, family counseling, and counseling related to domestic violence. Pierce County provides

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<sup>16</sup> Pierce County Sheriff’s office, presentation when interviewed; see also Appendix T.

<sup>17</sup> These listings are published in the Directory of Certified Chemical Services in Washington State. Included in the directory is the “Access to Recovery Directory” that lists the specialists referred to above. The directory is published by the State of Washington and at [www1.dshs.wa.gov/DASA](http://www1.dshs.wa.gov/DASA).

private mental health counseling, including nonprofit organizations operating such institutions as Greater Lakes Mental Health services in Lakewood, Metropolitan Development Council, and faith-based organizations. DOC refers offenders to DSHS, Work Source Employment, and other governmental agencies to apply for services available to any citizen. In addition, community and faith-based help is available. Offenders are referred to local missions and food banks.

Typically inmates being discharged from facilities in Pierce County (Western State Hospital, McNeil Island, and Purdy) are released into Pierce County and many choose to remain in Pierce County.

An individual's choice may be influenced by the following facts. Offenders' families often relocate in the county to be near the inmate. For many, there is little incentive to leave Pierce County. Cost of living is lower in Pierce County than in some other counties. Participation in treatment programs, mental health, or social services is often imposed as a condition of release and such services are readily available in Pierce County. In addition, constitutional issues of association and travel prohibit designation by DOC of a resident county for a released inmate. Offenders from other prisons in the state may also choose Pierce County for release if approved by DOC.

DOC makes no deliberate effort to relocate felons to other counties. Offenders choose their county of residence, provided they have a viable address. Individuals who complete their prison sentences while in work release in Pierce County often remain in this county, even when the offender's county of origin or county of conviction is not Pierce County.

According to DOC policy, the offender and the Risk Management Teams at the institution together prepare the offender for release from prison six months before the estimated release date of the offender. Risk Management Teams at the institution begin discussions with the offender answering questions as follows:

1. Upon release, what will be different from the offender's prior time in the community?
2. What impact will prior offenses and conditions have on the offender's release into the community and subsequent supervision?
3. Does the offender have a release address?
4. Will the offender be associating with the same friends?
5. Does the offender have employment?
6. What resources does the offender believe are needed to be successful?
7. Will transition funds be needed to ensure community protection?
8. Are additional treatment programs, mental health, or medical considerations to be prepared before release?
9. Does the offender's plan sound reasonable?
10. Does the plan place prior victims at risk?
11. How many elements can be verified and how shall they be verified?

12. Will the plan create a need to reassess the offender's risk classification due to community risk, imminent risk, or other issues?<sup>18</sup>

During the pre-release discussions, the offender chooses his or her residency upon release as set forth in the Offender Accountability Plan, which is subject to approval by DOC. For reasons stated earlier, it is a rare case in which DOC can veto an offender's decision to locate in Pierce County.

**Transition Funds.** When DOC releases an individual into the community, that individual may receive "transition funds," for a period of 90 days, if requested by the community corrections officers or risk management specialists in charge of the released individual.<sup>19</sup> The criteria for dispensing these funds are (1) the parolee must be released to community supervision, (2) high risk/high needs designation, and (3) lack of available resources both personal and community.

These transition funds may include the following items:

- Pharmacy – prescription drugs/medications
- Employment assistance – clothing, ID, license, tools
- Work crew – project positions
- Transportation – bus passes/tickets, used bicycle
- Goodwill – clothing, dishes, household items, used bicycle
- Housing – rent, mental health treatment (temporary, community-based)
- Prepaid cards/vouchers – Safeway, Kmart, Value Village
- Treatment evaluations – stress/anger management, domestic violence, sex offense, chemical dependency
- EHM/GPS/on-call notification services (electronic home monitoring/global positioning system)
- Special needs – wheelchair, crutches, wheelchair ramp
- GED – education
- Polygraphs
- Offender programming – special needs, Food Sense (WSU Extension), life skills, Master Gardener (WSU Extension)
- Any crime-related/risk treatment (tied to imposed conditions)
- Day care
- Offender supply closet – underwear, socks, toiletries, soap, alarm clocks, food, juice

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<sup>18</sup> DOC document "Offender Transition Services," [www.wa.gov](http://www.wa.gov). Appendix M

<sup>19</sup> DOC-prepared document. See Appendix N

A variety of local, private vendors and providers obviously benefit directly from DOC's distribution of these "transition funds."

### **A Look at the Future**

Statisticians expect the numbers of offenders will increase. Current long-term forecasts indicate that Washington will need two new prisons by 2020 and possibly another one by 2030. A typical new prison costs about \$250 million to build and \$45 million per year to operate.<sup>20</sup> There is no short-term solution to reducing offenders in Washington communities, and particularly in Pierce County.

In light of the above costs, Washington's legislature directed the Washington State Institute for Public Policy (hereafter WSIPP) to investigate whether there are "evidence based" options that can:

- Reduce the future need for prison beds.
- Save money for state and local taxpayers.
- Contribute to lower crime rates.

In the study, the WSIPP conducted a systematic review of 571 rigorous comparison-group evaluations of adult corrections, juvenile corrections, and prevention programs, most of them conducted in the United States.

About work release programs, the study found it could not conclude if they do or do not reduce crime outcomes, based on too few recent evaluations. Past evaluations of Washington State work release programs have not been promising. The 1996 study referred to above found Washington's work release programs do not reduce crime. Lachman's report likewise finds no reduction of recidivism as a result of participation in work release. The survey performed by the Pierce County Prosecuting Attorney finds no evidence that the state's work release programs reduce crime.

The WSIPP study notes that intensive-supervision treatment-oriented programs have a greater success rate than other programs in reducing recidivism and crime. The Pierce County Sheriff's office in concert with DOC, Pierce County Chamber of Commerce, Safe Streets, and WorkSource devised a program entitled Transition Options Partnership that provided for closer supervision with more accountability for results. This program has not been used since the summer of 2004; at that time, four offenders had participated. A smaller version has begun at Rap House and Lincoln Park, according to DOC. At the state level, a task force study led by Pierce County state Sens. Mike Carrell and Debbie Regala outlines greater supervision for future work release programs, greater

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<sup>20</sup> WSIPP study, *Evidence-Based Public Policy Options to Reduce Future Construction, Criminal Justice Costs and Crime Rates*. The study is found at [www.wsipp.wa](http://www.wsipp.wa).

accountability, and dispersion of work release programs throughout Washington counties.<sup>21</sup>

The WSIPP study lists those programs that, based on the institute’s research, most successfully prevent crime. The programs are found under the listing “Prevention Programs (crime-reduction effects)” and include the following programs as having significant effects on the reduction of crime:

- Nurse Family Partnership-Mothers
- Nurse Family Partnership-Children
- Seattle Social Development Program
- Pre-K education for low-income 3- and 4-year-olds
- High school graduation

See Appendix O (Exhibit 4 of the WSIPP report).

These programs underscore the real issues at stake—the early childhood development and education of our youth and whether we as citizens of the State of Washington will continue to build prisons or invest heavily in the future of our children. There will be no relief from the thousands of offenders among us in the future if we do not acknowledge the importance of educating our children. The key to long-term reduction of crime is education and early childhood development for our children.

Based on the preceding facts, the committee makes the following findings, recommendations, and conclusions:

## **Findings**

1. The Department of Corrections did not “strong arm” its way into Pierce County; influential civic and elected leaders opened the door and invited them in. What began as a “win win” solution to the problem of cost containment for DOC and economic benefit for Pierce County has resulted in an inordinate number of convicted offenders being introduced to Pierce County, with many remaining in Pierce County long after their prison sentences have run out. Convicted felons have a much higher statistical likelihood of committing future criminal acts, hence (and not surprisingly) we find that Pierce County has higher crime statistics than other counties in the state.
2. Pierce County has more than its “fair share” of work release inmates, compared with most other counties in the state. In addition, Pierce County has a disproportionate number of felons who choose to remain in the county following their release from incarceration. There are at least four major reasons for these facts: (1) a significant social services infrastructure in Pierce County, (2) economic opportunity related to

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<sup>21</sup> Transitional Program and State/County Coordination Subcommittee Recommendations to the Joint Task Force on Offenders Programs, Sentencing and Supervision

work release sponsorship, (3) desire for DOC cost savings, (4) relocation of family and friends of the incarcerated to Pierce County to support the offender, all of whom then continue to make Pierce County their home after release.

3. Work release became fashionable in the 1970s as an enlightened approach to corrections. The predominant idea behind work release is that if persons convicted of crimes are given the resources to succeed after prison (i.e., a job, connection with a community, counseling, treatment, and support), future criminal behavior will significantly decrease. In response to the economic stagnation in the 1970s, civic and elected leaders in Pierce County were eager to find ways of stimulating the local economy. Establishment of work release facilities in Pierce County was viewed as a viable economic benefit to the community. Additionally, from the 1960s through the present, our nation has experienced increased public spending on social welfare programs, including programs for treatment, counseling, and rehabilitation of incarcerated persons. Private individuals, nonprofit corporations, and faith-based institutions took advantage of the economic opportunity and directly benefit from the establishment of social services and programs.
4. Federal money was available in the 1970s to support creation of work release facilities. In addition, state and federal funds were available to various treatment centers to address the many counseling and treatment needs of economically disadvantaged persons, including those released from correctional facilities. In the 1970s and 1980s, the State of Washington established prisons at Purdy and McNeil Island, both located in Pierce County.
5. The above factors, in addition to cost of living considerations and availability of affordable housing, made Pierce County an attractive location for work release facilities in the 1970s. Public and private social support networks, social services, treatment, and counseling services soon followed the placement of work release facilities in Pierce County. These services began what was later to become a significant social services network in Pierce County. It is not coincidental that Pierce County became an increasingly attractive destination for work release and paroled offenders. After all, the cost of living was reasonable, there was good availability and access to needed social services and treatment facilities, and there was a large population base that offered employment opportunities for those who wanted to work.
6. Work release programs probably succeed in reducing costs to DOC but pass currently unaccounted-for secondary costs on to communities who must contend with the continuing criminal acts of many work release participants. Pierce County taxpayers are picking up the tab for an unfair share of these secondary costs. These costs include higher caseloads for police departments, courts, offices of the Prosecuting Attorney and Assigned Counsel, costs of re-incarceration in jail or prisons, losses and costs to victims, harm to communities, and increased hospital emergency department admissions.

7. Until DOC and advocates of work release programs provide convincing evidence that the benefits of work release outweigh the burdens imposed in the form of the secondary costs to the community, we believe that the concept of work release requires fundamental reevaluation.
8. Relations between DOC and local elected officials within Pierce County have deteriorated significantly since the 1970s, in large part due to over-subscription by offenders for release in Pierce County. More recent resistance by local elected officials and the City of Lakewood's efforts regarding relocation of Progress House in Lakewood are examples of the change in relations from prior decades. Some citizens complain that DOC was less than forthright in its attempt to relocate Progress House at Western State Hospital because the decision was initially made without public input. Other elected officials complain that DOC refuses to provide adequate information on the release of offenders, incidents of recidivism for work release participants, and acceptance criteria for work release participants. Complaints are made that DOC stonewalls requests for public information. Another complaint is that although Corrections Secretary Harold Clarke admits that Pierce County has more than its share of offenders, he continues to consider Western State Hospital a viable option for location of Progress House. DOC complains that Pierce County officials are not willing to sit down together to resolve the issues, preferring to use the media to voice their opposition to DOC programs.
9. The investigative reporting by The News Tribune provides a comprehensive study of the offenders released in Pierce County. The findings in these articles should cause our county citizens to insist on fairer distribution of the offender burden throughout the state.
10. The report of the Washington State Institute for Public Policy reaffirms that early childhood development and education of our children and teenagers are essential to achieving the goals of reducing criminal behavior in the first instance and reducing recidivism. Consistent with the formation of long-term strategies for the reduction of criminal behavior and recidivism, we are encouraged that our legislature is exploring alternatives, as evidenced by the WSIPP report and the work of Pierce County legislators referred to earlier. Additionally, the governor's task forces on education—Washington Learns (elementary and secondary education issues) and Making the Grade (Washington higher education and the global challenge)—are critical steps toward a long-term solution to rampant criminal behavior and recidivism.

## **Recommendations**

1. Reduce the number of work release offenders in Pierce County by encouraging state and local officials to continue working for a more equitable "fair share" distribution of work release participants and supervised offenders.
2. Support efforts such as those offered during the last legislative session by state senators requiring written justification when a risk assessment is reduced (SB 5429).

Among the sponsors were Pierce County state Sens. Carrell, Rasmussen, and Franklin.

3. Reduce the number of work release beds in Pierce County, including relocation of Progress House out of Pierce County. For example, during the last legislative session, a bill to restrict correctional facilities on the grounds of a state hospital (HB 1614) was sponsored by Reps. Green, Talcott, Conway, and Darneille.
4. Limit the number of times a re-offender can participate in work release programs.
5. City and county officials should closely monitor private applications for work release and offender housing within the county. One example is the City of Tacoma's moratorium on group homes and its efforts to pass zoning laws to address the problem of large numbers of offenders concentrated in an area of the city, such as the Hilltop. Another example is the Lakewood ordinance subjecting DOC facilities to zoning restrictions.
6. Evaluate the true costs of community-housing work release programs vs. the benefits of the programs, and reevaluate the concept of work release—is it worth keeping?
7. If the system of work release is to be maintained, require all counties to provide proportionate work release capacity. The joint task force referred to earlier—entitled Joint Task Force on Offenders, Programs, Sentencing and Supervision, led by state Sens. Regala and Carrell—recommends that each community have the capacity to meet the transitional needs of offenders committed to prison from the community, thereby requiring each county to be accountable for its own offenders.

## Conclusions

It has been said that “every system is perfectly designed to achieve the results it achieves.”<sup>18</sup> Thirty years ago, we embraced “opportunities” to participate in placement of offenders within our community. Our reasons were varied—sometimes economic, sometimes idealistic—but the results were the same. More offenders in our community equal more crime. Today we acknowledge that reality. Our community and DOC were equally short-sighted in assessing the long-term impact of the decisions made in the 1970s.

The problems associated with the historical overburdening of Pierce County by the DOC can be corrected only through fundamental change in the work release programs and through a “fair share” distribution throughout the state of work release participants and DOC-supervised and released offenders.

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<sup>18</sup> Daniel M. Berwick, M.D., Institute of Healthcare Improvement, Boston, MA (Donald M. Berwick, president and chief executive officer), “Improvement and Change: A Systems View,” *British Medical Journal*, Volume 312 (7031), 9 March 1996.

## APPENDIX A

### Persons Interviewed

Tim Farrell	Pierce County Council Member
Anne Fiala	Regional Administrator Southwest Region Office of Correctional Operations Department of Corrections
Rosa Franklin	Washington State Senator President Pro Tempore, Washington State Senate
Gerald Horne	Pierce County Prosecuting Attorney
Moni Hoy	Safe Streets, Leadership Team Programs Team Leader
John Ladenburg	Pierce County Executive
Michael Lonergan	Tacoma City Council Member Deputy Mayor of the City Council Executive Director of the Christian Brotherhood Academy Former Executive Director, Tacoma Mission
Penny Maples	Director of Education and Training Sexual Assault Center of Pierce County
Bonnie Muccilli	Field Administrator Department of Corrections
Sandy Musselwhite	Progress House DOC Supervisor
Paul Pastor	Pierce County Sheriff
Lyle Quasim	Chief of Staff for Pierce County Former Director, Department of Social and Health Services, State of Washington
Joseph Stortini	Former Pierce County Commissioner Former State Representative Former Pierce County Executive
William Waters	Former Executive Director, Rose House Clubhouse Model Psychiatric Rehabilitation Program

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- *Evidence-Based Public Policy Options to Reduce Future Construction, Criminal Justice Costs, and Crime Rates* (October 2006)

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