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**From the Office of
Gerald A. Horne
Pierce County Prosecuting Attorney**

**Washington State Department of Correction Policies
&
Pierce County's High Crime Rate**

By:

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February 6, 2007*

Pierce County's Criminal Courts

Criminal Presiding: Monday morning. Defendants jam into the courtroom while latecomers spill into the hall. Forty to fifty lawyers mill about the courtroom. The lawyers' chatter is punctuated by a shout from jail staff. "Coming through" yells the corrections officer as he and his colleague snake the first chain of prisoners through the maze of lawyers. The first batch of defendants is heading for the jury room, now the holding area for inmates. Before the end of the morning, two, three, four or more chains of defendants arrive for court. Here in Presiding (PJ), the judge sends a case or two out for trial, grants continuances and accepts pleas. The other cases that are also ready for trial are in a holding pattern. Lawyers, defendants, and witnesses will all wait to see if there is a judge and a courtroom available. Their chances are not good. There are not enough judicial resources to handle the load. Those cases not sent out for trial this day will be set over until tomorrow or continued to another date. Many cases are set over day after day after day, creating issues for the judges, the lawyers, the victims, and the witnesses.

The Fifth Floor: Get off the elevator on the fifth floor and there are more examples of too many criminal cases and too few resources. Defendants and lawyers line the benches, stand before the elevators or duck into the stairwell in an attempt to find privacy to discuss their case.

The Pit: In the attorney pit, a narrow hallway between two fifth floor courtrooms, attorneys haggle over the details of plea agreements. This is also the transport corridor, the area between courtrooms the jail staff uses to transport still more chains of defendants to other holding areas. Attorneys in the pit conduct their business as the inmates pass within inches of the busy lawyers. Occasionally, the lawyers' negotiations will be interrupted by jail staff attempting to subdue disorderly defendants.

Criminal Divisions Courtrooms 1 & 2: Two special courtrooms flank the pit. With secured gallery sections for out-of-custody defendants, the benches are packed. Judges here spend their day taking pleas, entering scheduling orders, arraigning defendants and setting terms of release. With barely time to glance at a file, the constant flow of bodies is so stressful that judges remain in these courtrooms just one month and then rotate to some other duty.

In the rest of the courthouse, the bulk of the remaining courtrooms are also dedicated to handling the crushing load of criminal cases. A few lucky civil litigants, after months of waiting, will finally be assigned to a courtroom in order to resolve a dissolution, a personal injury case or a contract dispute.

In Pierce County, lawyers and court personnel dance at a maddening pace--every day--attempting to bring justice and reason to a dysfunctional and overtaxed criminal justice system. The bottom line? Too little of everything---except criminal defendants and their cases. How did we get so many people committing so many crimes in Pierce County? Where do they come from?

INTRODUCTION

Those who work in the criminal justice system know first hand the stress of handling heavy case loads and the frustration of repeat offenders. The above scenes are a daily event. Pierce County's prosecutors and public defenders carry some of the heaviest case loads in the state, collectively handling thousands of felony cases each year. Judges and court staff struggle to process the endless stream of offenders through the courts. Pierce County government and Pierce County taxpayers pay the costs: judges, courtrooms, correctional facilities, jail staff, law enforcement, prosecutors, and defense counsel. Many times the system is simply reprocessing repeat offenders. Because the system is so strained, more judges, courtrooms, lawyers and jail space are needed to handle the load within the speedy trial timeframes required by our Constitution.

Many see these problems and shrug their shoulders. These individuals believe some version of this system has always existed and nothing can be done to fix it. Taxpayers must pay for the system. Lawyers and courts must struggle as usual.

But does it have to be this way? Pierce County Prosecutor Gerald A. Horne believes it does not. Early in his administration, he recognized that the issue of Pierce County's high crime rate and its causes demanded special attention. Mr. Horne questioned whether Pierce County had always had this problem. He identified a serious disparity between Pierce County's serious violent crime rate and its share of the state's population. Pierce County has the highest per capita violent crime rate in the state. A second fact also became obvious; there exists a significant disparity between Pierce County's violent crime rate and that of the two most densely populated counties to the north.

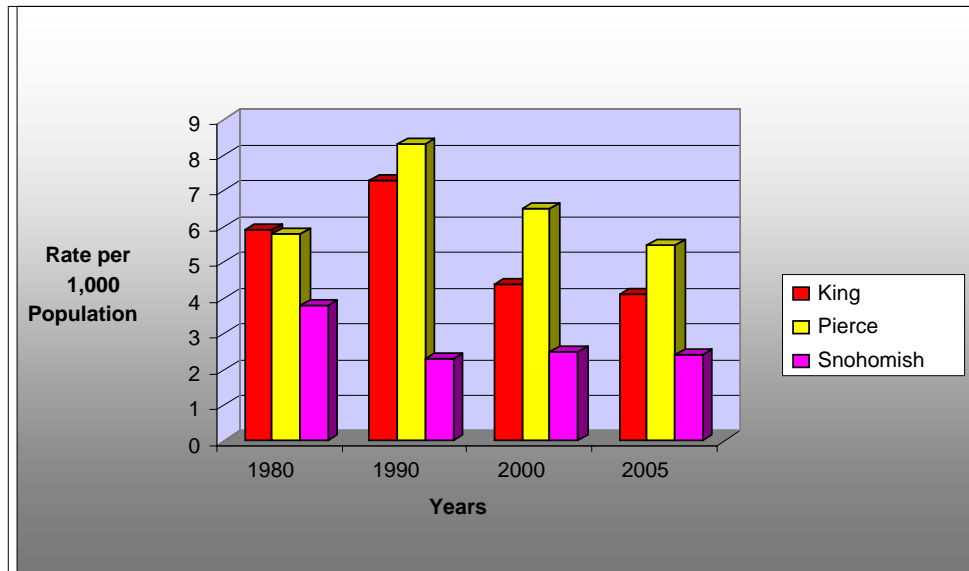
Mr. Horne and his criminal deputies recognized an interesting phenomenon; a large number of criminals that came through Pierce County courts had extensive prior criminal histories from other counties. Could this be a factor in making Pierce County the most violent county in the state?

Finding the answer to Mr. Horne's question and developing solutions to stem the tide of offender imports is one of the most important public policy issues facing Pierce County. Pierce County has better uses for its scarce funds. Money now devoted to handling these imported offenders and their excess crimes can be used to improve roads, build new parks, educate our children, improve our health care, shelter our homeless and otherwise improve life in our community. The investment the community has made in revitalizing downtown Tacoma and Pierce County also is in jeopardy if we do not fix the issue of too much crime and the negative implications of our designation as the state's leader in violent crime.

Mr. Horne called the disparity "Pierce County's crime warp." The numbers presented during his speeches were compelling, but Mr. Horne transformed the raw numbers into visuals that documented the problem. **Chart #1**¹ has been used to demonstrate the disproportionately high violent crime rate Pierce County now has in comparison to the per capita violent rates for King and Snohomish counties. This chart reveals several telling facts: First, Pierce County was not always the most violent county in the state. **Chart #1** shows that in 1980, King County had the highest per capita rate of violent crime. Second, the shift occurred between 1980 and 1990. Third, after 1982, Pierce County has consistently had the highest per capita rate of violent crime in the state.

¹ Underlying data taken from *Washington State Uniform Crime Report, 2005 Annual Report*, Washington Association of Sheriffs and Police Chiefs.

Chart #1
Violent Crime Historical Comparison



How did Pierce County become number one? Prosecutor Horne asked members of his staff to assist in identifying possible causes for the disparity and to examine the issue of whether this situation was associated with the presence of the large number of Washington State Department of Corrections (hereafter “DOC”) facilities and services located in Pierce County. The investigative team, Prosecutor Gerry Horne, Chief Administrative Deputy Dawn Farina, Chief Criminal Investigator Bill Garrison, Chief Civil Deputy Douglas Vanscoy, Criminal Investigator Kenneth Swanson, and the author of this report met regularly to discuss the how and why of getting to the bottom of this issue.

The team sought first to confirm or negate the premise that DOC imported a large number of out-of-county offenders in Pierce County. Determining whether DOC had in fact “dumped” imported offenders, and then tracking how that occurred, presented a significant challenge. The problem of tracking the origin of an offender stems from the way DOC lists this data. DOC looks to the offender’s county of most recent conviction to

determine issues relating to where an offender belongs. This simplistic characterization almost always works against Pierce County. If one simply asked DOC for data regarding whether or not there were a disproportionate number of out-of-county offenders here, the data DOC provides would show mixed results because Pierce County has so many offenders who have been brought here by DOC. To determine whether or not dumping occurred, data regarding the origins of the offenders was needed.

As described later in this report, this office eventually obtained information concerning many of the imported offenders. Each of the offenders has a different story of how they got to Pierce County and what they did when they arrived here. Some of these stories are included in this report to bring into sharp focus the impact of DOC's policies for Pierce County and for its citizens.

Some of the stories illustrate the financial impact of the offenders, some the human costs associated with violent crime. The real impact of offender dumping lies in the consequences of an increased number of dangerous offenders on our streets and in proximity of our children. Sex offenders are the most frightening. Yet, it seems almost every day The News Tribune will publish the picture and history of some sex offender DOC has released. Many of these sex offenders are imports. **Case Study #1** tells the story of how just one imported sex offender came to Tacoma.

Case Study #1 ***An Imported Predator on Our Streets***

*JEK is a Level 3 sex offender. Originally from **Whatcom County**, JEK has Whatcom County felony convictions for Robbery in the Second Degree (1989), Burglary in the First Degree (1990), and Rape in the First Degree (1990). His entire "support system" of family and friends was from Whatcom County,*

The crime that led JEK to be classified as a Level III Sex Offender, those most likely to re-offend, was a vengeful violent rape. This 1990 conviction was committed against the 1989 robbery victim, who had testified against him.

DOC placed JEK at Tacoma Pre Release, an early release facility then located on the grounds of Western State Hospital. JEK was to go from Tacoma Pre Release to Progress House, but it appears he may have been sent back to prison instead. JEK obtained his first Pierce County conviction after his stay at Tacoma Pre Release. This conviction was for willful violation of conditions of community custody (1996). In 2001, JEK failed to honor the registration requirement for sex offenders. As a result, Pierce County convicted him of the felony of failure to register as a sex offender.

In 2002, the chronological log² documents that JEK got drunk and followed a police detective's wife home from work and "tapped" at her window. Apprehended, he justified his actions by saying that he had known the woman for seven years. In reality, he knew her only from shopping at a 7/11 store. As a result of this incident, JEK spent an additional 40 days in jail.

Level III sex offenders may take a while to re-offend, but frequently do so in a violent manner. JEK was no exception. On February 16, 2006 at about 8 p.m., JEK attacked a young woman at the Puyallup Transit Center as she opened her car door to return home from work in Seattle. The victim surrendered her keys on demand and then tried to escape from him. That was not JEK's plan. Instead of simply taking her car, JEK grabbed at her, seizing her hair. JEK violently tore chunks of hair from the young woman's head, while she vigorously struggled to get away. Occupants of a passing car heard the victim's screams and saved her from further injury. JEK was subsequently apprehended, charged and convicted by a jury of robbery in the first degree and assault in the third degree.

JEK's attack on this vulnerable young woman occurred just one week before her wedding. This young bride now lives in terror as a result of these events.

Violent criminal conduct can eventually catch up with the offender. In this case, the attack was JEK's "third strike." Under Washington's sentencing structure, JEK's conviction of a third violent offense resulted in a mandatory sentence of life in prison

without parole. The jury's conviction is under appeal. Pierce County citizens bear the costs of defense attorneys, mitigation packages by the defense, jail costs, prosecution and court costs, and some needed victim assistance costs. JEK's victim faces the burden of living with the scars of this attack.

Just one offender. Only one story. How many out-of-county offenders have individual stories that—cumulatively—created Pierce County's disproportionate share of violent crime and violent offenders? The diverse roads these offenders take makes determination of the exact number of imported offenders impossible. Using a combination of data collected through multiple sources and individual case studies, this report documents the many origins of the problem. It concludes that DOC activities play a central role in making Pierce County the most violent county in the state.

The journey, from Gerry Horne's first coining the phrase "crime warp" to describe Pierce County's disproportionate share of crime and criminals, to this report has been long and often frustrating. DOC refused this office direct access to its computerized Offender Based Tracking System (OBTS) even though Pierce County provides DOC access to its Legal Information Network Exchange (LINX) database. Instead, DOC forced this office to go through the cumbersome and expensive public disclosure process although statutorily, such requests are not required between law enforcement agencies. Then, DOC procrastinated and set road blocks to production. In response to requests for files, DOC told this office that it could expect one set of documents in the year **2013** and another in about **160 years**.³

² These documents were obtained through an individual public disclosure request. Although the request came from law enforcement, DOC chose to block out large portions of the log. The entire document is appended as **Appendix #1**.

³ See **Appendix #2**, Letter in Response to Public Disclosure Request

Limited access to the paper files came only after DOC agreed it would provide the one to two page criminal history summary for each offender. Ultimately production of these few documents took almost two years. While publicly defending the delay and expense it forced on this office on one hand, on the other, DOC rapidly hired Donald Lachman and his consulting firm to prepare DOC's "study." Lachman's team rapidly got data to "independently" look at the issues Gerry Horne was bringing to the public's attention. Lachman was provided with data and completed the report eleven months before DOC sent the last documents pursuant to its agreement to provide this office with requested information.

DOC's reliance upon technicalities in the public disclosure laws forced this office to limit the amount and type of information requested. These limitations restricted the office's ability to run comparison data. Nonetheless, the data DOC eventually produced was enough to establish the essential initial premise; that DOC brought many out-of-county offenders to Pierce County. During the period 1997 to 2002, DOC directed out-of-county offenders to Pierce County at the rate of **2 to 1**.⁴ In other words, DOC placed two out-of-county offenders in Pierce County early release facilities⁵ for every Pierce County offender residing there. This data allowed just a glimpse at the significant problem of DOC dumping in Pierce County. To take the project further, this office needed more data regarding the number of offenders released here, the identity of offenders released to other facilities and the dates the offenders were admitted to early release facilities. Thankfully,

⁴ See discussion of data studied in §III, Chart #11.

⁵ The term "early release" includes all DOC programs that allow an offender to serve a portion of his or her sentence outside prison. Work release is a particular type of early release. Pierce County's current and former early release facilities include Tacoma Pre Release, Progress House Work Release, RAP House Work Release and Lincoln Park Work Release.

other community leaders also took up the cause, obtained data from DOC, reached their own similar conclusions, and generously shared their information. The News Tribune and The City Club of Tacoma provided information, additional data, and documents that form important foundations of this report.

This report is the product of these multiple inquiries. The author is solely responsible for any errors. That the problem is being recognized and addressed by the community is a tribute to the determination and inspiration of Prosecutor Gerald A. Horne and the concern of Pierce County leaders for making our community safe.

EXECUTIVE SUMMARY

A. General Summary

The remaining portions of this report consist of a combination of research, data, case studies of individual offenders, and recommendations. Most of the offenders discussed are imports – those out-of-county offenders brought here by DOC who have cost the taxpayers of Pierce County money and jeopardized the safety of our communities. Some case studies were chosen not to illustrate the problem of imports, but to reveal early release program failures. The case studies regarding recidivism tell the story of those whose repeated contact with early release facilities had no effect upon their conduct or left them to commit crimes even more violent than that for which they originally served time. The combination of data and cases studies illuminates the complex causes of Pierce County's excessive crime rate.

[Section I](#) of the report contains background information and definitions to assist the reader in understanding general concepts and the procedures used to gather information and analyze specific issues.

[Section II](#) continues the background analysis by looking at the issue of how DOC has historically approached siting decisions. This section discusses [Finding #1](#), that DOC maintains a closed door approach to these decisions and contrasts that approach to the agency's statutory obligations.

[Section III](#) discusses those findings dealing with what has happened after work release became established in Pierce County. This section specifically discusses [Findings 2-6](#), which document Pierce County's disproportionate crime rate as well as the DOC

policies that have caused Pierce County to have too many sex offenders, and too many imported offenders who go on to commit new crimes in our community.

[Section IV](#), covering [Findings 7-11](#), should be of particular interest to those making policy decisions regarding DOC's intent to expand work release. This section summarizes, in plain English, various studies regarding the effectiveness of work and early release facilities. This section also compares that research to what has occurred at Pierce County's early release facilities. The analysis contained in this section is based on reports done by other authors, DOC, and the original data compiled by this author.

[Section V](#) discusses [Findings 12 & 13](#). It highlights issues regarding halfway houses⁶ and the question of whether residence in such facilities improves offender outcomes. This section also discusses what occurs when an offender commits infractions and/or new crimes. It suggests that the inadequate penalties for those offenders who return to a life of crime hamper the criminal justice system's ability to coerce law abiding behavior.

[Section VI](#) contains the analysis of [Findings 14 & 15](#). It is devoted a discussion of the impact DOC policies have on our crime rate and the huge financial and human costs of these programs. It concludes that DOC's policies have had a major impact on Pierce County's criminal justice system

The final section, [Section VII](#), offers the author's recommendations regarding mitigation and remedial action.

⁶ The halfway houses referred to in this report consist of private residential facilities that allow a number of offenders to live in a communal style. The programs specific to each facility vary.

B. Materials Studied

The data that forms the basis of this report came from a variety of sources identified below:

- (1) Data produced by DOC pursuant to this office's Public Disclosure Requests (PDR);
- (2) Individual offender records obtained from the Felony Offender Reporting System (hereafter FORS) as maintained on the website of the Office of the Administrator of the Courts (hereafter AOC);
- (3) Data DOC provided to The News Tribune as part of the paper's related study;⁷
- (4) Answers and materials DOC provided in response to questions propounded by the City Club of Tacoma;
- (5) Existing research by the Washington State Institute for Public Policy (hereafter WSIPP);
- (6) Court files and booking information maintained on Pierce County's Legal Information Network Exchange (hereafter LINX);
- (7) Teletype releases provided to Pierce County law enforcement as maintained by the Law Enforcement Support Agency (hereafter LESA);
- (8) Information published at DOC's website⁸ regarding existing facilities and policies;
- (9) Information DOC provided to the Tacoma High Risk/High Needs Task Force and the resulting study; and

⁷ This office extends sincere thanks to the Editorial Staff of The News Tribune, and the reporters identified at the end of this report, for their assistance in providing data and their commitment to discovering the multiple causes of this complex problem which impacts the entire community. The reader is referred to articles published by The News Tribune on October 22 and 23, 2006 regarding the newspaper's study of DOC "dumping" in Pierce County and to the study being published by the City Club of Tacoma.

⁷ This is not a "statistical study." The author of this document is a lawyer, not a statistician. Thus, results are reported in simple numbers or as percentages. Tests for statistical significance have not been applied to the data. However many of the disparities documented herein, especially those relating to the excess recidivism and disproportionate number of offenders dumped in Pierce County, would clearly meet such statistical standards if they were to be applied.

⁸ See <http://www.doc.wa.gov/>

- (10) Existing research on recidivism and offender reentry programs from various sources including the U.S. Department of Justice.

C. Findings

Data developed from the above sources support the following **15** significant findings:

- ✚ **Finding #1**: In order to minimize public opposition to siting of facilities, DOC has historically exhibited a closed door policy to the required public process of locating or relocating early release facilities.
- ✚ **Finding #2**: Pierce County has an inordinately high crime rate given its share of the state's population.
- ✚ **Finding #3**: DOC has sent offenders to Pierce County in a number grossly disproportionate to the number of offenders Pierce County contributes to DOC facilities.
- ✚ **Finding #4**: More than two-thirds of the offenders DOC placed in Pierce County facilities were originally from some other county.
- ✚ **Finding #5**: In 1997, neither King nor Snohomish County had facilities that housed significant numbers of Pierce County offenders.
- ✚ **Finding #6**: Pierce County has a disproportionate share of sex offenders caused, in part, by DOC placement of sex offenders from other counties in Pierce County early release facilities and transitional housing located here.
- ✚ **Finding #7**: No current evidence supports the conclusion that work release will reduce crime or the costs of incarceration.
- ✚ **Finding #8**: Pierce County's largest early release programs produced more offenders who committed new felonies since their release than that which would be associated with direct release from prison.
- ✚ **Finding #9**: Based on a 1997 sample, Bishop Lewis Work Release and Reynolds Work Releases in King County produced lower recidivism rates than did Progress House Work Release and Tacoma Pre Release located here in Pierce County.
- ✚ **Finding #10**: Data from 2005 Indicates that All Three Remaining Pierce County Work Release Facilities Have Below Standard Performance.

- ✚ **Finding #11**: Because DOC is unwilling to restrict participation in RAP House and Lincoln Park Work Releases to Pierce County offenders, these two programs will continue to funnel dangerous out-of-county offenders into Pierce County.
- ✚ **Finding #12**: Sending offenders to halfway houses located in Pierce County did not reduce the rate at which offenders committed new felonies.
- ✚ **Finding #13**: Effective mechanisms are needed to deal with offenders who violate terms and conditions of release or commit new crimes while on community supervision/custody.
- ✚ **Finding #14**: DOC's placement of a large number of imported offenders in Pierce County places a heavy burden on its taxpayers by increasing the cost of the criminal justice system that must exist to service these offenders.
- ✚ **Finding #15**: DOC's placement of imported offenders in Pierce County jeopardizes the safety of Pierce County's citizens and reduces the ability of the County to reach its full potential for economic growth while allowing counties to the north to grow without this impediment.

I. METHODOLOGY & BACKGROUND INFORMATION

A. Why Study Early Release Facilities?

Data discussed throughout this report documents that DOC early release programs sited in Pierce County have traditionally received a large percentage of offenders from other counties.⁹ This would be a less serious problem if residents of work release were always directed to return to their home counties following their release from Pierce County facilities. However, this approach is not compatible with the concept of work release. Work release is designed to integrate the offender into the community wherein the facility is located. The existence of the policy, and the fact that integration into the community where the work release is located takes place, is a point established by DOC's

⁹ See §III, *infra*.

own consultant.¹⁰ That report substantiated the premise that if offenders were being imported here through work release, they would remain here because offenders in work release tend to be finally released by DOC to the county where the program is sited.

According to the Lachman Report:

Inmates are released to the county in which they have ties and ongoing support, which includes family *and employment*. In the absence of such supports, they are released to the county in which they were convicted. Inmates are transported directly or given a bus ticket to the county of release.¹¹ (Emphasis added.)

Offenders in work release are *required* to find some form of employment, however. Consequently, when DOC considers employment when it decides which county to release the offender to, the offender's placement in work release and employment in that county skews the release decision. Counties with work release facilities will have more offenders employed in the county and therefore will get more offenders released finally to that county. [Table 39](#) of the Lachman Report vividly underscores this effect.¹² Lachman studied two periods, 1993-95 and 2000-2002. In both periods studied the majority of the releases were skewed to the county where the work release was located. In the 1993-95 group, **46% (90 of 196)** of those first convicted in another county were finally released by DOC to Pierce County. Similarly, in the 2000-2002 group, **67% (117 of 174)** of those first convicted in another county were finally released by the agency to this county.

The importance of county of release becomes evident when the number of out-of-county offenders is factored into the equation. Data developed as a result of public

¹⁰ Lachman & Laing Consulting and Rinaldi & Associates, *DOC Releases in Pierce County: Comparison of County of Conviction and County of Release*, December 2003 at p. 15. (Hereafter "Lachman Report.")

¹¹ Lachman Report at p. 31.

¹² See [Appendix #3](#) for this table.

disclosure requests to DOC showed that only **33%** of the offenders placed in work release in Pierce County during a six-year period (1997-2002) had Pierce County as the county of first felony conviction.¹³ Table 34 in the Lachman Report documents, however, that in 2002, **83%** of the offenders finally released from work release programs sited in Pierce County were released to Pierce County.¹⁴ The end result? Pierce County has work releases with a high proportion of out-of-county offenders. DOC has a policy that work release is used for “integration into the community.” These two facts combine to allow DOC to release a large number of out-of-county offenders to Pierce County. Unfortunately, many of these offenders have made Pierce County their permanent home. Therefore, those who do commit new crimes commit them in Pierce County.

B. Research

In order to study the issues regarding the origin of offenders, DOC policies and their impact on Pierce County’s crime rate, the Pierce County Prosecutor’s Office obtained the following original information from the Department of Corrections (DOC) pursuant to public disclosure requests.¹⁵

1. Master list of Progress House residents from 1993 to 2003 in Excel Format;
2. List of inmates residing in Pierce County work release facilities during the period January 15, 1997 to November 2002; and
3. DOC’s Current Criminal History Summary for each offender listed as having resided in Pierce County work releases from January 1997 to November 2002.

¹³ Based on analysis of criminal histories of offenders DOC produced in response to public disclosure requests from this office.

¹⁴ Lachman Report at p. 45; Table 34.

¹⁵ Although the Pierce County Prosecutor’s office is a law enforcement agency, DOC chose not to voluntarily release the requested information without formal public disclosure requests and payment of the standard fees associated with public disclosure. **See letter at [Appendix #2](#).**

DOC also provided the report prepared for DOC by Donald Lachman and Associates and other background materials.

From The News Tribune, this office obtained:

1. A list of inmates in Pierce County Work Release facilities during 2005-2006 as provided to The News Tribune by DOC;
2. A master list of inmates released to work and pre release facilities from 1993 to October 2005 provided by DOC to The News Tribune; and
3. Data contained in published pieces concerning the number of sex offenders in Pierce, King, and Snohomish counties on August 1, 2006.

In addition, this office examined reports released to the Law Enforcement Support Agency (hereafter LESA) during the summer of 2005. These reports contain information regarding the locations to which DOC has released offenders in Pierce County.

The above materials were supplemented by examining Pierce County Superior Court files and jail records that document when these offenders encountered the Pierce County criminal justice system. Additional conviction and location data was taken from the Felony Offender Reporting System (hereafter FORS), a general electronic data base available to all law enforcement. Because the FORS records do not always include data involving felonies that do not result in the offender being sent to prison, the felony recidivism data throughout this study may be significantly underreported and therefore would not document the full impact of these programs on Pierce County.¹⁶

C. Definitions

1. Fair Share

¹⁶ The argument could be made that the lack of access to criminal records from other counties accounts for the disparities in the results from King County work releases. Based on observations regarding the additional felonies located in Pierce County records, the number of additional felonies located in local records is too small to account for the large disparity in recidivism rates.

Fair share simply refers to the equitable notion that no county should receive more offenders back from the State Department of Correction facilities than they contributed to those facilities. This report develops the thesis that Pierce County's "fair share" has been improperly inflated by the excess number of imported offenders DOC sent over the decades to early release facilities located in Pierce County. To correct the effects of prior dumping, some criteria other than the county of current conviction must be used in the decision of offender placement.¹⁷

Moreover, equitable shares are not just about the raw number of offenders placed in a county. The type of offender directed to that county is a second factor that must be considered. Data developed during the course of this study indicates that DOC uses Pierce County as a convenient dumping ground for some of the state's worse offenders. Equitable definitions of "fair share" must therefore also take into account the type of offender DOC sends to each county.

2. Out-of-County Offender

The definition of a "Pierce County offender" substantially influences the results of any study concerning out-of-county offenders. DOC defines a Pierce County offender as any individual whose last conviction was from Pierce County. DOC's broad definition thus includes many individuals who were brought to Pierce County by DOC programs and who then committed a crime in Pierce County. The difficulty associated with tracking the county of conviction for sex offenders illustrates the problem. As established later in this report, DOC places out-of-county sex offenders in Pierce County and finances their

¹⁷ DOC will assert that they do not "place" offenders, but rather the offender makes the choice of county of release. DOC approves all release plans, however. As established later, DOC also facilitates placement in Pierce County. Consequently, DOC's actions do have a major impact on the placement of an offender.

transitional housing.¹⁸ That offender is then required to register in Pierce County under the state's sex offender registration statutes. If the offender fails to register and that fact is discovered, he or she becomes subject to prosecution for the crime of failure to register as a sex offender. Pierce County's prosecution of that crime then results in a criminal conviction in Pierce County. DOC then labels Pierce County as the county of conviction, even though the underlying sexual crime took place in another county. The cases of two imported Level III sex offenders, RV and LS, illustrate this point.

Case Study #2 An Imported Sex Offender

*RV, a Level III Sex Offender, began his criminal career in **Whatcom County**. Whatcom County convicted him of sexual assaults on a 4-year-old boy and an 8-year-old girl. On July 31, 1996, DOC placed RV at a Pierce County work release facility. He resided there until January 10, 1997. After his release from work release, RV repeatedly failed to comply with his obligation to register as a sex offender. As he was released to Pierce County, this omission resulted in five Pierce County convictions for failure to register as a sex offender over the course of the next seven years. In addition, he engaged in other criminal conduct in Pierce County that generated two other felony convictions. As a result of DOC's release of RV to Pierce County, Pierce County has incurred the costs of seven prosecutions (and seven defenses) and the cost of 619 days in Pierce County jail. The actual value of the time served in jail is \$39,616.00.¹⁹ RV committed no sex crimes in Pierce County. Nonetheless, the Washington State Patrol website of sex offenders lists Pierce County as the county of conviction for RV.²⁰*

¹⁸ As will be discussed later in this report, out-of-county sex offenders are over represented in the subgroup of out-of-county offenders. Detail as to how DOC places sex offenders in Pierce County is contained in §III, *infra*.

¹⁹ This figure is based on the rate Pierce County charged other agencies for each day stay in the Pierce County jail. The 2004 of \$64.00 has been increased. This author chose to use the consistent figure of \$64.00 for all references to jail costs. The references to costs are illustrative only, not an attempt to identify the precise cost of each imported offender.

²⁰ See <http://ml.waspc.org/>

Another sex offender, LS, illustrates the combined impact of facilities under the control of the Department of Health and Social Services (DSHS) and DOC work release facilities in bringing offenders to Pierce County.

Case Study #3 The Combined Impact of DSHS & DOC Facilities

LS is a King County offender who committed multiple rapes in that county. LS has admitted to at least five rapes, including rapes where he stalked the women and then broke into their homes while they slept to commit the rapes. As a result of this criminal conduct, in 1977 King County convicted LS of three counts of rape in the first degree.

LS entered the sexual psychopathy program at Western State Hospital on October 27, 1977. He terminated his treatment at that facility in early 1981 and returned to prison. DOC released LS to Pierce County on parole in April 1985 and he resided in Spanaway. In October 1986, LS was found prowling the home of a 26-year-old female. He had opened her bedroom window before he was apprehended. He pled guilty to criminal trespass and the Indeterminate Sentencing Board revoked his parole. After spending 18 months in prison, DOC released LS to Progress House and then to the community.

*LS has been convicted of a total of 30 crimes in Pierce County since being brought here by the State. LS's **six felonies** include theft in the second degree, attempting to elude police officers, and failure to register as a sex offender. His record also includes **24 misdemeanor convictions** such as multiple shopliftings, and driving with a revoked or suspended license.*

LS has spent a total of 1038 days in the Pierce County jail at a cost to Pierce County taxpayers of \$66,432.00. Like RV, LS is listed as a Pierce County offender on the Washington State Patrol Sex Offender website even though, like RV, he has not been convicted of a sex crime in this county.

These two examples illustrate that DOC's reliance on "county of most recent conviction" conceals the manner in which an offender comes to Pierce County. This designation precludes meaningful discussion of whether or not the offender is, or is not, a Pierce County offender. Because DOC's policies regarding Pierce County and Pierce

County programs have been in place for decades, a better definition of a Pierce County offender is needed to identify which offenders truly belong to Pierce County.

For purposes of this study, this office has identified the county of first adult felony conviction for each offender. This information was obtained directly from the criminal history summaries provided pursuant to public disclosure, from records in the FORS system, and from Pierce County's own court records.

3. Recidivism

Recidivism is defined as “a tendency to relapse into previous conduct, especially criminal behavior.”²¹ This common definition simply means to go back to a life of crime. Formal discussion of the term by corrections agencies or researchers often involves variations or restrictions on the concept. It is important in undertaking any study that compares recidivism rates to ensure that the same type of data is being compared. As noted in one recent report on sex offender recidivism, “the way in which recidivism is measured can have a marked difference in study results and applicability to the day-to-day management of this population.”²² This same report notes recidivism may be defined by reference to a new arrest, new conviction or new commitment to custody, and that each of these criteria is a valid measure of recidivism.²³

DOC sometimes reports recidivism in such a manner as to limit the total number of repeat offenders to those individuals who have gone back to a state prison within a five-year period.²⁴ This is an extremely narrow standard of recidivism. Offenders with low

²¹ Webster's New Explorer Dictionary and Thesaurus, p. 415 (2005 Edition)

²² Recidivism of Sex Offenders, May 2001 report from the Center for Sex Offender Management , p. 1.

²³ Id at p. 2.

²⁴ See *Recidivism: Historical Review of Returns to Prison*, Washington State Department of Corrections Recidivism Briefing Paper No. 20 (April 2002).

offender scores and/or those who commit any one of the many felonies whose standard range is less than 12 months are not be captured in this analysis.²⁵

The next broader measurement includes all individuals who commit a new felony after their incarceration. This benchmark captures individuals who commit crimes that are subject to a maximum sentence of at least a year, whether or not their actual sentence results in them returning to prison.

A still more inclusive definition of recidivism includes all convictions, both misdemeanors and felonies.²⁶ This benchmark, however, still limits the discussion to those individuals whose criminal conduct has resulted in a completed conviction. It does not count offenders who are either arrested or returned to prison because of serious rule violations while in a particular program.

The broadest, commonly used, recidivism measurement is one that includes all post-release convictions and arrests. This benchmark is helpful because it also captures those individuals who have returned to a life of crime but whose guilt, for a variety of reasons, cannot be determined beyond a reasonable doubt. This definition comes closest to estimating the actual number of repeat offenders and allowing policy makers to measure their impact on a community. Statistically, only a fraction of the total number of crimes committed actually results in a criminal conviction. Nationally, only **48%** of violent crimes and **36%** of property crimes are reported to law enforcement.²⁷ In Washington State, on average, **100** reported crimes produce **29** arrests. These **29** arrests translate into

²⁵ Although every felon is theoretically eligible for a sentence in excess of a year to be served at a DOC facility, many felonies actually carry a sentence less than a year. Where a felon is sentenced to less than a year confinement, that sentence is served in the county jail, not a state institution. Only those individuals actually sent to prison are returned through the work release system.

²⁶ The Washington Institute of Public Policy sometimes uses combined conviction data and sometimes uses just felony conviction data. See Aos & Barnoski, *Washington's Offender Accountability Act: A First Look at Outcomes*, Washington State Institute for Public Policy, Olympia WA (July 2005)

13 charges that ultimately produce **6** felony convictions.²⁸ Of these **6**, only **one-third** will receive a sentence that sends them to prison. The remaining offenders will serve their sentence in county facilities at county expense.

To determine the total cost of imported offenders on Pierce County, recidivism would have to include all arrests, criminal convictions and rule infractions of each offender. This task is beyond the resources of this office. Therefore, for purposes of this report, the author will define the measure of recidivism more narrowly. Generally, most reported data will refer to recidivism as the number of new felony convictions an offender has incurred since the date of admission to the early release facility. Those referring to these numbers should remember that the number of felony convictions significantly understates criminal conduct for the reasons discussed above. Felony conviction data is useful, however, to illustrate the more significant costs an imported offender imposes on Pierce County's criminal justice system and to provide a clear standard that can be fruitfully compared to other available data.

D. Facilities in Pierce County

There have been as many as six facilities in Pierce County where offenders reside and are under the direct management of DOC.²⁹ Two facilities are traditional prisons; McNeil Island Corrections Center and the Washington Corrections Center for Women. These facilities are not considered to be a major contributing factor to Pierce County's high crime rate as the residents of these institutions are on 24-hour lock-down and do not

²⁷ Washington State Department of Corrections Strategic Plan, 2003-2009, p. 9.

²⁸ Id.

²⁹ Final Report of the City of Tacoma Intergovernmental High-Risk/High-Needs Task Force, April 2006.

interact with the community. At the end of serving their sentence, the residents may be released directly back to the convicting county.³⁰

Of concern in this report are the non-prison, early release residential programs, and the significant DOC supervision structure in place in Pierce County. DOC maintains three work release facilities in Pierce County: Progress House Work Release, RAP House Work Release, and Lincoln Park Work Release. A fourth program, Tacoma Pre Release (TPR), existed here until April 2005. This program was located on the grounds of Western State Hospital. Tacoma Pre Release, unlike the work release facilities, did not allow inmates to leave without escorts. From July 2000 to April 2005, this program exclusively housed women. Prior to that date, TPR housed mostly male inmates and played an important role in contributing to Pierce County's high crime rates by introducing thousands of convicts into Pierce County.

Work release programs operate pursuant to DOC's community access policy, DOC Policy Number 300.550.³¹ This policy allows an offender to have unsupervised community access following orientation.³² DOC places all offenders on a stepped access plan. All offenders who complete orientation are placed at step one upon completion of orientation. At step one, the participant has access to the community through **unsupervised**, point-to-point passes "as needed to conduct essential business." The term point to point pass simply refers to a system where the offender signs out, agrees to go to a specific place and is given a specific amount of time to reach his or her destination. As

³⁰ McNeil Island is also the location of the civil commitment center for sexual offenders run by the Department of Social and Health Services. Only those offenders who have been released to the less restrictive alternative facility have access to the community during their residence at this facility.

³¹ See [Appendix #4](#).

³² See [§V](#), *infra* for discussion of events that can occur during this unsupervised time and DOC's response to such issues.

indicated later in this report, offenders have deviated from the approved destination causing catastrophic results in at least one case.

To move to step two, an offender must be employed 24 hours per week, have a Legal Financial Obligations (LFO) schedule established, be in compliance with his “Offender Accountability Plan”, and be **major-infraction** free for the past 30 days. A participant at step two has **unsupervised** point-to-point passes in the community, plus **unsupervised** social outings in the community for up to 20 hours per week and “other privileges established by the Facility Supervisor.”³³ At step three, the offender has increased **unsupervised** social outing time (30 hours) and a different curfew.

At each step, an offender has substantial, **unsupervised** contact with the community. Once the initial orientation phase is completed, the offender is simply given a pass directing him or her where to go. Compliance depends entirely on voluntary adherence to the rules and certain timing restraints associated with the point-to-point pass. At steps two and three, the offenders have free social time in the community without supervision. An offender who commits an infraction will be reduced a step.

This substantial freedom is given to offenders who meet minimum criteria to be placed in work release in the first place. A review of DOC Directive 300.500 reveals that there are few restrictions regarding what type of offender may be placed in the program. The policy does state that no one convicted of first degree murder can be placed in the program except for those “approved as part of their Mutual Agreement Program.” The policy prohibits individuals who have been convicted of first degree rape, but only during their first three years of confinement.³⁴ Other restrictions include the existence of new

³³ [Appendix #4](#) at p. 2

³⁴ [DOC Policy 300.500](#) p. 2.

felony detainees, immigration holds, end of sentence civil commitment recommendations and “recent, local, high media profiles. . . .”³⁵

DOC may place violent offenders, who commit robbery, assaults, kidnapping, rape in the second degree, murder in the second degree, child rape, or any other major violent crime into work release. Review of the criminal records of inmates residing in Pierce County early release facilities reveals DOC placed a large number of individuals with violent crimes into these facilities. Their crimes included: first and second degree murder, attempted murder, robbery, assault and kidnapping. Because RAP House and Lincoln Park accept primarily those who are developmentally delayed or mentally ill, these violent offenders may also have the overlay of serious mental illness, substance abuse or limited skills and ability to learn. As discussed later in this report, a disproportionate number of the inmates of these two programs have been sex offenders from other counties

Finally, there is no prohibition on admission of dangerously ill mental offenders in the DOC policies. Offenders with overlays of mental illness are more likely to be located in Pierce County because of the exclusivity of treatment of such offenders at Lincoln Park and RAP House work releases.

E. DOC Data & the Need for Independent Information

Pierce County requested and ultimately received data regarding the names of all offenders admitted to Pierce County early release facilities for the period January 15, 1997 to October 2002 and documentation regarding each offender’s criminal history. Access to the criminal history summaries provided the opportunity to cross check DOC data with local court records, electronic databases and other available information.

³⁵ Id.

The ability to cross-check information became crucial when review of offender data DOC supplied to this office revealed that DOC's documents were sometimes inaccurate and/or incomplete. Most troubling were DOC's production of criminal history summaries that did not have the most current, and sometimes, most violent, crime listed. For example, this office requested the most current criminal history summary for all offenders sent to Pierce County work release from 1997 to 2002. Review of the 1997 Progress House data revealed more than a dozen instances where the offender had convictions that should have been listed on the most current criminal history summary, but were not. Some of these instances involved offenders with violent crimes, including one homicide, committed after the work release.

II. FINDINGS & CONCLUSIONS REGARDING DOC'S APPROACH TO SITING WORK RELEASE IN PIERCE COUNTY

Before discussing the problems caused by DOC facilities in Pierce County, it is appropriate to establish some of DOC's statutory obligations to communities. As established in the documents discussed below, DOC has a closed door policy incompatible with its statutory obligations. The challenge for communities such as Pierce County, is to force DOC's decision making into the open.

✚ Finding #1: In order to minimize public opposition to siting of facilities, DOC has historically exhibited a closed door policy to the required public process of locating or relocating early release facilities.

DOC is required to operate under specific legislative mandates regarding facilities that house offenders. Pursuant to the terms of the Revised Code of Washington (RCW) 72.65.220, DOC "may establish or relocate for the operation of a work release or other community-based facility only after public notifications and local public meetings have

been completed consistent with this section.” RCW 72.65.220(1). This procedure requires “early and continuous public participation in establishing or relocating work release or other community-based facilities.” RCW 72.65.220(2).

The statute is clear that the process is to be public, early and comprehensive. RCW 72.65.220(2) provides:

This process shall include public meetings in the local communities affected, opportunities for written and oral comments, and **wide dissemination of proposals and alternatives**, including at least the following:

(a) **When the department or a private or public entity under contract with the department has selected three or fewer sites for final consideration of a department-owned, operated, or contracted work release or other community-based facility, the department or contracting organization shall make public notification and conduct public hearings in the local communities of the final three or fewer proposed sites.** An additional public hearing after public notification shall also be conducted in the local community selected as the final proposed site.

(b) **Notifications** required under this section **shall be provided** to the following:

(i) **All newspapers** of general circulation in the local area and all local radio stations, television stations, and cable networks;

(ii) **Appropriate school districts, private schools,** kindergartens, city and county libraries, and all other local government offices within a one-half mile radius of the proposed site or sites;

(iii) **The local chamber of commerce, local economic development agencies,** and any other local organizations that request such notification from the department; and

(iv) **In writing to all residents and/or property owners within a one-half mile radius of the proposed site or sites.**

(Emphasis added.) This law explicitly contemplates “early and continuous public participation.” During the course of this investigation, it became clear that in Pierce

County, at least, “early”, “public” and “continuous” were descriptors that **could not** be applied to the process DOC employs.

During the mid 90’s, DOC contemplated moving Tacoma Pre Release to a different location on the tide flats. This office requested access to the siting file DOC maintained for that project. Interesting correspondence and notes appear in that set of materials.

Most troubling is a handwritten note from an unidentified author that contains notes regarding the size of the facility, costs and general information. Written in quotes across the top of the document is the following notation:³⁶

“decide—announce—defend”

Without more, there would be insufficient evidence to establish that this notation referred to the notification process. Additional materials from that same file, however, clarify the intent of the unknown author’s slogan. The first is an email dated March 19, 1999 sent at 10:26 am. The email describes a meeting between state officials and a potential seller of property. Discussing the property owners’ concerns regarding tenant flight if the news of the purchase should get out, the state official offers a potential solution. “We offered up two mitigating strategies. 1. **Sell us the option now and the advertisements for the public process would not occur until the legislature passed the budget that gave us the formal purchasing authority for the project to purchase the building.**”³⁷

(Emphasis added.)

³⁶ The complete note is set out in [Appendix #5](#).

³⁷ See [Appendix #6](#).

An email later that day confirms the state's intent to delay public announcement of its plans. That email notes "The more the different steps of commitment of DOC that can pass before any public announcement is made, the more Riley, et. al will be comfortable."³⁸ (Emphasis added.) These plans to accomplish the acquisition without notification are simply incompatible with the State's statutory duty to inform the public "early and continuously" of its plans regarding siting.

The objection could be made that these documents are too remote from what occurs today. After all, a different administrator and perhaps lead staff were in control at the time. A more recent example demonstrates that DOC is still hostile to its statutory duty to inform early and continuously of its siting plans. This example involves the controversial relocation of Progress House Work Release. That facility is currently on a month to month tenancy at a county owned location in proximity to the county's juvenile detention facility. The Pierce County Superior Court, the agency that administers the juvenile facility, conveyed its desire to use the county owned property for county purposes in December 2003.³⁹ The lease on that property expired on June 30, 2005. In preparation for the anticipated loss of its space, DOC hatched a plan to move Progress House Work Release to a the site being vacated by Tacoma Pre Release at Western State Hospital. Without public notification, DOC proceeded so far with those plans that the CEO of Western State Hospital sent a general announcement to his staff "welcoming" the new program. The complete text of that email is set out below:

"Phillips, Andrew(WSH)" <PHILLAJ@dshs.wa.gov> 01/20/05
06:15PM >>>

³⁸ See [Appendix #7](#)

³⁹ See copy of Judges Letter at [Appendix #8](#).

January 20, 2005

TO: All WSH Staff

FROM: Andrew J. Phillips, CEO
Western State Hospital

SUBJECT: Tacoma Pre Release Center

The Tacoma Pre Release Center (TPR) is closing on April 15, 2005. The program will be relocated to a DOC facility on the Olympic Peninsula in Mason County. WSH will no longer have women from the TPR working in our dietary service. TPR has served incarcerated women well and provided much needed services to the hospital. We wish them well in their new location.

At the end of June, a new DOC program will be moving into the space vacated by TPR. **Progress House Work Release now located on 6th Avenue in Tacoma will be moving to the WSH campus.** Currently, they provide pre-release services for 69 Males and six (6) Females. **If they receive additional funding, they will expand from 75 to 130.** These people have a shorter time before being released than the women at TPR. The residents of Progress House have check-in times and their travels to the community are monitored. Yet, DOC staff do not travel with them. All of the people are working in the community or making arrangements with family and employers for their release. None of these individuals will be working at WSH. WSH will begin working with Progress House to develop a contract that outlines our mutual expectations. **Please welcome Progress House** and wish our neighbors TPR the best in their new location.

cc: Karl Brimner Director, MHD
Jack Morris Assistant Director, MHD
WSH Board Members

(Emphasis Added.) The above email illustrates that the community is being kept in the dark regarding plans for DOC facilities located in Pierce County. Even if DOC informed some officials of their plans, the statute requires “early and continuous public

participation.”⁴⁰ Instead of announcing to the public that it had narrowed its choices for relocation to Western State Hospital, the State simply went about their plans. Fortunately, the citizens of Lakewood and other leaders in the community stepped forward and protested. They noted, quite correctly, that locating a work release facility on the grounds of a mental hospital with its vulnerable patients was, to say the least, an incredibly poor idea. This location is also within close proximity to a school and directly across the street from a major park where team soccer, cross-country and other children’s sports occur.

DOC has yet to announce its plans to name a public siting committee, or to provide the statutory notice and meetings concerning its plans for Progress House.⁴¹

Conclusion Finding #1

DOC continues to ignore statutory requirements for public notification and comment regarding siting of work release facilities in Pierce County. Unless the community becomes active in this process, critical decisions regarding the future of these programs will be made behind closed doors.

III. FINDINGS & CONCLUSIONS 2-6 REGARDING PIERCE COUNTY’S VIOLENT CRIME PROBLEM

This section of the report discusses Pierce County’s violent crime problem and the evidence that establishes that we have too many offenders when compared to our share of the population. [Finding #2](#) presents the general evidence regarding the disparity between Pierce County’s population and its crime rate. [Findings #3](#) and [#4](#) begin the process of presenting evidence that shows there is a link between the crime rate and DOC activities

⁴⁰ RCW 72.65.220

⁴¹ Note: RCW 72.65.220 applies equally to the state and to independent contractors acting on their behalf. DOC has an obligation under this statute to ensure that any program complies with these statutory requirements. RCW 72.65.220 (3).

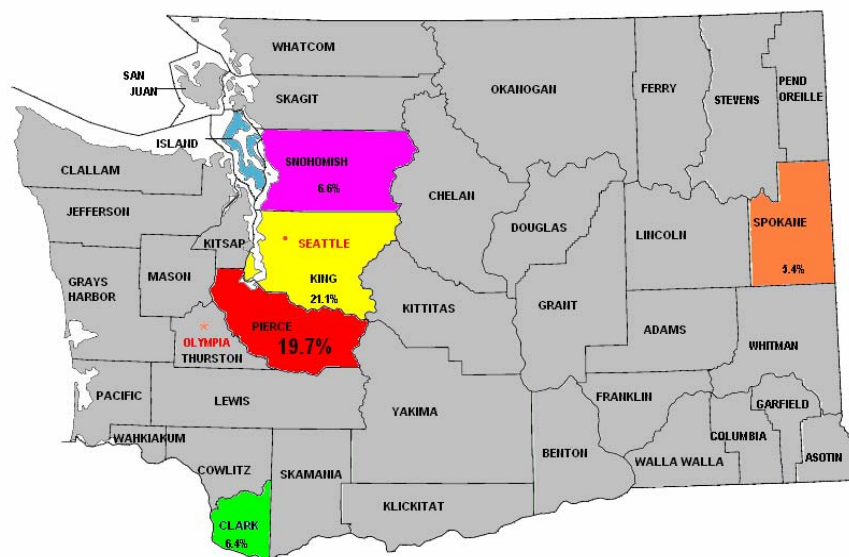
by establishing that DOC has used early release facilities located here to import out-of-county offenders. [Finding #5](#) compares what occurred in Pierce County regarding these facilities to what happened in King and Snohomish County. [Finding #6](#) discusses the specific issues relating to the importation of out-of-county sex offenders.

✚ Finding #2: Pierce County has an inordinately high crime rate given its share of the state's population.

The issue of Pierce County's serious crime problem became a focus of this office's attention upon Gerald Horne's appointment as Pierce County Prosecutor. As Prosecutor, Mr. Horne had direct access to the various crime statistics published annually by the Washington Association of Sheriffs and Police Chiefs (hereafter WASPC). The statistics published annually by that organization confirmed something that Mr. Horne had long suspected to be true; Pierce County had a significant crime problem that was disproportionate given its size and population. In 2001, Mr. Horne's first year of office, Pierce County's prosecutors obtained nearly one-fifth (**19.7%**) of all felony convictions in the state's 39 counties. Pierce County's share of the state's population was just **12%**. Pierce County's share of the total felony convictions exceeded its share of the state's total population by **7 percentage points**. **Chart #2**⁴² illustrates the percent of felony convictions from Pierce, King, and Snohomish counties during the year 2001. King County, with **29%** of the population, had only **21%** of all felony convictions. Snohomish County had just **6.6%** of the total felonies compared to its **10%** share of the state's population. Like King County, Snohomish's share of the total felony convictions was markedly below its share of the state's population.

⁴² This chart was published on the DOC website and is based on statistics compiled by the Administrative Office of the Courts (AOC).

Chart #2 Pierce County's Share of Felony Convictions

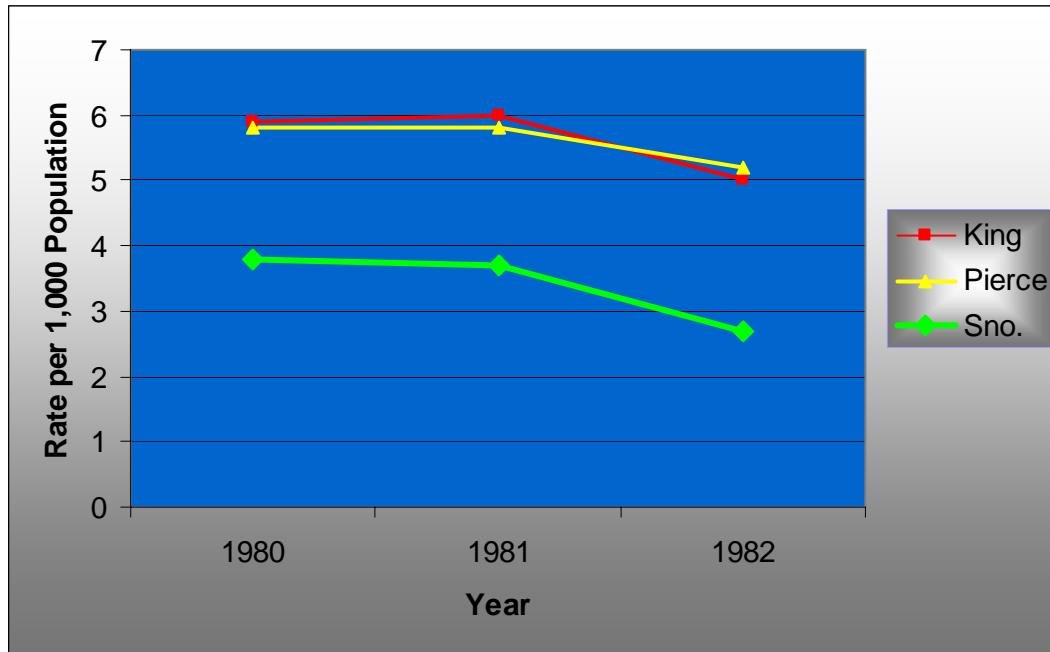


On a per capita basis, Pierce County's violent crime, felony convictions, and per capita crime rate far exceeded what an only slightly smaller Snohomish County experienced. DOC is well-aware of this disparity. According to DOC's own study, Pierce County had the highest violent crime rate in the state for each of the twelve years from 1990 to 2001.⁴³ Pierce County is clearly the most violent county in the state.

There were those who believed that, with its military bases and other demographics, this was simply the nature of Pierce County. But this conclusion flew in face of the evidence that Pierce County had not always been the worst of the worst. In the earliest years that WASPC kept statistics, (1980-82) King County was the most violent. **Chart #3** illustrates the relative violent crime rates of King, Pierce, and Snohomish counties for the years 1980, 1981, and 1982.

⁴³ Lachman Report at p. 15.

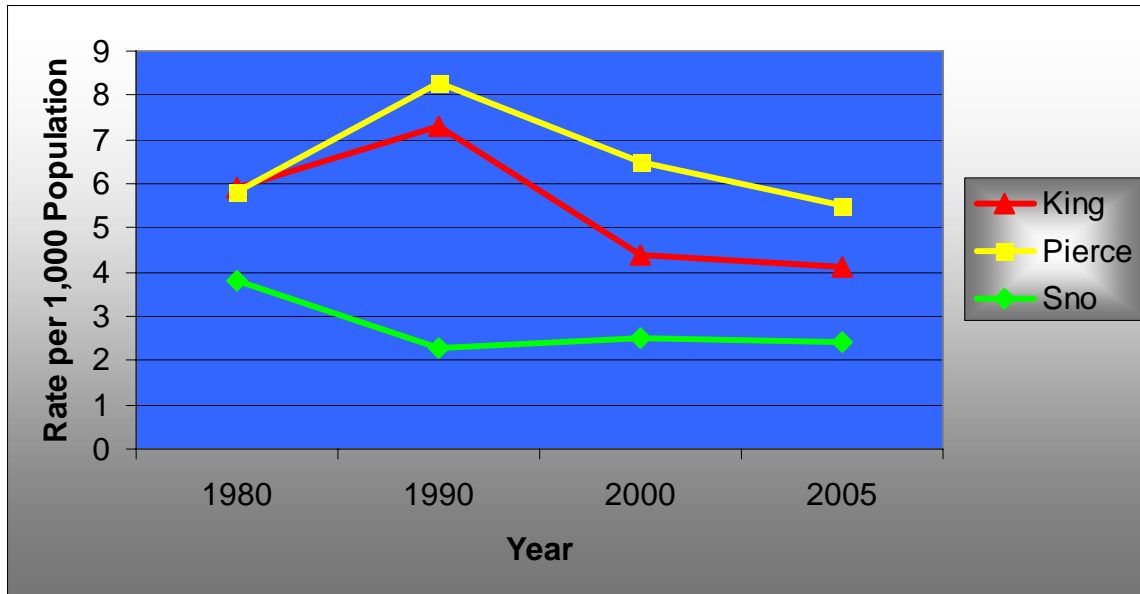
Chart #3
1980-82 Data on Violent Crime Shares



The red line represents King County, the yellow line Pierce and the green line Snohomish County. In 1980, Pierce County's violent crime rate was below that of King. Over the next two years, King County's violent crime rate slipped below that of Pierce. Gradually, the safety of Pierce County's citizens deteriorated as Pierce County overtook King County as the county with the highest per capita violent crime rate. While King County's violent crime rate dipped below that of Pierce, Snohomish's crime rate, (green line) dropped even further.

The trend during the last 25 years established Pierce County as the most violent county in the state. **Chart #4** illustrates the rates over this period.

Chart #4
Long Term Violent Crime Trends



As **Chart #4** demonstrates, Snohomish County's violent crime rate took a sharp downward turn from 1980 to 1990. This shift is important because it coincides with the approximate timing of a major work release scandal in Snohomish County. In 1974, Charles Rodman Campbell came to the home of Renae Wicklund and assaulted and sodomized her while he restrained her young daughter at knife-point.⁴⁴ Eight years later, on April 14, 1982, Charles Rodman Campbell was finishing out his prison term in the Everett Work Release for this crime. Instead of going to work, he returned to the home of the woman who years earlier had testified against him. While he was supposed to be working, Campbell was savagely slaughtering Renae, her eight-year old daughter, and the next door neighbor who had also been a witness against him. All three females had 7-inch knife slashes across the neck. Renae had also been beaten and mutilated.

Campbell then met up with a fellow work release inmate with whom he shared a quart of beer and disposed of materials relating to the crime. Campbell arrived back at the

Everett Work Release—drunk—about 8 pm that evening. The next day, law enforcement traced the crime to Campbell, who was arrested, tried, convicted, and eventually executed.

Two years after the deaths, DOC bowed to public pressure. In 1984, DOC closed the Everett Work Release facility. **Snohomish County leaders have successfully kept work release out of their county for the ensuing 23 years.**

While Snohomish County proudly and successfully fought work release, DOC was shifting work release inmates to other facilities. Pierce County's emergence as the most violent county followed these events. In the decades since these events, Pierce County has remained the most violent county in the state.

Conclusion Finding #2

Pierce County has an inordinately high crime rate given its population, relative size, and demographics. Pierce County's status as the county with the highest per capita violent crime rate commenced in 1983 and has continued through today. At the same time, King County and Snohomish County have significantly lowered their violent crime rate in relationship to that of Pierce County. This increase in Pierce County's violent crime rate occurred at the approximate time of Snohomish County's work release tragedy and the subsequent successful closure of the Everett Work Release.

✚ Finding #3: DOC has sent offenders to Pierce County in a number grossly disproportionate to the number of offenders Pierce County contributes to DOC facilities.

Over the decades they have been in existence, early release facilities have brought thousands of offenders into Pierce County. Data provided by DOC to The News Tribune

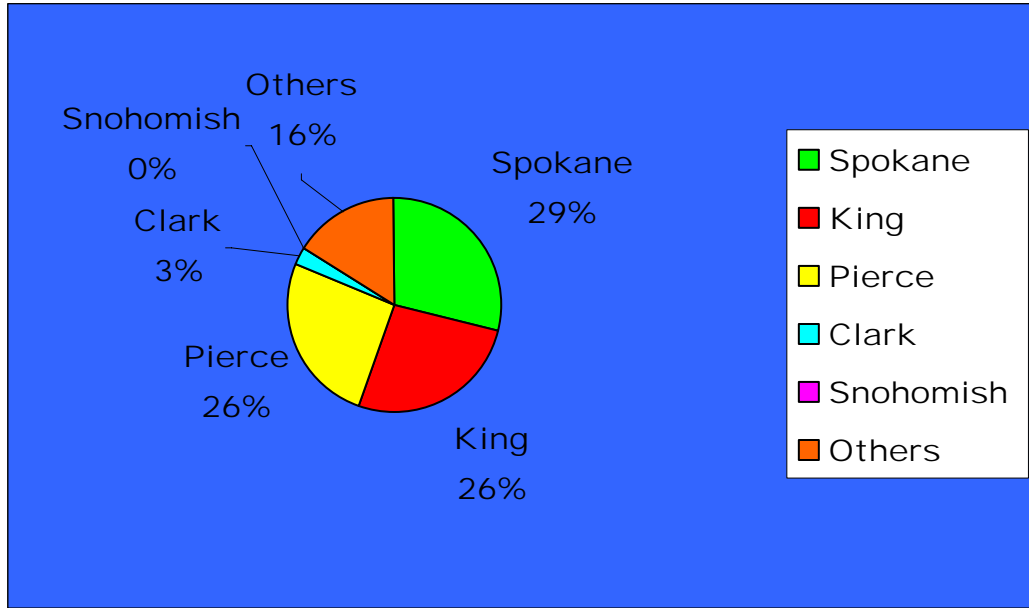
⁴⁴ This factual summary is taken from the reported decision in *State v. Campbell*, 103 Wn.2d 1, 6, (1983).

indicates that from January 1993 through October 2005, DOC directed **16,723** offenders to the four early release facilities located in Pierce County. This number represents **26%** of the total statewide inmates who went through these programs during this period, or more than twice the rate that would be commensurate with Pierce County's **12%** share of the state population. This rate is also **7 percentage** points in excess of Pierce County's share of felony convictions.

King County, on the other hand, received **26%** of the offenders, which is **three** points less than its population share of **29%**. Pierce County's treatment was in sharp contrast to that of King County's northern neighbor, Snohomish County. During the same time, as discussed above, Snohomish County had no early release offenders housed within the county.

The availability of early release beds in Pierce County has resulted in DOC sending a greater number of offenders from prison to Pierce County than the number of offenders Pierce County sends to prison. **Chart #5** documents the total number of early release offenders sent to each of the five largest counties during this time.

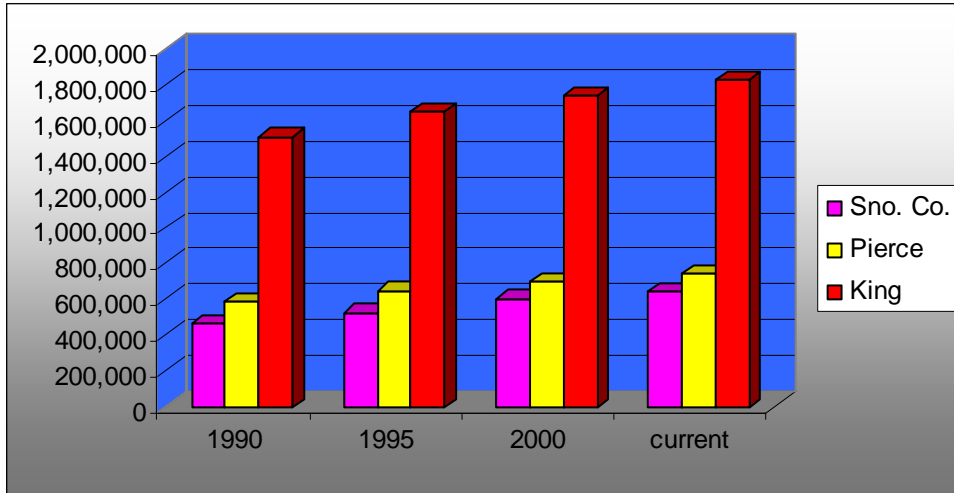
Chart #5
Total Early Release Offenders 1993-2005



These numbers are in sharp contrast to the share of the population that Pierce, King and Snohomish counties have respectively. **Chart #6** shows the population trends of King, Pierce and Snohomish counties for the period 1990 to 2005.⁴⁵

⁴⁵ This report does not discuss the impact of DOC's policies on Spokane County. As established in The News Tribune's article on "Dumping", DOC's treatment of Spokane County may well have been more egregious than the manner in which it treated Pierce County. See The News Tribune, October 22, 2006.

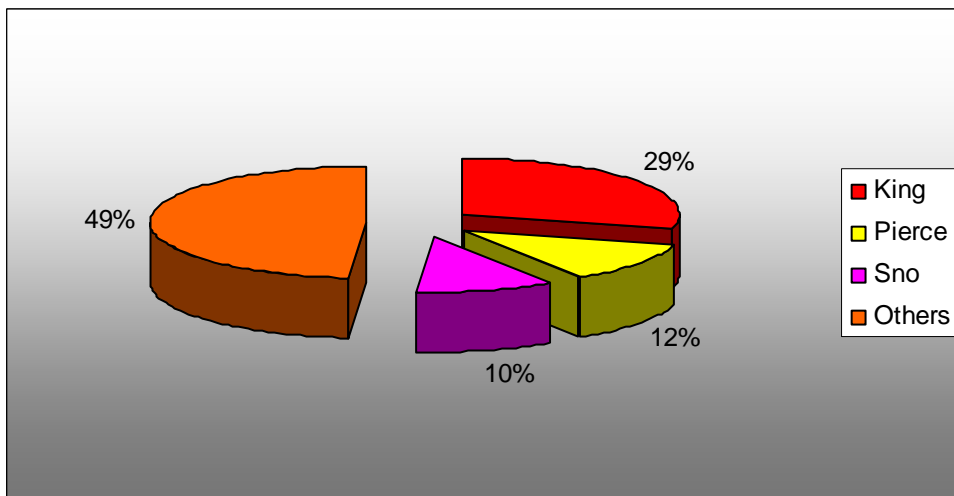
**Chart #6
Population Comparison**



Pierce and Snohomish Counties are very close in population. King County, on the other hand, has more than twice the population of Pierce.

To put it in perspective, **Chart #7**, puts the same data into a pie chart showing each county's share of the state's total population.

Chart #7



Snohomish County, with **10%** of the population, had no early release facilities.

King County, with **29%** of the state's total population, only got **26%** of the total inmates

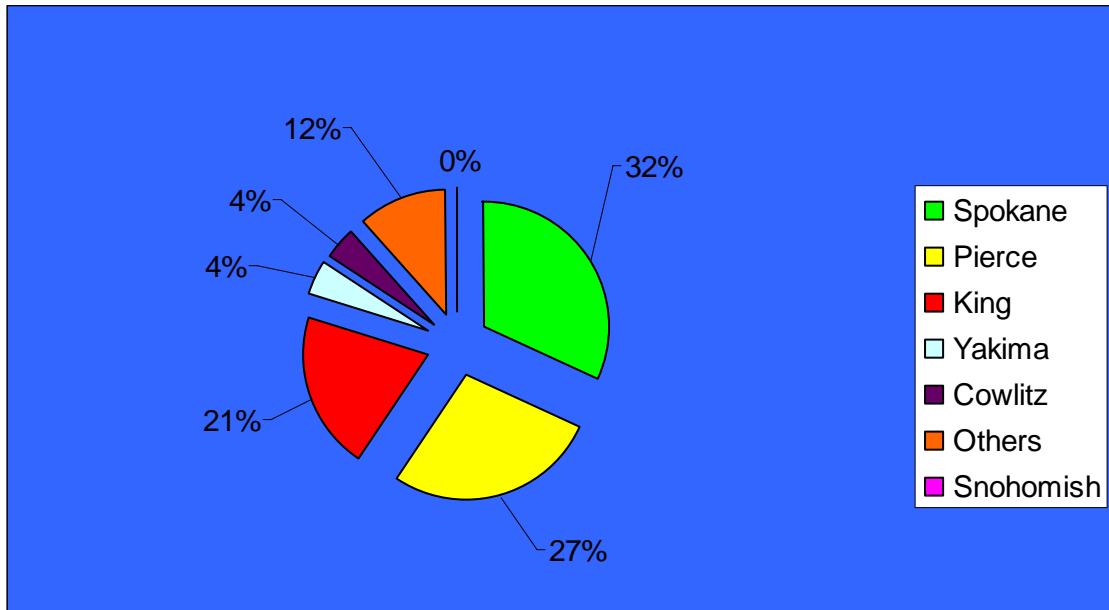
sent to early release facilities. Clearly, Snohomish and King County benefited by DOC's dumping of offenders into Pierce County.

The above data was based on the gross number of individuals who were listed by DOC as someone admitted to these facilities during the 1993 to 2005 period. Some of these individuals appear on the list a number of times or are temporary moves within the system. In preparing its story on the issue of DOC's unfair treatment of Pierce County, The News Tribune staff used DOC admission codes to edit the list and eliminate duplicates and temporary admittees.

This author took the reduced data and compared it to the results obtained when the gross, unedited numbers were analyzed. This exercise produced some very interesting results. Absent some other explanation, it appears that the King County facilities were much more likely to be used as a temporary holding bed for the offender than the facilities located in Pierce or Spokane counties. The unedited data established that DOC placed **26%** of the total admittees (**17,075**) in King County facilities. When those individuals whose admit codes indicated that they were at the facility only temporarily were removed, King County's relative share dropped from **26%** to **21%** (**7,698**) of the offenders.

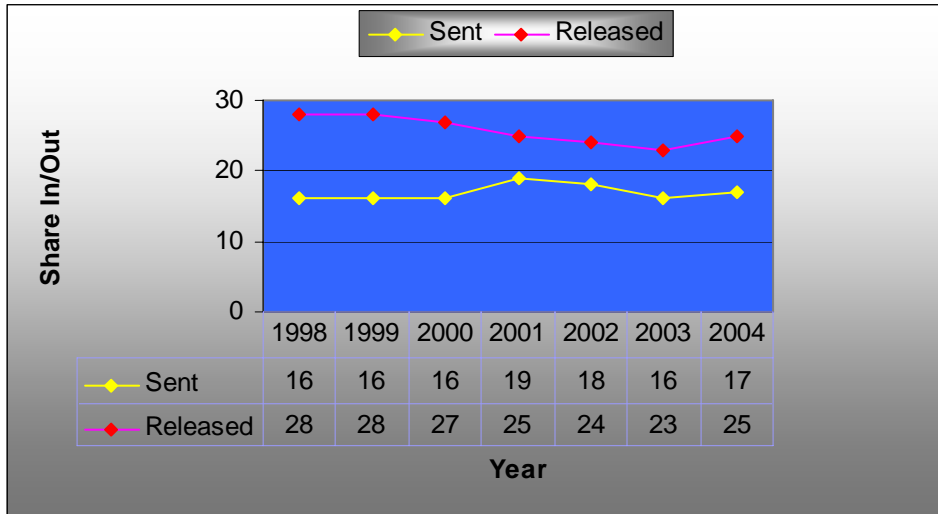
Conversely, Pierce County and Spokane's share of the offenders rose. DOC released **27%** of the total offenders placed in early release facilities to those located in Pierce County. **Chart #8** illustrates the relative shares of early release offenders when temporary stays are eliminated.

Chart #8
Shares With Reduction for Temporary Residents



The proposition that Pierce County has received an inordinate number of offenders is also supported by comparing the total number of offenders Pierce County sends to state prisons to the total number of inmates released to Pierce County early release facilities. The Washington Administrative Office for the Courts (AOC) tracks conviction data by county. This information is available on AOC's website in various forms. The data of interest here is the actual number of convictions that result in the offender being sent to the Department of Corrections. Pierce County consistently sent far fewer inmates than it received through the work and early release system. **Chart #9** tracks the data for the years 1998-2004.

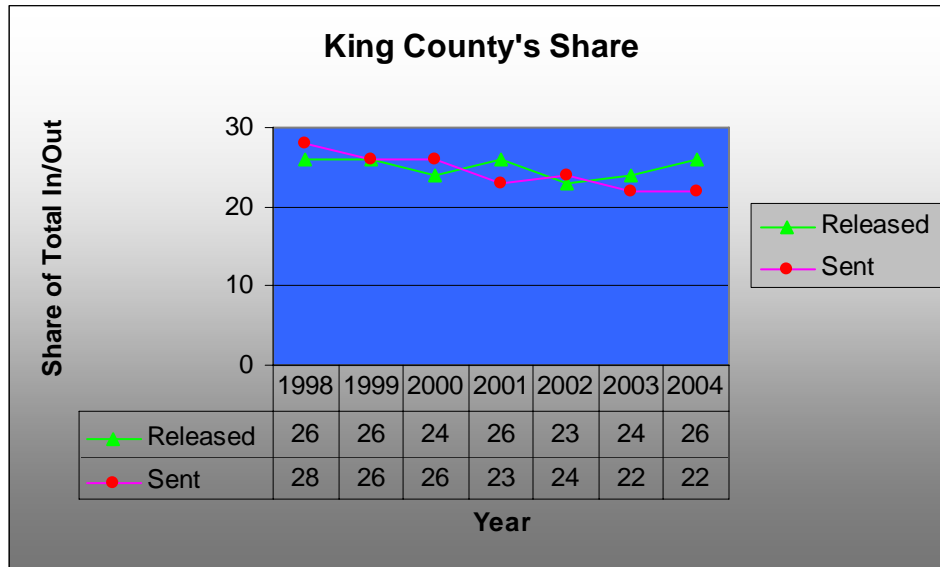
Chart #9
Pierce County's Share of Offenders
Based on AOC Numbers of Offenders Sent to Prison



The distance between the two lines illustrates the large gap between the share of the total offenders DOC sent to Pierce County early release facilities and Pierce County's contribution to the total number of offenders sent to prison. The red line, those released to Pierce County facilities, hovers 6-12 points above the level of total sent.

Pierce County's experience is in sharp contrast to the situation our neighbor to the north faces. For the same period, King County received offenders in their facilities at or about the same rate they contributed offenders to the system. **Chart #10** illustrates how King County's share of released offenders carefully tracks the share it sends to prison, with both lines within a few points of each other.

**Chart #10
King County's Share of Released and Sent Offenders**



For these years, Snohomish County contributed approximately **7%** of the total offenders sent to DOC facilities. Since 1984, however, Snohomish County has had no work release facilities. Snohomish County's share of received offenders was therefore **zero**. Because seven percent of the total offenders, those contributed by Snohomish County, have no facilities in their home county, DOC sends Snohomish County offenders to other counties whenever work release is part of the offender's approved release plan.

The above data refers to early release programs only. In addition to the formal residential programs, in Pierce County DOC maintains a substantial presence with multiple field offices and supervision programs. There are currently five field offices and four outstations where offenders can report in Pierce County.⁴⁶

Supervised offenders often reside in private facilities that are extremely hard to track. DOC maintains that it has no formal agreements with the numerous halfway houses and residential homes in Pierce County, and therefore has declined to reveal their location.

Research indicates that offenders are directed to willing property owners by word of mouth and informal arrangements. What is known is that a large number of homes exist where more than one offender, sometimes multiple sex offenders, are located. Whether formal arrangements exist or not, it is likely that these offenders are provided with information concerning how to obtain disability payments and other government funds which subsidize their residence in Pierce County. Without resources dedicated specifically to this issue, this office was unable to analyze the impact of supervision and halfway houses on Pierce County.

Conclusion Finding #3

Even without taking into account supervision and other DOC programs in Pierce County, the above numbers demonstrate unequivocally that Pierce has been unfairly impacted by DOC policies regarding early release facilities. Overwhelming evidence establishes that DOC has sent offenders to Pierce County in a number grossly disproportionate to the number of offenders Pierce County sends to prison. Pierce County received more than twice its share of offenders compared to its share of the population.

Finding #4: More than two-thirds of the offenders DOC placed in Pierce County facilities were originally from some other county.

The gross number of early release offenders directed to Pierce and Spokane counties indicates that a large number of these offenders had to have committed their criminal acts in other counties. A number of analyses were done to confirm this proposition.

⁴⁶ High-Risk/High Needs Task Force Report at p. 10.

First, at the outset of this project, this office sought data from DOC that would allow the office to determine how many offenders DOC imports into Pierce County. As part of this study, the office requested a complete list of all individuals released to Pierce County facilities during a specific period, January 15, 1997 through November 2002. DOC eventually provided that master list which contained in excess of 5,000 names.

Next, this office requested information regarding the criminal files for each of the individuals on the master list. DOC responded to that request by indicating that production of the data would require 160 years.⁴⁷ In response, this office requested and received the right to review sample offender files to determine what information could be obtained from the files to facilitate the desired analysis. Offender files contain extensive detail regarding individual infractions, criminal histories, a chronology of the offender's interaction with DOC, inmate movement, and other supporting documentation. Through this review, this office determined that each offender file contained a one or two page document entitled "Department of Correction Criminal History Summary." These summaries included a narrative description of the most current offense, a summary of the offender's juvenile record, a summary of the offender's adult record along with dispositions, and data regarding violent and/or escape behavior, gang affiliations and outstanding warrants or detainers. This form centralized the pertinent data regarding current and past criminal history and includes date of offense and county of offense.

Based on the information obtained during the review, this office modified its formal public disclosure request. The new request asked only for the criminal history summaries for each offender. Production of the requested data began in mid 2003 and continued to November 2004. Each offender's name and DOC tracking number was then

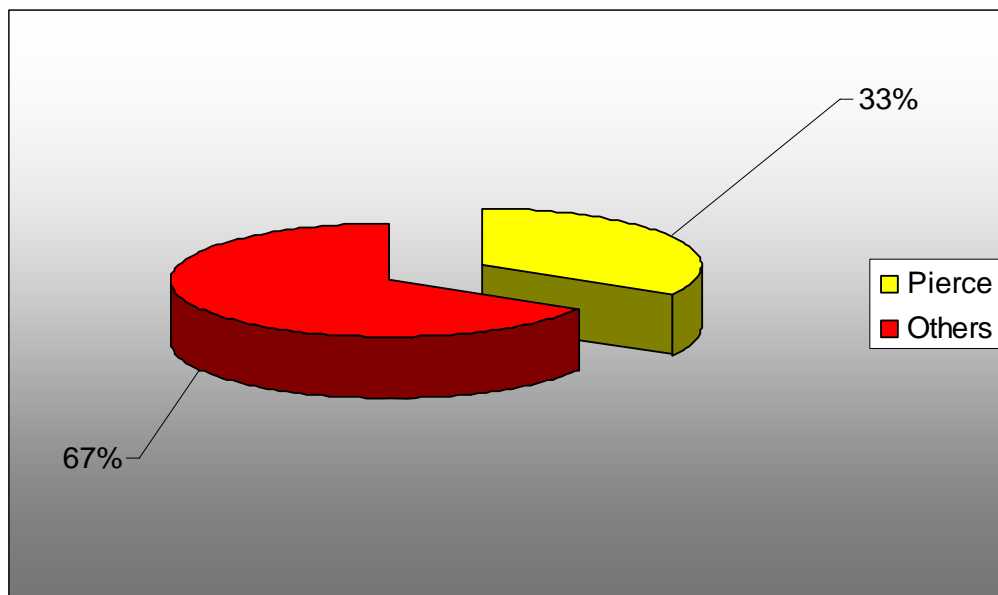
placed in a spreadsheet. Information regarding the county of first adult felony conviction, and the county of current conviction was then added to the database. All information was taken either from the offender's criminal history record, or from Pierce County court files if the offender's criminal history summary was incomplete. The only manipulations of the data were simple data sorts to group offenders by county.

The results of the analysis confirmed the premise that DOC imports a large number of out-of-county offenders into Pierce County. Two-thirds of the offenders DOC placed in Pierce County's early release facilities during this timeframe were imports. Reductions in the scope of the initial request as well as a lack of data⁴⁸ for some offenders, resulted in a reduction of the total number of offenders studied to 4,212. This office was eventually able to determine the county of first conviction for 4,212 offenders. Of this total, only 1,401 offenders were originally from Pierce County. The remaining 2,811 offenders began their criminal careers in some other county. **Chart #11** reflects this data for the original database of work release offenders in Pierce County's early release facilities between 1997 and 2002.

⁴⁷ See [Appendix #2](#).

⁴⁸ The total number of offenders sent to Pierce County early release facilities during this period exceeds 5,000 names. DOC does not maintain paper records on individuals who have been out of the system for certain periods of time. Consequently, DOC did not provide criminal history records for these offenders. In addition, this office reduced the scope of its request to save the time and expense associated with the public disclosure request.

Chart #11
Out-of-County Offenders
1997-2002 Database

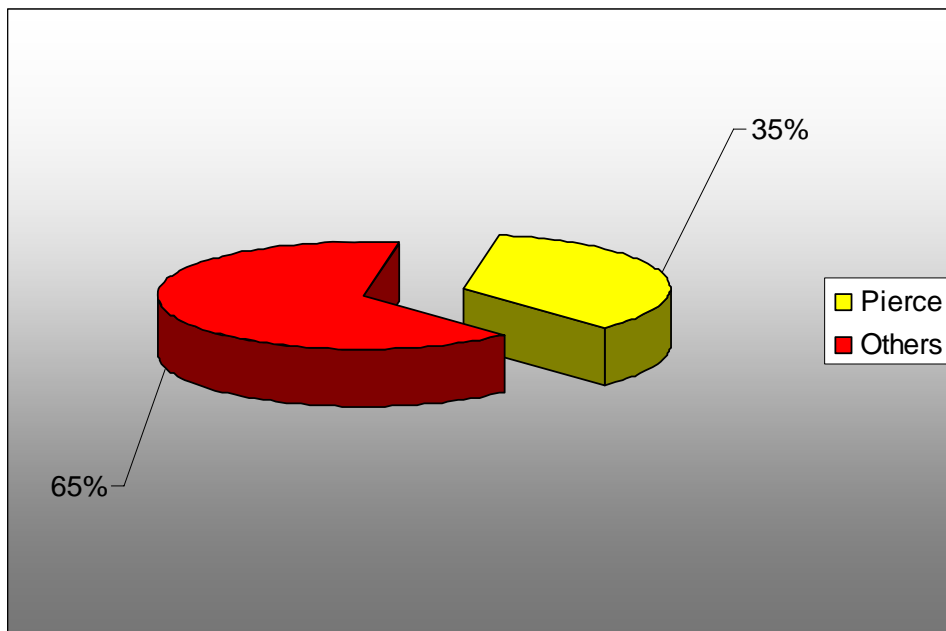


This data established that the vast majority of offenders residing in Pierce County work release during the 1997 to 2002 period were not Pierce County offenders.

To determine if the data would shift significantly if the analysis focused on the county of current conviction rather than the court of first conviction, this office did a second analysis. It next tracked the number of offenders who, according to their criminal history summaries, had current convictions from some other county. The results of this analysis mirrored that of the county of first conviction. This analysis resulted in a total database of 4,148 offenders. This number was smaller than that used for the first analysis because some data as to current offenses was missing and other offenders had multiple counties of current conviction. Of these 4,148 offenders, only 1,469 offenders had current convictions from Pierce County. The remaining 2,679 offenders had current convictions from some other county. **Chart #12** illustrates that the approximate share of out-of-

county to in-county offenders changed by only 2% when the county of current conviction was the criteria used to determine if DOC was importing offenders from other counties.

Chart #12
County of Current Conviction for Offenders
At Pierce County Work Release 1997-2002



These two analyses thus confirmed the basic premise that work release facilities in Pierce County, at least through 2002, **were used primarily as a resource for out-of-county offenders, not as a service for Pierce County offenders returning from prison.**

Apparently in response to the results of this initial investigation, DOC officials made verbal statements in the fall of 2004 and early 2005, that they would no longer be sending out-of-county offenders to Progress House Work Release.⁴⁹ This office set out to determine if that commitment was being met. In February 2005, DOC produced a list of

⁴⁹ It is not known what criteria DOC is applying for determining whether an individual is a Pierce County offender. DOC has not committed to looking at the county of first conviction as a standard. The large number of offenders who had been imported into Pierce County in the 2005 database illustrates the need to have an equitable definition of Pierce County offender when selecting who is eligible to be admitted to Progress House.

75 offenders present at Progress House on February 9, 2005. DOC claimed that only **six** of **75** inmates were from other counties. This office chose to take a closer at this assertion.

This author pulled individual offender records to determine the county of first conviction and to track, if possible, how the offenders originally came to Pierce County. This analysis dramatically diminished the ratio of Pierce County offenders to out-of-county offenders. Twenty-one of the inmates began their criminal career in some county other than Pierce. The story of one offender, EDC and his family illustrates how imported offenders become integrated into our community.

Case Study #4 A New Generation

*EDC began his criminal career in Grays Harbor County in 1981. From 1981 to 1991, he committed nine felonies, including forgery, multiple counts of trafficking in stolen property, a drug violation, and taking a vehicle without permission. On November 11, 1997, he became an inmate of Progress House Work Release and thereafter shifted his criminal conduct to Pierce County. He was in and out of the Pierce County Jail eight times and served a total of **138 days** in that facility for various matters at a cost of **\$8,832.00** to Pierce County taxpayers. In May 2004, he pled guilty to theft in the second degree in Pierce County Superior court. Thereafter, he was again placed at Progress House Work Release and became part of the February 2005 sample. On the list provided to the public as part of its lobbying efforts regarding work release in 2005, DOC listed EDC offender as a Pierce County offender without regard to his extensive Grays Harbor felony history.*

EDC was released from his second stint at Progress House on June 13, 2005. Less than a year later, EDC, with his son, attempted to steal a woman's purse. He pled guilty of theft in the first degree and was again sentenced to prison. This one offender has cost Pierce County in excess of \$13,000 associated with costs of housing him in Pierce County.

*EDC's story also indicates that there are other costs associated with offenders being dumped in Pierce County. EDC eventually integrated so well into Pierce County that he brought his family here as well. His son pled guilty as an accomplice to his father's crime. The son spent 139 days in the Pierce County jail and is currently a resident therein. His jail costs? **\$8,896.00**. His original suspended sentence was revoked because*

*he committed a drug offenses during the time that he was to be engaged only in law-abiding behavior.*⁵⁰

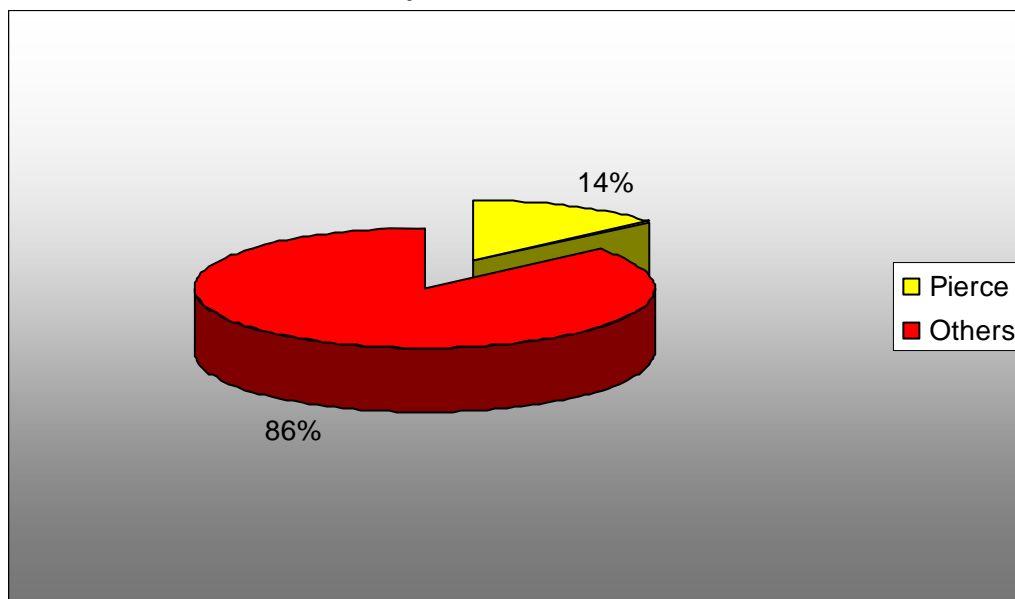
DOC's dumping of out-of-county offenders is documented by other analyses. This office used the raw data obtained from The News Tribune and gathered information regarding those in RAP House and Lincoln Park Work Release for two periods, all of 1997 and the first half of 2005. The data demonstrated that out-of-county imports overwhelmingly populated the facilities during both periods. In 1997, less than **25%** of the residents of RAP House Work Release were from Pierce County. During 1997, **only 33%** of the inmates at Lincoln Park Work Release were Pierce County offenders.

To determine the percentage of out-of-county offenders during a more recent period, the author looked at admissions for the first six months of 2005 at both RAP House and Lincoln Park work releases. Again, the percentages were heavily weighted toward out-of-county offenders. Only **28%** of the inmates of RAP House Work Release during this period in 2005 were Pierce County offenders. During the first six months of 2005, **27%** of the offenders at Lincoln Park Work Release were Pierce County offenders.

The greatest disparity between Pierce County and out-of-county offenders was found at Tacoma Pre Release in 1997. Only **14%** the inmates at this facility were from Pierce County. **Chart #13** illustrates the county of first conviction for Tacoma Pre Release based on a sample of the first month in 1997.

⁵⁰ Information regarding these offenders was taken from Pierce County Superior Court files, FORS system data and documents produced pursuant to public disclosure requests.

Chart #13
1997 Tacoma Pre Release
County of First Conviction



Conclusion Finding #4

DOC has placed a grossly disproportionate number of out-of-county offenders in Pierce County early release facilities. All four facilities housed a significant number of out-of-county offenders. Tacoma Pre Release, RAP House Work Release and Lincoln Park Work Release offenders overwhelmingly were out-of-county imports.

✚ Finding #5: In 1997, neither King nor Snohomish County had facilities that housed significant numbers of Pierce County offenders.⁵¹

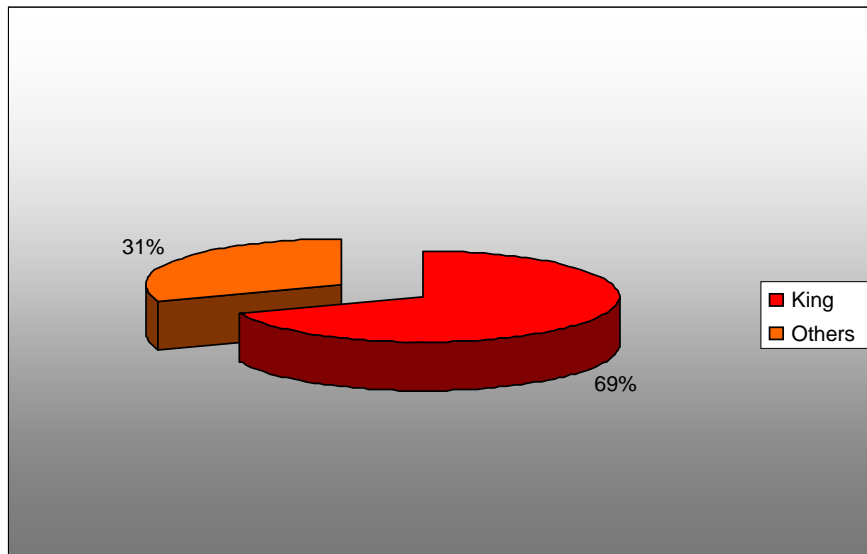
DOC may respond that during this same time it was sending offenders from Pierce County to facilities in other counties. To test this anticipated defense, the author looked at

⁵¹ This study does not address what occurred in Spokane County. As documented in the study done by The News Tribune, DOC has also dumped in Spokane County. It is possible that a number of Pierce County offenders have been dumped there. It is no defense to the dumping issue to say, however, that DOC chose another vulnerable county in which to dump Pierce County's offenders.

samples from the two largest work release facilities in King County, Bishop Lewis Work Release and Reynolds Work Release.⁵²

During January 1997, DOC sent 52 offenders to Reynolds Work Release. Of these **52, 69%** (36) were from King County. Most telling of all—not a single Pierce County offender who had their first conviction in Pierce County appeared in this sample. **Chart #14** illustrates that Reynolds Work Release, at least in 1997, was not used to house offenders from Pierce County and only housed a small percentage of offenders from counties other than King. DOC placed primarily King County offenders in this facility.

Chart #14
1997 Reynolds WR
County of First Conviction



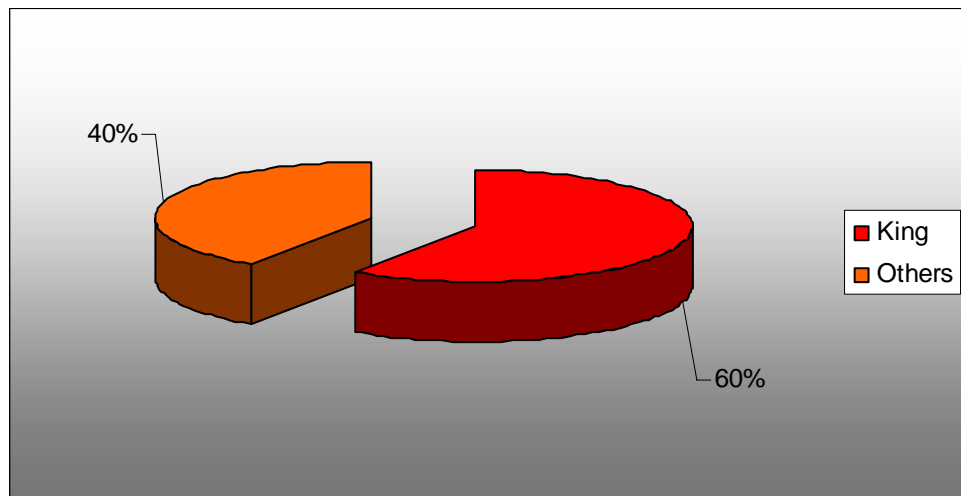
Research showed that the same situation existed at this time at the other large King County work release, Bishop Lewis Work Release. Review of their admissions did

⁵² Bishop Lewis Work Release is a sixty-nine bed male facility that houses state offenders, county offenders, community corrections violators, and other offenders sanctioned by Department of Corrections hearing officers. Reynolds Work Release is a 99 bed male facility located in Seattle. Because of the size of these programs, this author looked at a portion of the admissions in 1997, two months for the facility with fewer admissions and one month for the one with more. The criteria for determining how long a period to study was strictly the number of admissions. This author did not examine any records of offenders from any other period in 1997. Therefore, no “cherry picking” of databases was done.

produce the fact that Bishop Lewis Work Release housed some Pierce County offenders. This author was able to identify four Pierce County offenders whose first county of conviction was from Pierce County. Of these four, only two had Pierce County as their current county of conviction.

The more important number is the number of offenders who were from King County. Of the **47** offenders who went through Bishop Lewis work release in January and February 1997, **60%** (28) were King county offenders. **Chart #15** illustrates that for Bishop Lewis Work Release, the ratio of out-of-county to in county offenders was—again—heavily weighted in favor of King County offenders.

Chart #15
1997 Bishop Lewis WR
County of First Conviction



Conclusion Finding #5

While DOC was dumping in Pierce County by placing an inordinately high number of out-of-county offenders in our facilities, it was not using King county facilities in the same way. King County work release facilities handled a much higher percentage of their own offenders than Pierce County early release facilities. In contrast, the combined data for the four facilities studied based on the 1997 samples revealed that in 1997 Pierce County early release facilities were receiving approximately one Pierce County offender for every three out-of-county offenders.

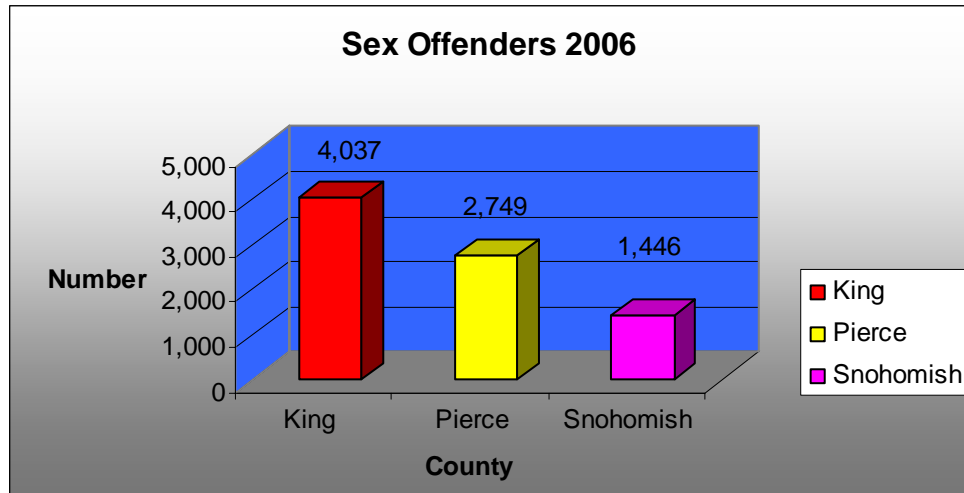
✚ Finding #6: Pierce County has a disproportionate share of sex offenders caused, in part, by DOC placement of sex offenders from other counties in Pierce County early release facilities and transitional housing located here.

Review of the daily paper reveals an inordinate number of sex offender announcements that refer to out-of-county offenders. It appears that Pierce County is a favored relocation area for sex offenders. This office set out to determine if what appeared to be true was actually true. Did Pierce County have a disproportionate number of registered sex offenders? As indicated in the analysis below, this author, as well as others studying the question, have concluded that Pierce County has a disproportionate number of sex offenders.

On August 1, 2006, King County had 4,037 registered sex offenders. Although only a little more than **40%** the size of King County, Pierce County had **68%** of the

number of sex offenders that King County had. **Chart #16** illustrates the number of sex offenders as of August 1, 2006 in King, Pierce, and Snohomish counties⁵³.

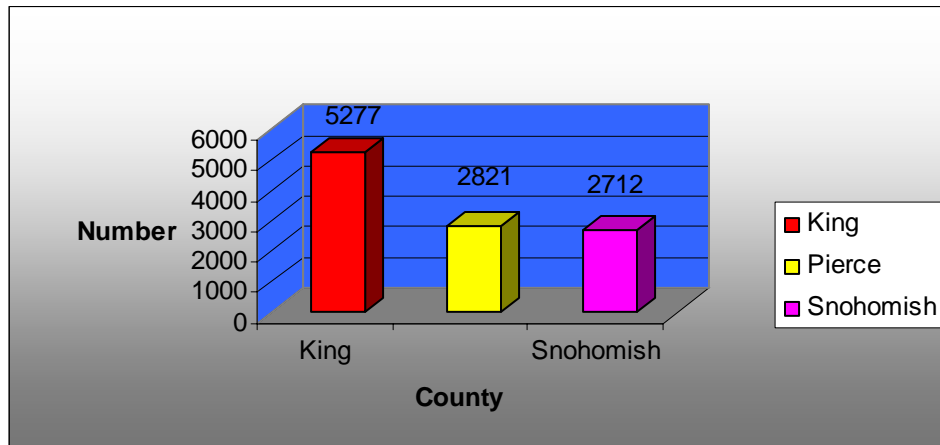
Chart #16
Number of Sex Offenders
King, Pierce and Snohomish Counties



Population comparisons are subject to the criticism that Pierce County may simply have more sex crimes committed here than other counties. This author wanted to test that theory by seeing if a relationship existed between the number of sex crimes committed in a county and the number of sex offenders registered there. For purposes of this analysis, the author tallied the number of reported rapes over eight years (1998 to 2005) as reported by King, Pierce and Snohomish counties to WASPC. The eight-year period was chosen to reflect the fact that sex crimes generally result in longer prison terms and to mitigate the impact of year-to-year fluctuations in the numbers for each county. **Chart #17** illustrates the cumulative total of the rapes reported from each of the three counties.

⁵³ This data is taken from The News Tribune's October 22, 2006 article detailing its investigations. The data is similar to data this office tracked in 2005. The actual number of sex offenders will fluctuate on a day to day basis as individual offenders move in and out of the counties.

Chart #17
King, Pierce and Snohomish
Number of Reported Rapes in three Counties

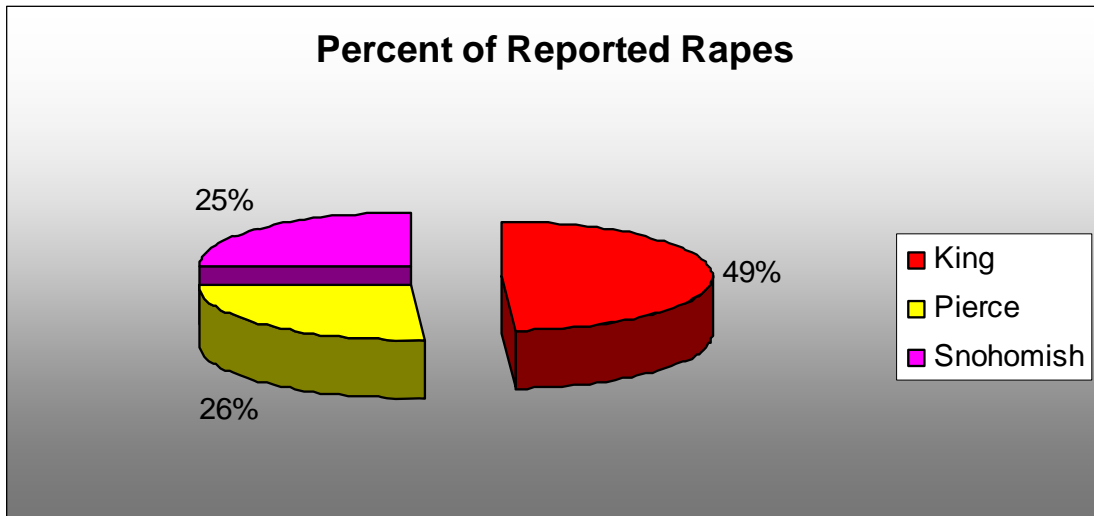


The above chart demonstrates that Snohomish County had almost the same number of reported rapes during these eight years as did Pierce County.

The next step was to translate each county's number of rapes into a percentage to determine an individual county's share of the total number of rapes for the eight year period.⁵⁴ The result of that analysis is contained in **Chart #18**.

⁵⁴ The author realizes that there may be objections to this approach. Not all reported crimes result in a conviction. Some of the individuals required to register may actually have been convicted of some other crime such as kidnapping, assault or burglary with a sexual intent. It is not possible to identify these individuals from the raw data available to this author. The above comparison, while not perfect, gives the reader a general idea of the relative share each county should have. It is not likely that any of these explanations would account for the dramatic difference in total share of sex offenders

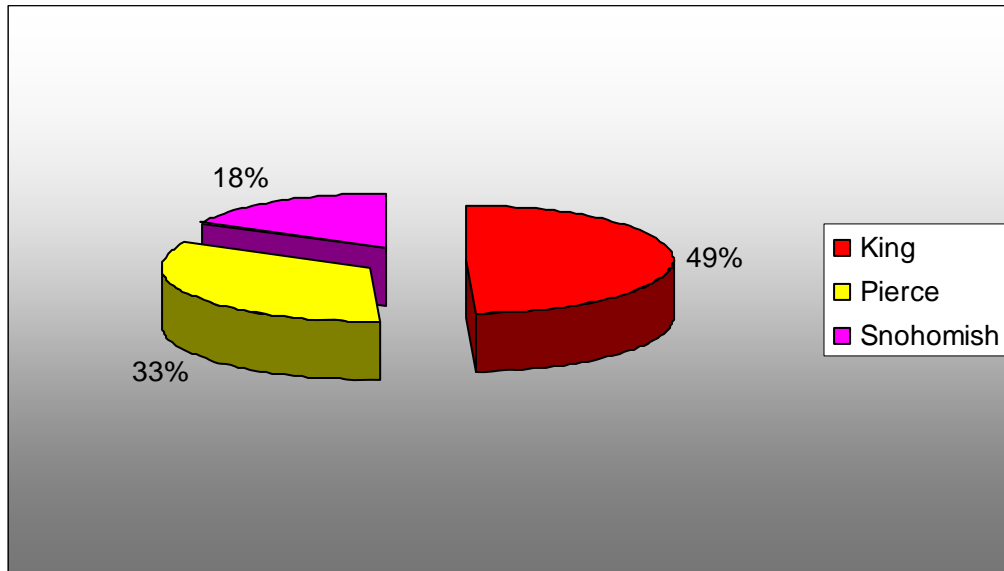
Chart #18
Proportionate Share
Total Rapes 1998-2005



The data revealed that Snohomish and Pierce County had about the same number of rapes over this eight-year period. King County had nearly twice as many rapes.

The author then compared the percentage of reported rapes to each county's share of the total sex offenders present in the three-county- area. The difference between the share of reported rapes and the share of registered sex offenders was very revealing. Pierce County's share of registered sex offenders is **seven percentage points above** its share of reported rapes (**26%** versus **33%**). Snohomish County's share of sex offenders is less than its share of reported rapes by the same 7%. Snohomish County had **25%** of the rapes but only **18%** of the sex offenders. King County's share remained relatively the same for both analyses. In other words, as would be expected, its share of rapes was essentially the same as its share of sex offenders. **Chart #19** illustrates Pierce County's increased share.

Chart #19
Relative Share of Sex Offenders



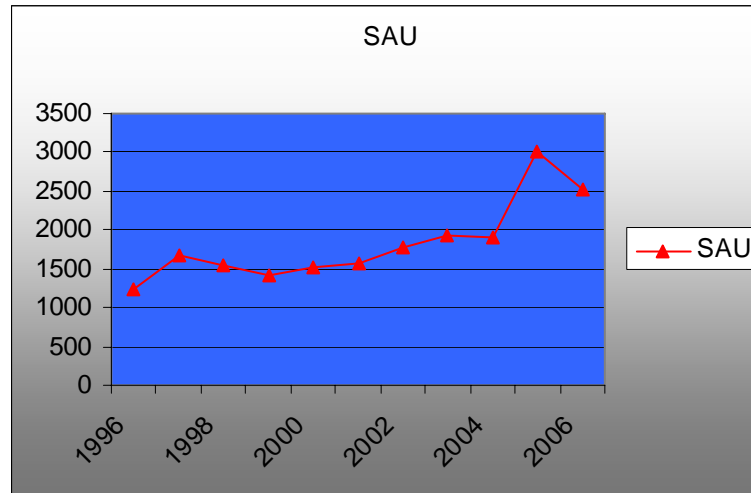
This exercise illustrates that Snohomish County, which had only **1%** fewer rapes than Pierce County, is the location of **15%** fewer sex offenders. The sex offenders who committed those rapes in Snohomish had to have gone somewhere. Too frequently, they and other out-of-county offenders are directed to Pierce County.

Some may challenge this analysis with the objection that not all the sex crimes are represented or that other factors account for the disparity. Those objections must address the simple fact that **King County’s share remained stable**. Had it deviated substantially, the criticism might have merit. It did not and the logical conclusion is that the analysis is a valid method of determining a “fair share” of sex offenders. None of the anticipated objections would explain the dramatic shift. Some other force acts to move sex offenders from one county to another.

A more substantive objection would be that the logic of the analysis does not ring true because if Pierce County had more sex offenders it should have more reported rapes.

In fact, the number of sex crimes referred to Pierce County for prosecution each year has steadily been increasing since 1996. **Chart #20** demonstrates this increase.

Chart #20
Referrals to Special Assault Unit
Rapes, Domestic Assaults and Child Abuse



The incredible costs to our community and to the victims of these crimes will be discussed later in this report. The important point to be made at this juncture is simply that an increase in the number of sex offenders eventually translates into additional crimes.

The News Tribune also reached the conclusion that Pierce County had too many sex offenders by looking at other data. This study compared the share of the total number of sex offenders to the county's share of the state's total population. It also looked at data which indicated whether each county had more or less out-of-county sex offenders registered to live within the sampled county. The author of that study reached the same conclusion: **Pierce County has too many sex offenders.**⁵⁵

The question of determining how these sex offenders got to Pierce County presented the next challenge. Sex offenders may be brought here through early release

programs or directed here by DOC to obtain housing and services. Without DOC's full cooperation and access to data such as that contained in individual chronological logs kept by its staff, it is impossible to document the full extent of this problem. It would be wrong to conclude from this lack of data, that DOC does not dump sex offenders in Pierce County. Recent public disclosure requests indicate that DOC has an extremely active role in the placement of sex offenders in this county. For instance, it maintains a list of Pierce County property owners and facilities willing to take sex offenders and then provides that information to its community custody officers and to offenders.⁵⁶ [Fresh Start, Hope House](#), the [Travel Inn Motel](#), the [Budget Inn](#) in Lakewood and [402 St. Helens](#) are some of the addresses that appear on this DOC list. The names of Pierce County property owners such as [Paul Post](#) and [Sandy Schweger Enterprises](#) appear on this list as well.⁵⁷

In addition, based on internal communications recently discovered, it appears there exists formal and informal referral and financing systems to direct offenders to this county and certain areas of Tacoma. The documents received pursuant to public disclosures support several propositions: First, DOC provides transition funds to sex offenders via a system that sometimes sends the money directly to the provider. Second, DOC considers Pierce County to be a desirable location for placement of sex offenders⁵⁸ Third, some DOC staff who are making important decisions regarding placement of sex offenders are hostile to notions of fair share and will not willingly give up Pierce County as a prime dumping ground for sex offenders unwanted by their home counties.

⁵⁵ See The News Tribune, October 23, 2006, *What's Fair for Pierce County: More sex felons find their way here, too* by David Wickert.

⁵⁶ See **Appendix #9** for complete list as provided in response to Public Disclosure Request to DOC.

⁵⁷ See **Appendix #9**.

⁵⁸ See **Appendix #10** for interagency correspondence revealing the desire to place sex offenders in Pierce County due to available housing even though offender has no connection with the county.

Internal discussions, such as those between DOC employee Robert A. Pearson and Field Administrator Armando Mendoza, dated May 22, 2006, support the last contention. Mr. Pearson inquired as to the official position regarding staff's desire to deny sex offender releases to Pierce County where there are no convictions, victim concerns or connections to the community. He noted:

These are not cases where the offender resided her (sic) and went somewhere else to commit the crime. They are not cases in which the victim is in imminent threat. This is probably effecting (sic) all of the county units in one way or another but in the case of Tacoma 1 and 2, Sex Offender- North and Dosa Units, the frequency is probably greater. **There is an abundance of clean and sober housing in Tacoma's East South and Hilltop neighborhoods.**⁵⁹

(Emphasis added.) This statement needs to be placed in the context of this DOC employee's earlier email which clearly illustrates his views of restrictions based on county of conviction. On **May 16, 2006**, Mr. Pearson writes Mr. Mendoza the following regarding placement of out-of-county offenders in Pierce County:

I have asserted to the CCO's and RES in my unit that the **best plan** is what we want for the offender, not some sort of **arbitrary territorial limit based on county of conviction**. Counselors, Specialists and offenders in the prison have become aware of several of the housing providers in Tacoma like the **House of Vision, Taylor House, McKinley House and Fresh Start**, etc. The owners or facilitators of those programs have on occasion participated in RMIT meetings and **interacted with offenders** about their program expectations, costs and location. They are good collaborators and work with us to house and care for some difficult cases. That too has been clear to prison staff and when faced with difficult to place offenders who offer little viable help in the development of their release plans they offer information to those individuals. Sometimes they have even arrange (sic) for DOC to pay the room and board before the CRR is even sent. Some referrals to Tacoma/Pierce County have been derived from the victim issue in another county and it is not clear how Pierce County was selected over the other 38 options in that circumstance.⁶⁰

⁵⁹ See [Appendix #10](#).

⁶⁰ See email at [Appendix #10](#), First emphasis in original. Other emphasis added.

(Emphasis added.) The correspondence goes on to describe the community’s position on out-of-county offenders as an “assault” on DOC:

We have been **assaulted by the prosecutor, community members at neighborhood mitigation meetings and in the media** with the “**Fair Share**” war cry.⁶¹

(Emphasis added.) The comments about the “assault” are most telling regarding the hostility this DOC employee feels towards fair share issues. What is most troubling about this correspondence is Mr. Mendoza’s complete failure to appropriately respond to Mr. Pearson in writing with the caution that the fair share issue is one that DOC honors. Without a firm commitment to this principle on the part of DOC administrators, it is clear that field officers will continue their routine practice of placing imported sex offenders in Pierce County. If there is a way to send an out-of-county sex offender to Pierce County, they will do so. In fact, the remainder of the above email refers to the great extent the author goes to in order to find a reason to place the imported sex offenders in Pierce County.⁶²

Also troubling are the inaccurate messages being sent to the community regarding DOC responsibility for the placement of sex offenders in specific locations. The above passages document that Mr. Pearson and his colleagues direct sex offenders to Pierce County. But DOC spokespersons have denied any DOC involvement in the placement of sex offenders. Less than a year before this exchange DOC spokesperson Christine Boiter informed The News Tribune that DOC does not place sex offenders anywhere or **even refer them to specific locations where landlords might be inclined to take them in.**⁶³

⁶¹ See **Appendix #10.**

⁶² See **Appendix #10.**

⁶³ See The News Tribune, November 19, 2005.

Ms. Boiter admitted only that the agency provided resource information and options to offenders.⁶⁴

Actually, DOC provides a lot more—it finances the transition of imported sex offenders to Pierce County. Other correspondence, direct from Secretary Harold Clarke, reveals that not only are funds being provided, but the authority to do so has been a question within the department and from its legal counsel.⁶⁵ On October 28, 2005, the Washington State Attorney General’s Office issued an opinion on the question of whether there were liability and or legality issues associated with DOC providing such monies. Someone raised the quite appropriate concern that because the Legislature does not authorize this activity or provide a line item appropriation for it, the practice might in fact be illegal. According to Secretary Clarke’s correspondence, the Attorney General’s opinion recommended that DOC **not** provide such funding.⁶⁶ Secretary Clarke’s response to this advice was as follows:

In an effort to not have this funding abruptly end, the decision was made to reduce rather than immediately eliminate the transitional housing funds. These limited fiscal resources will be reinvested in other support services for offenders being released from our institutions.

I understand the Department’s obligation to ensure offenders are released with the best plan. Enhancing approaches to increased public safety has been, and will continue to be, the priority for this office and the Department.⁶⁷

(Emphasis added.) Even after being told to stop, DOC intends to continue the practice of financing sex offenders’ transition to the community. With due respect to Secretary

⁶⁴ Id.

⁶⁵ See [Appendix #11](#), letter dated June 27, 2006 from DOC Secretary Harold Clarke to Don Pierce.

⁶⁶ Arguably, the provision of transition funds to sex offenders is a gift of public funds. The above correspondence illustrates that DOC is aware of this issue and is currently ignoring the advice of its legal counsel.

Clarke, constitutional and statutory prohibitions regarding spending public funds on private citizens are not optional provisions for the State to pick and choose when to apply.

The above correspondence clearly illustrate the difficulties associated with getting accurate information regarding what DOC does for sex offenders. It also shows the difficulties associated with tracking how sex offenders come to Pierce County as well as DOC's hostility to any attempt to halt its practice of dumping sex offenders in Pierce County. DOC is not about to publicly admit its active involvement in placement of sex offenders. The "official" line is that DOC does not "place" offenders. DOC Director of Communications, Gary Larson responded to an inquiry from King TV about offenders in nursing homes and adult homes with a complete denial of any involvement. Mr. Larson states:

Cheadle wanted to know what DOC's policy is for "placing" convicted felons in such facilities. I explained that DOC does not place offenders in specific living accommodations while under community supervision. Rather, we review the offender's proposed release plan to determine if the residence they plan to move into meets Department requirements. If the plan is not satisfactory, they remain incarcerated until they can come up with a satisfactory plan, or they reach their maximum release date. **But we would not automatically accept or reject a residence for an offender solely on the fact that it is a nursing home or adult family home.**⁶⁸

(Emphasis added) Two things should trouble the reader about this email. First, the public spokesperson is providing misinformation to a representative of the news media. Second, there are apparently no limits on where DOC will place a sex offender.

This public denial is fruitfully contrasted with the May 16, 2006 correspondence of DOC employee Pearson. Mr. Pearson advocates that DOC "should be trying to develop plans to move offenders into such programs if it fits their needs, will to (sic) abide by the

⁶⁷ See [appendix #11](#).

rules and they agree (sic) work on a sustainability plan. Leaving them in prison to MAX OUT because they are homeless is a huge cost to the agency.”⁶⁹ The public position is inconsistent with what DOC actually does. While not even admitting its involvement, DOC correspondence establishes that it is an active participant in the process of placing sex offenders. In the emails appended to this report, DOC is fostering prison meetings between housing sources and offenders in prison and paying transition funds directly to the housing provider.⁷⁰ Prison staff are urged to actively participate in arranging “SSI, GAU, GAX, etc. before release so that support will be more readily available after release.”⁷¹ It is incredibly disingenuous for DOC to take these actions on behalf of offenders on one hand and on the other deny that it “places” offenders. DOC publicly announces that it has no role, but finances the transition. What is the public to believe? The solution may be an extensive audit of DOC’s financial records. Such an audit would get to the bottom of the issue of just how much public money has been spent for sex offenders, and to whom those funds have been paid.

The consequences of DOC’s decision to select Pierce County as a favored site to place sex offenders is seen in the disproportionate number of sex offenders in Pierce County and in the resulting concentration of sex offenders in joint living arrangements. For instance, in April 2002, this office investigated the criminal histories of sex offenders living at the same apartment complexes in Lakewood. Data obtained at the time revealed a large number of sex offenders at the Westwood Apartments and Norwood Apartments

⁶⁸ See [Appendix #12](#) Email Correspondence from Gary Larson dated October 2, 2006.

⁶⁹ See [Appendix #10](#), Email dated May 16, 2006 from Robert A. Pearson.

⁷⁰ Id.

⁷¹ See [Appendix #10](#), Pearson email dated August 23, 2006.

both located in Lakewood, Washington. Sixteen of the offenders registered to those two sites had convictions from some other county.

As this report is being written, out-of-county sex offenders are still coming to apartments and to halfway houses located in Pierce County. On January 16, 2007, this office was notified that two Level III offenders were being released to Pierce County. The first offender, TMD, was convicted in Clark County of rape of a child in the first degree and child molestation in the first degree. Sentenced to 120 months, TMD has been released to live in Pierce County at 3597 McKinley Street in Tacoma. This office's investigations of that address revealed that in March 2006, **12 sex offenders** were registered as living at this residence. The property appears on Pierce County tax rolls as a single-family dwelling.

On the same date, DOC announced that it will release another imported Level III sex offender to Lakewood. This sex offender's child molestation conviction is from King County. A search of Pierce County records revealed neither sex offender has had contact with our criminal justice system. Nonetheless, DOC will release them here to Pierce County. Clearly, DOC's policy of dumping sex offenders in Pierce County is a continuing concern.

While the number of sex offenders brought into Pierce County through direct DOC placement cannot be determined without access to data DOC has so far withheld, some additional light can be shed on the problem of disproportionate sex offenders by looking at the numbers of out-of-county offenders coming through the early release facilities located in Pierce County. This author examined the issue of whether or not the early release facilities in Pierce County housed significant numbers of sex offenders, and whether those

sex offenders were Pierce County offenders or imported from some other jurisdiction. Conviction records were examined for sex offenders sent to RAP House, Lincoln Park and Tacoma Pre Release and Progress House during 1997. Similar data was gathered for offenders sent to King County facilities.⁷² Review of this data demonstrated that Pierce County received more sex offenders and more out-of-county sex offenders than King County.

Because of the number of inmates who go through the program, Tacoma Pre Release was sampled for only one month, January 1997. During this one month, TPR received **six** sex offenders. **Every one** of these offenders obtained their conviction for a sex offense in some other county.

Lincoln Park Work Release admitted **15** sex offenders during 1997. Of these 15, **13** (**80 %**) were convicted in some county other than Pierce. Only **2** of the **15** sex offenders housed at this facility during 1997 were Pierce County sex offenders.

An analysis of RAP House revealed that it too was being used to bring out-of-county sex offenders to Pierce County. During 1997, RAP House admitted **14** sex offenders. Only **three** of these sex offenders belonged to Pierce County.

Because work release is designed to integrate offenders into the community, the result of bringing sex offenders from out-of-county to Pierce County facilities is to cause them to be integrated into our community. This, in turn, ultimately increased Pierce County's share of total number of sex offenders in the state.

The number of sex offenders DOC directs to Pierce County cannot be accurately established without additional data. However, data from 1997 revealed at least **44** sex

⁷² 1997 was chosen for many points of analysis because it predates this office's efforts to bring public attention to the work release problem and because a long enough period of time has passed to analyze

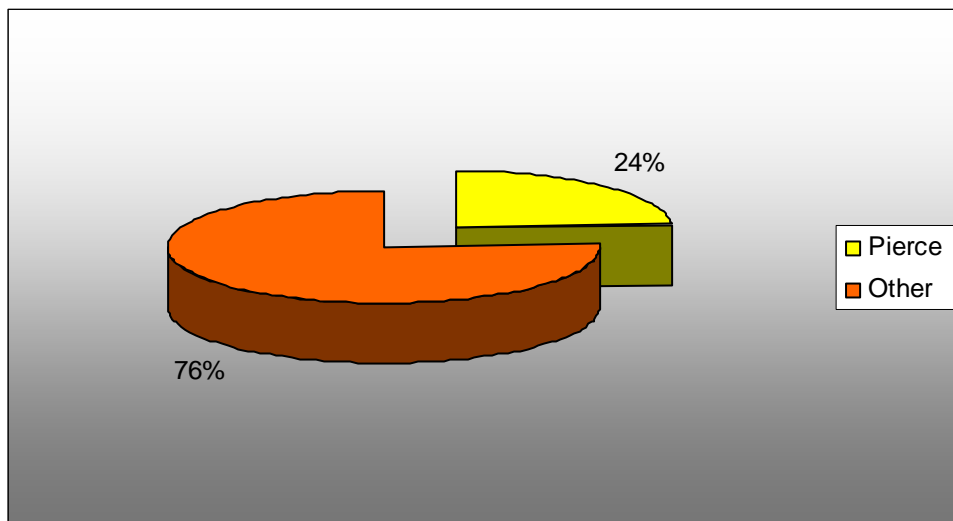
offenders brought to Pierce County during this one year who did not belong here. The study of 1997 work release inmates identified sex offenders at Progress House, RAP House and Lincoln Park work releases. These three facilities admitted **52** sex offenders during 1997. Tacoma Pre Release admitted **6** sex offenders in just one month.⁷³

This office was thus able to establish that DOC placed at least **58 sex offenders** (**52 +6**) in early release programs in Pierce County during 1997. This author researched the county of conviction for all **58** offenders. For this analysis, the author focused on the county in which the offender first committed a sex crime that required registration. Less than **one** out of every **four** sex offenders was a Pierce County offender using this standard. Overwhelmingly, these offenders were convicted of their sex crimes in other counties. Of the **58** sex offenders studied, only **14** were convicted of sex crimes in Pierce County. **Forty-four** of **fifty-eight** of the sex offenders committed the crime that required them to register as a sex offender in some other county. **Chart #21** illustrates the disparate number of out-of-county sex offenders from 1997.

recidivism trends from the out-of-county offenders.

⁷³ If this rate remained constant throughout 1997, the number of sex offenders for 1997 would be more than double the 58 known offenders. [6 x 11 remaining months + 58 = 124] Assuming the proportion of Pierce County to out-of-county offenders remains the same, DOC introduced 100 out-of-county sex offenders into Pierce County in just 1997. While some of these offenders returned home following their stay in Pierce County facilities, many of them chose to make Pierce County their home.

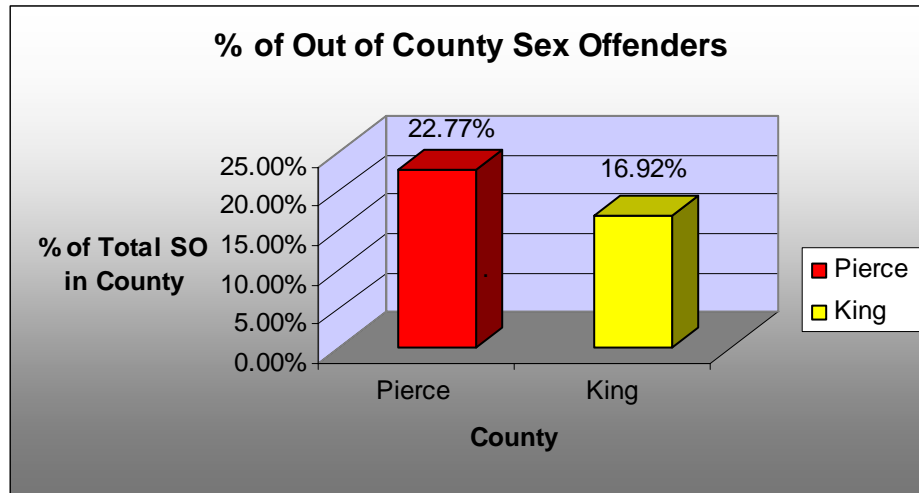
Chart #21
County of Conviction for Sex Crime
Pierce County Early Release Facilities 1997



If the 1997 data is representative of what occurred in the other years DOC directed offenders to Pierce County, these numbers paint a staggering picture of the number of sex offenders DOC directed to this county to the benefit of other counties. The inevitable result of DOC's stated desire to disregard the home county standards for sex offenses is that Pierce County has received an extraordinarily high number of sex offenders which have become integrated into our community.

The News Tribune also documented that Pierce County received too many offenders, and that fewer of Pierce County's offenders resided in other counties than did those from counties to the north. This discrepancy was particularly evident between King and Pierce. **Chart #22** illustrates the discrepancy discovered by The News Tribune.

Chart #22
Percentage of Out-of-County Registered
Sex Offenders Based on Each
County's Total Number of Sex Offenders



These figures demonstrate that sex offenders brought here by DOC remain here. Unfortunately, they often remain to commit new crimes. The example of John Eggers illustrates the dangers of violent sex offenders.

Case Study# 5
A Douglas County Sex Offender
Becomes a Killer in Tacoma



The tragic story of Meeka Willingham's murder is relatively well known. Briefly, this bright, promising young woman was murdered by John Eggers after Eggers formed a friendship with her family. Unknown to Meeka's mother, John Eggers had a history of violence against women well-documented in his extensive DOC file.

John Eggers began his criminal career in Douglas County with several property crimes.⁷⁴ He violated his parole and was convicted of assault in the third degree in 1973. This incident involved Eggers hitting a woman with a beer bottle after she refused him sex. Eggers went to work release, apparently in King County, in December 1974. In 1976, Eggers violated his parole by raping a girl in Wenatchee. Incarcerated for a short while, Eggers was once again on parole by the end of 1976. Within a month of his release, he was arrested for attempted rape and assault. This incident generated a second degree assault conviction in King County.

In March 1978, Eggers was arrested in King County for Assault in the First Degree and Rape in the First Degree. The police report documents that this was an extremely violent incident and that Eggers choked his ex-girlfriend until she passed out and then raped her. Eggers was sent to Western State Hospital's sexual psychopathy program, which he failed. The report from Western State Hospital indicated that Eggers was not safe to be at large and "presented too great of a security risk to even been considered for treatment" at Western State.⁷⁵ In 1990, John Eggers was paroled to Lincoln Park Work Release.

Eggers parole to Tacoma brought him in contact with Sylvia McFarland, Meeka Willingham's mother. Sylvia met Eggers while taking classes at Tacoma Community House. No one informed her that Eggers was a dangerous sexual predator. Eggers himself only indicated that he had done time for some property offenses. Eggers ingratiated himself with Ms. McFarland and became part of the family. Four years later, while McFarland was out of state, John Eggers brutally murdered Meeka, stabbing her 56 times. Prior to his release to Tacoma through Lincoln House, Eggers had absolutely no connection with Pierce County.

This one incident illustrates the tremendous potential costs of even one violent sex offender. The damage to the family cannot even be imagined. For the tax payers of Pierce County, it had to house this killer in the Pierce County Jail for **314** days pending trial at a cost of well over \$35,000. In addition, Pierce County taxpayers paid for the defense, law

⁷⁴ The Eggers example also illustrates the dangers of relying solely on DOC records while doing research on recidivism or sex offenders. According to the FORS report pulled for John Eggers, his only criminal convictions were for the Willingham murder, and one assault in 1981 from King County. The Presentence Report prepared by DOC, on the other hand, lists a 1970 Douglas County conviction, (vacated) multiple parole violations, a 1976 Second Degree Assault, a 1978 First Degree Assault and First Degree Rape. The FORS report omitted the 1978 violent sex crime. **The report also does not list Mr. Eggers as a sex offender.**

⁷⁵ February 23, 1981, Report of Western State Hospital to Honorable Carolyn Dimmick.

enforcement investigation, and the prosecution.⁷⁶ Meeka Willingham is not the only victim of a DOC imported sex offender. As detailed at the beginning of this report, in early 2006, another young female became a victim of a violent sex offender DOC imported to Pierce County. Other imported sex offenders commit other crimes. Each additional sex offender places the public at risk. Pierce County's leaders must act aggressively to shut off the flow of imported sex offenders to Pierce County.

Conclusion Finding #6

Pierce County has a disproportionate number of sex offenders. DOC is in part responsible for this situation. DOC policies include direct placement of offenders in Pierce County early release facilities, which then results in integration of the sex offender into Pierce County. DOC also places sex offenders through less obvious methods. Internal agency correspondence establishes that DOC directs offenders to Pierce County through a variety of means. These methods include fostering pairings of service and or support groups with offenders in need of residential housing, financing transitional costs and staff within DOC who are resistant to change and hostile to the concept of fair share.

⁷⁶ Sylvia McFarland and her family held DOC responsible for Meeka's death. The State of Washington ultimately paid \$6.3 million to settle the action. Meanwhile, work release programs continued doing business in Pierce County without substantial change and continued to introduce sex offenders into our area.

IV. FINDINGS 7-11--THE EFFECTIVENESS OF WORK RELEASE AND EARLY RELEASE PROGRAMS

Findings contained in this section pertain to the issue of whether or not work release and other early release programs are effective in reducing crime or costs. Finding #7 summarizes articles and prior research in this area. Findings 8-10 discuss original research on recidivism rates of various early release facilities. Finding #11 discusses the impact of DOC's insistence that RAP House and Lincoln Park work release facilities operate without restrictions regarding county of origin.

✚ Finding #7: No current evidence supports the conclusion that work release will reduce crime or the costs of incarceration.

A. Existing Research Regarding Effectiveness of Work Release Does Not Support Expansion.

1. Essential Public Facility: Justifications for the Programs

The Washington State Department of Corrections states that its mission is to “contribute to staff and community safety and hold offenders accountable through administration of criminal sanctions and effective re-entry programs.”⁷⁷ Recent news releases from DOC indicate that it will seek to expand work release within the coming years. On August 2, 2006, DOC Secretary Harold Clarke announced that the Department would begin a search for new state work release facilities. Secretary Clarke has asserted that “work release programs enhance public safety by providing a means to closely supervise eligible offenders while they adjust to freedom after serving prison time.”⁷⁸

⁷⁷ DOC Website, <http://www.doc.wa.gov/>

⁷⁸ DOC News Release, August 2, 2006.

Secretary Clarke's optimistic and enthusiastic support of work release as a positive force in offender rehabilitation was echoed by the regional director of DOC, Anne Fiala, in her opinion letter published in the News Tribune on September 24, 2006. Ms. Fiala stated clearly that the DOC wanted to reduce the 33% recidivism rate associated with release from prison "in order to make communities safer and ease pressures to build expensive prison space."⁷⁹ The Department, according to Ms. Fiala, believes "one of the most effective ways to accomplish these goals is by expanding state work-release programs."

Ms. Fiala asserted that work release gives offenders the opportunity to "perform community services", to begin supporting themselves, and to meet other financial obligations, including victim restitution and child support, by working at paying jobs in the community.⁸⁰ Ms. Fiala contends the success of the program is demonstrated by the fact that work release offenders have a higher one-year employment rate.

Neither Ms. Fiala nor Sec. Clarke mention statistical evidence regarding the recidivism rates of work release offenders. Moreover, the Department's optimism regarding work release as an effective tool for rehabilitation does not rest upon established research. Nonetheless, the Department is going forward with its plans.

DOC has recently issued a white paper entitled "The DOC Re-entry Initiative "Smart on Crime."⁸¹ In this document, DOC acknowledges that "protecting the public from crime is one of government's most important responsibilities." The paper goes on to cite a recent study that indicates that recidivism programs work and then launches into a

⁷⁹ Opinion, The News Tribune September 24, 2006.

⁸⁰ Id.

⁸¹ See DOC website for complete paper at <http://www.doc.wa.gov/general/P325reentrywhitepaper.pdf>

discussion of its plans for offender re-entry.⁸² Prominent among these plans is the department's commitment to expand work release. DOC's paper states:

DOC plans to expand work release to provide offenders with a controlled return to freedom as they continue to participate in programming, work on building positive relationships, and establish means to legally support themselves.⁸³

The most recent report by the Washington State Institute for Public Policy concludes there is insufficient evidence to support the conclusion that work release reduces crime and/or is cost effective. In an incredibly disingenuous move, DOC does not tell the public that the report it cites in the white paper concludes that there is insufficient evidence to support the conclusion that work release either reduces costs or reduces crime.⁸⁴ As established in the next section of this report, there are many reasons to believe work release is ultimately more costly and much less effective than simple incarceration.

Even DOC admits, however, that reduction of crime is the single measure most critical to evaluation of the success of a program.⁸⁵ The public should be cautious of any attempt to move the discussion away from this central issue. Repeat offenders cost their communities millions in increased law and justice programs, inflict pain, injury and emotional distress on their victims and result in costly re-incarceration. Increasingly, that cost has been shifted from the state to local levels. As demonstrated by the discussion below, the extraordinarily poor performance of work release programs in general, and those located in Pierce County most particularly, negate any real or perceived benefits touted by the Department.

⁸² <http://www.doc.wa.gov/general/P325reentrywhitepaper.pdf>

⁸³ Id. See page 9 for plans to expand work release.

⁸⁴ Id. Compare page 4 with pages 8-9.

2. Existing Data Regarding Recidivism and Work Release

Few studies accurately document the effects of work release on recidivism rates and the cost of incarceration. The most complete study “Work Release: Recidivism and Corrections Costs in Washington State”⁸⁶ was published in 1996 by the U.S. Department of Justice. (hereafter “Turner Study”) Supporters of work release sometimes refer to this article as establishing that the programs are effective. In fact, the article essentially establishes that work release neither reduces the cost of incarceration nor improves recidivism rates.

The study is presented in a misleading manner. It starts with statements hailing the fact that “nearly a quarter of all prisoners released in Washington under current statutes made a successful transition to the community through work release.”⁸⁷ A 25% success rate is not something to celebrate. A **25%** success rate means simply that **three** out of every **four** participants fail.

While the logic of celebrating a **25%** success rate is highly questionable, the conclusion the study draws from the data are the most misleading. The writers’ basic finding, almost as an after thought—is that “**work release programs did not reduce offender recidivism rates or corrections costs.**”⁸⁸ (Emphasis added.) The article then goes on to suggest, however, that few corrections officials believe that what they do chiefly effects recidivism rates. The authors urge that it is time to look at more “realistic” benchmarks or definitions of success.

⁸⁵ Id at p.9.

⁸⁶ Department of Justice, “Work Release: Recidivism and Corrections Costs in Washington State”(by Susan Turner, PhD. and Joan Petersillia, PhD, (hereafter “Turner Study”) (1996).

⁸⁷ Turner Study at p. 11.

⁸⁸ *Id.*

The study's attempt to move the debate away from recidivism as a benchmark is understandable. The actual results of the study demonstrate that work release is **more costly** and **does not** reduce recidivism. The study found that if one combines all rule infractions and new crimes, **29.5%** of the offenders in work release were returned to prison during the first year. In contrast, only **5.7%** of the non work release participants returned to prison their first year.⁸⁹

The study also examined the issue of the length of subsequent prison stays as between those who participated in work release and those who did not. It concluded that there was a "**marginally significant**" difference that suggests that the length of time under correction supervision "**may actually have been longer for those participating in work release.**"⁹⁰ (Emphasis added.)

Finally, the study establishes that work release is actually **more** expensive. The study claimed there was "basically no difference in costs between work release and inmates completing their full terms in prison."⁹¹ The actual data discussed in the study documented that each work release inmate **costs more** than prison when all costs were totaled. The study's actual findings are as follows:

The analysis (see exhibit 5) shows basically no difference in costs between work releasees and inmates completing their full terms in prison. If one considers the costs associated with work release, from the time an inmate was admitted to prison until his discharge, the estimated cost would average **\$25,883** per inmate. This is in contrast to the estimated **\$25,494** it would have cost per inmate, on average, to serve out his time in prison.⁹²

Work release, according to this study, actually costs **\$389 more per inmate** than an inmate in prison. The public is certainly entitled to question the credibility of those who urge that

⁸⁹ Turner Study at p 10.

⁹⁰ Id.

⁹¹ Turner Study at 11.

an increase of **\$389** is basically “no different” than the less expensive program. Government holds the public’s money in trust. The **\$389** originated with taxpayers. It represents money that taxpayers could have spent on their own needs. To dismiss such sums is to ignore the cumulative impact of such a number when multiplied by the number of offenders going through the system. When that is done, the “essentially same” cost actually is a huge cost differential. For the sake of argument, assume that no more than 10,000⁹³ offenders went through work release in the last decade. That \$389 translates into **\$3,890,000** which could have been used to educate children, house the homeless, and make needed road improvements to strengthen our economic infrastructure, or provide health care to the needy. Faulty government reasoning like this makes the public suspicious and hostile toward their leaders. Programs that cost more must—at a minimum---produce better results than the less costly alternatives.

Unfortunately, the evidence is strong that work release actually has the opposite effect. This evidence exists on multiple levels. The Turner study is one of the few documented studies regarding the effectiveness of work release. The Legislature charged the Washington State Institute for Public Policy with the task of reviewing the available data and making recommendations regarding evidence based public policy options to reduce prison construction. Its report was released in October 2006. That report reviewed the available studies and concluded that there were too few recent studies concerning work release.⁹⁴ As result, the authors placed work release from prison programs in the category

⁹² Id..

⁹³ This number is a fraction of the inmates that actually have gone through the program. Data from The News Tribune revealed total release many times that number. See “Dumping” The News Tribune, October 22, 2006.

⁹⁴ Aos, Miller & Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates, Olympia*: Washington State Institute for Public Policy (October 2006) at p. 9.

of programs needing more research before conclusions could be reached regarding whether or not the program would effectively reduce the costs of crime and recidivism.⁹⁵

Conclusion Finding #7

The State’s own most recent study supports this finding. Data concerning the cost effectiveness of work and early release programs does not exist. Any expansion of these programs by the Legislature would simply be based on blind faith that the desired results would be achieved.

 **Finding #8: Pierce County’s largest early release programs produced more offenders who committed new felonies since their release than that which would be associated with direct release from prison.**

This section discusses the performance of Progress House and Tacoma Work Release for 1997. The data consists of summaries of studies done by the DOC and its consultants and original data. The data produced by DOC generally groups all Pierce County early release facilities into one statistic.

A. DOC Studies

1. Availability of Data

“Since the development of the Offender Based Tracking System the Department of Corrections has had the ability to track the number of returns to prison for offenders released as early as 1985.”⁹⁶ This office has obtained a copy of a “draft” 2003 compilation by DOC of work release success rates. In this draft summary, the Department compiled numbers regarding the five-year felony recidivism rate for offenders going through Pierce, Spokane and other work release facilities. This data

⁹⁵ Id.

established that Pierce County's facilities consistently registered **higher** recidivism rates than facilities in other counties.

According to DOC, of the **1989** offenders released from Pierce County facilities, **11%** had a new felony conviction the first year, **13%** had a new felony the second year and **6%** had a new felony after the third year. Cumulatively, offenders released from Pierce County pre release/work release facilities had a five-year total of **36%**.⁹⁷

These numbers are in sharp contrast from those attributable to Spokane County work release. Spokane County's work releases had a first year felony re-offense rate of **8%**, a second year rate of **10%** and a third year rate of **6%**. After 5 years, only **28%** of the **1617** offenders going through the Spokane programs had committed new felonies.⁹⁸ Facilities in other counties had rates slightly higher than Spokane, but still significantly lower (**33%** vs. **36%**) than Pierce County's five-year rate.⁹⁹

This same study documented the number of offenders returning to prison within a five-year period. Like the data documenting new felonies, the data tracking returns to prison demonstrated that Pierce County's work release and pre release facilities consistently returned more offenders to prison than their counterparts located elsewhere in the state.

2. The Lachman Study

DOC also commissioned the report from Lachman & Associates mentioned above. The Lachman Report looked at the issue of how many offenders returned to prison during a five year period following their release from work release. The complete data regarding

⁹⁶ Washington State Department of Corrections, Recidivism Briefing Paper No. 20 (April 2002).

⁹⁷ See DOC materials appended as [Appendix #13](#).

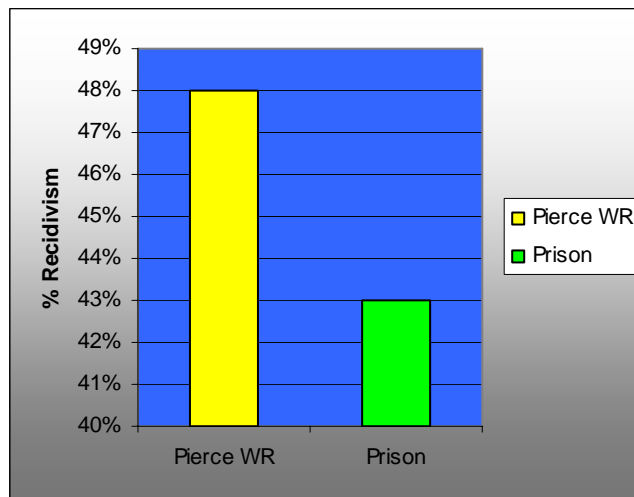
⁹⁸ Id.

⁹⁹ Id.

Lachman gathered is contained in Table 38 of the report.¹⁰⁰ The authors of that study looked at recidivism data for the period 1993 through 1997. During this time, 15,708 offenders were released from prison. Over one thousand, (1,045) were released from Pierce work release. An additional 722 were released from Pierce (sic) Pre Release.¹⁰¹

The Lachman study established that **48%** of the individuals who went through Pierce County work release in the sample period committed one or more new felonies within five years of their release. In contrast, only **43%** of the individuals who were released directly from prison committed a new felony within the first five years.¹⁰² The relative performance of Pierce County work release facilities and prison releases are compared in contained in **Chart #23**.

Chart #23
Recidivism Rates for Pierce and Prison Releases



Of greater importance is the fact that the work release facilities associated with Pierce County were the worst performers in the state. Clark County and Spokane County work releases both achieved **37%** recidivism rates as measured by felony convictions

¹⁰⁰ See [Appendix #14](#)

¹⁰¹ Lachman Report at p.48, Table 38, [Appendix #14](#).

¹⁰² Lachman Report at p. 48, Table 38.

within five years. Pierce County work releases registered recidivism rates **11 percentage points higher** than these counties, and **5 percentage** points higher than that associated with direct prison release.

Assuming this data is accurate, Pierce County work releases performed so poorly that 52 offenders who, if they had been released directly from prison, would not have committed new felonies after their exposure to work release. After DOC's data revealed this incredibly poor performance for Pierce County work release, the DOC commissioned report concluded that it was not appropriate to compare across types of facilities. The report's authors suggest that there some "studies" that support the conclusion that recidivism rates vary by type of offense, risk levels and other prisoner characteristics, including age of the offender at the time of the release.¹⁰³

There are several problems with this comment. First, this comment does not apply to peer comparisons, that is, comparisons of work release to work release. Pierce County should be entitled to presume that DOC is treating all counties equally and not directing more offenders or those most likely to re-offend to Pierce County. Comparisons between work release facilities, therefore, should result in essentially equal recidivism rates. Here, Pierce County fared much worse in comparison to programs like those in Clark County.

Second, the factual premise itself rests on shaky logical grounds. Presumably DOC is selecting the best candidates for work release, those most likely to be amenable to the benefits of a structured re-entry into society that DOC lauds as the benefit of work release. These offenders should be less likely to commit new felonies, not more likely.

The Lachman report thus supports the conclusion that work release in its present form in Pierce County is not effective in achieving its main goal of reducing the number of

repeat offenders and the number of additional crimes committed by offenders. That conclusion is further supported by additional research developed by this office.

B. Results of Pierce County’s Study Regarding Effectiveness of Work Release.

1. Materials Studied

This office began the task of developing its own data for work release facilities to understand the extent that DOC policies and its placement out-of-county offenders harmed this county. Identification of offenders to study was dictated by several factors. First, it was important to obtain an overview at different times to gain some sense of whether the same Pierce County program performed better or worse during the different periods.¹⁰⁴ Second, sufficient time in the community, or “at risk time” needed to pass in order for an offender to be given an opportunity to re-offend. Existing studies refer to five or eight years benchmarks. The longer period was chosen so that the most complete information would be available. Third, discrete units, such as a full year, or full month or a two or six month period were selected. Where data is reported in less than a year increment, that choice was dictated by the size of the program. This author did not have the resources to study all offenders from programs such as Reynolds, Bishop Lewis or Tacoma Pre Release. Finally, data from which the research could be conducted arrived at different time during the period this report was being prepared.¹⁰⁵

¹⁰³ Lachman at 49.

¹⁰⁴ Determining whether King County facilities registered higher recidivism rates at the two different times is beyond the scope of this report. Pierce County and its leaders are concerned about the effectiveness of programs located within its boundaries. This author pulled data from King County programs only for comparison purposes.

¹⁰⁵ For purposes of this study, this author did not eliminate those individuals who failed work release and were sent back to prison. Although this is the approach used in the Lachman study and other DOC materials, it is not the one endorsed by the Washington State Institute for Public Policy when it considers whether a study is of sufficient quality to be included in its data. See Comparative Costs & Benefits at 37.

A multi-tiered approach to looking at recidivism was thus employed.

Ultimately, this office was able to track recidivism data for all Progress House Work Release inmates in 1997 and for those present at the facility on February 9, 2005. Tacoma Pre Release, RAP House, Lincoln Park Work Release, Bishop Lewis Work Release and Reynolds Work Release recidivism data was pulled for all or part of 1997 depending on the size of the program. In order to have sample of roughly an equivalent size to that from RAP and Lincoln Park, the Reynolds and Bishop Lewis data was pulled from the first month of 1997 and the first two months of 1997 respectively. All of recidivism data regarding these offenders was obtained from FORS. Because this office received the underlying data regarding these facilities only recently, it has not been possible to check all of Pierce County's records to determine whether there are additional felonies committed in Pierce County that have not been recorded by DOC.¹⁰⁶ Tacoma Pre Release received the most offenders during 1997 of the Pierce County facilities. The sample for this group was thus confined to one month, January 1997.

2. 1997 Recidivism Data

a. 1997 Progress House Recidivism

Progress House is Pierce County's largest work release facility. According to data provided to The News Tribune, from 1993 to October 2005, over four thousand admissions occurred at this facility during this period of time.¹⁰⁷ Progress House is a

¹⁰⁶ As noted previously, experience with the other data bases suggests that the change in the rate of recidivism which would be associated with more extensive research would not be statistically significant.

¹⁰⁷ According to the data provided by DOC, 4,103 admissions took place during this period. Data developed by this office during the course of this study indicates that 250 to 325 offenders pass through the facility each year. A substantial number of these offenders fail the program and return to prison. DOC studies have tended to eliminate "failures" in determining recidivism rates of programs. This approach is contrary to that recommended by the Washington State Institute for Public Policy. See Aos, Phipps, Barnoski & Lieb, *The Comparative Costs and Benefits of Programs to Reduce Crime*, and (May 2001) Olympia: Washington State Institute for Public Policy at page 37.

community residential facility located on Pierce County property at the site of the county's juvenile detention facility.¹⁰⁸

Data regarding Progress House recidivism rates was developed by looking at all admissions for 1997 and a snapshot of 75 offenders residing at Progress House on February 9, 2005. This office has tracked those offenders since that date using court records, DOC's felony offender reporting system (FORS) and other available data. Both studies indicate a clear pattern of high recidivism that is incompatible with the conclusion that the program benefits its inmates.

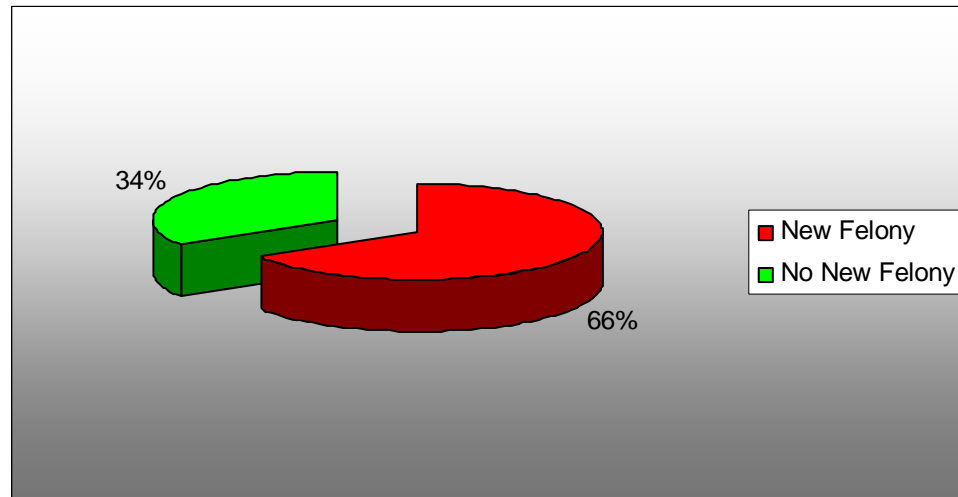
Data obtained from the original list of work release admissions provided by DOC revealed that **244** offenders went through the program in 1997. As noted §IV, approximately **36%** of these individuals were offenders from other counties.

Of the **244** offenders, **66% (161)** offenders committed new felonies. These **161** offenders committed **516** felonies for an average of **3.2** felonies per offender.

Chart #24 illustrates the comparison between 1997 results for Progress House and direct prison release.

¹⁰⁸ The program's lease terminated on June 30, 2005. Since that date, Progress House has been continued as a month to month tenant of the County. Progress House has capacity for 69 male offenders and 6 female offenders. There have been discussions regarding moving the program to the grounds of Western State Hospital, a move that is being vigorously resisted by city officials in Lakewood.

Chart #24
Recidivism Rates for Progress House
1997 Inmates



If direct release from prison would have produced **122** offenders, the data from Progress House suggests that going through that program results in an additional **39** individuals who committed new offenses.

The number of additional offenders is not the only problem. This group of offenders had a high number of new felonies per offender, an average of **3.2**. If one multiplies the excess number of offenders by the average of **3.2** felonies committed by each offender, a greater understanding of the extent of the problem is gained. This analysis suggests that approximately **125** excess felonies were committed after participation in this work release program.

The number of offenders is only part of the problem. Unfortunately, Progress House offenders from 1997 went on to commit many very serious and violent crimes. In addition to rapes, robberies and assaults, three offenders went on to commit murder. While two of these three offenders were Pierce County offenders, the fact remains that

their encounter with Progress House had no impact in preventing the loss of life that occurred after their release.

Case Study #6 Three Murderers—5 Bodies

TRW began his criminal career in Lewis County with a series of burglaries. In 1993, he was convicted of assault and drug violations in Stevens County. As result of these convictions, DOC sent TRW to Progress House Work Release on February 5, 1997. In August 1997, Pierce County prosecuted TRW for willfully violating his conditions of community custody. After his release, TRW obtained other convictions from Grays Harbor County and Kitsap County. On December 17, 2004, TRW robbed, shot and killed a 44 year-old and his 24-year old wife. He shot the wife at point blank range. TRW shot each of the victims multiple times, ransacked the house and stole money and jewelry. Mason County convicted TRW of two counts of murder in the first degree and robbery. His current release date is 2321.¹⁰⁹

JC had an attempted arson and assault convictions before he was 18. In 1996 JC stole a firearm from a vehicle in Pierce County. While incarcerated, he had three major infractions, including one for fighting. On January 29, 1997, DOC placed him at Progress House Work release. He remained there for approximately five months. In 2000, Pierce County convicted him of three more felonies. Shortly thereafter, on January 15, 2001, JC and two friends killed a man. They bound their victim, severely beat him and injected him with Drano and Pine Sol in an attempt to kill him. Failing in this effort, the three simply strangled the victim, took him to the military reservation and dumped him in a pool of water.¹¹⁰

According to FORS records, LAF is currently incarcerated for murder in the second degree for an incident in 2000. Like J.C., LAF is a local boy gone bad. With felony convictions for robbery, unlawful possession of a firearm and drug violations, LAF came to Progress House on June 18, 1997. Six weeks later, he was returned to prison. By November, he was back on the streets. In the next three years, he was convicted of 6 misdemeanors, involving weapons, drugs, and driving without a license. On September 3, 2000, LAF and two friends forced their way into an apartment in an attempt to obtain drugs and money. They were armed with tazers and a gun. When the tenants of the apartment defended themselves, two individuals were killed—one of the perpetrators and a

¹⁰⁹ Description taken from Mason County Court records.

¹¹⁰ Description taken from Criminal History Summary for DOC #748307 produced in response to public disclosure request on June 18, 2004.

*tenant of the apartment. LAF pleaded guilty of murder in the second degree and is currently in prison.*¹¹¹

The case of LAF also exhibits the trouble this office has had in obtaining information from DOC. LAF was sentenced on July 19, 2002. The events described above should have been detailed on his current criminal history summary and provided to this office as part of the initial public disclosure request. Instead of sending the most current report, on August 12, 2004, DOC sent a report dated October 16, 1995.¹¹²

TRW, JC, and LAF are the most violent graduates of the 1997 Progress House class. However, they are by no means alone in committing violent offenses. The seriousness and number of offenses committed by offenders who resided at Progress House during 1997 suggest significant problems either with the selection process for those admitted to the facility or the programs in place therein.

Moreover, the programs are not working as well as one could expect if the offender had been released directly from prison. Comparative data suggests that the public would have been much better off simply releasing offenders directly from prison.

Using the **50%** eight-year recidivism rate as a benchmark, the 1997 Progress House offenders exceeded the recidivism rate to be expected from prison direct releases by **16%**.¹¹³ These numbers represent a substantial number of excess crimes. A **50%**

¹¹¹ Description taken from Pierce County Superior Court file.

¹¹² This office was able to retrieve its files from archives in order to determine what had occurred. Records from other counties are not available to determine if DOC provided erroneous or incomplete information in other instances. By matching FORS reports with CHS, it was possible to determine that at least 12 times of the 244 offenders in the 1997 cohort, DOC did not provide the most current information as required by the public disclosure request.

¹¹³ The at risk time for this database actually exceeds the eight year period by 12 months. The Washington Institute for Public Policy suggests that the rates for different periods measured be adjusted. Aos, et al, *The Comparative Costs and Benefits of Programs to Reduce Crime*, Washington Institute for Public Policy, 2001, p. 38. If this approach is applied to the 1997 data, a 6% reduction of the recidivism rate would be obtained. The propriety of applying the straight line adjustment to the ninth year following incarceration is questionable. As noted in the discussion of comparing recidivism studies, the straight line method is extremely conservative in that most recidivism curves are not linear but increase sharply at the front end and

recidivism rate would have produced recidivism in only **122** of the **244** offenders.¹¹⁴ Instead, 161 offenders have committed new felonies. To that, sophisticated recidivism data would also add some factor for the seriousness of the crimes committed. The three murderers and the multiple robberies and assaults that were committed by offenders from 1997 suggest that an analysis that compares the seriousness of the offenses committed would reveal that this program also produced offenders whose crimes were excessively violent felonies.

This data should concern policy makers making decisions regarding the future of such programs. A **16%** excess felony recidivism rate translates into thousands of excess crimes committed by offenders who have gone through the program over the years of its existence. While Progress House may not have had such a poor performance every year it has been in existence, the DOC data previously discussed establishes that Pierce County work releases have historically demonstrated poorer results than programs located elsewhere. How many excess crimes are attributable to programs located in Pierce County that do not produce results comparable to other work releases or to direct prison release?

Clearly, substantial changes to this program must be made. The violence of some offenders should give pause to any policy maker who agrees to locating the program in proximity to vulnerable populations.

b. January 1997 Tacoma Pre Release

DOC brought the largest number of offenders to Pierce County through the Tacoma Pre Release Program. This program, formerly located on the Western State

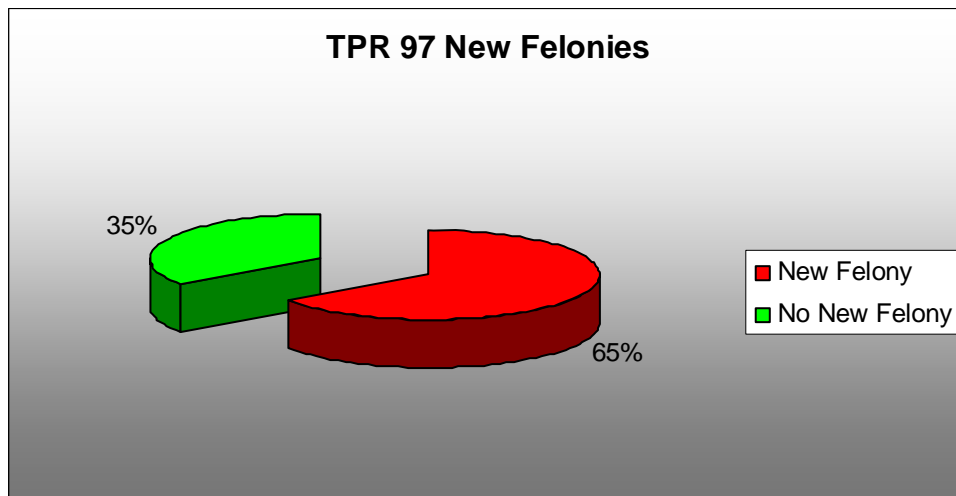
then level off. Cost Benefits at 38. As this is not a statistical analysis, simply reporting the numbers for the longer period of time should inform the reader of the approximate comparison. Even with the linear adjustments suggested, the 1997 Progress House sample would exceed the prison sample by a full **10%**.

¹¹⁴ See explanation at note 44 supra.

Hospital grounds, has handled thousands of offenders. As indicated above, data DOC provided to The News Tribune showed that over ten thousand offenders were admitted to Tacoma Pre Release in the period 1993 until it closed in April 2005. Up until July 2000, this program primarily admitted male offenders. In July 2000, DOC changed this program to include only female offenders.

This author confined her analysis of the 1997 Tacoma Pre Release admittees to those admitted in January because of the large number of offenders associated with this program. The January 1997 data base consisted of 72 offenders. Of these 72 offenders, 47 were convicted of committing a new felony through the end of 2006. The percentage of new felony convictions is illustrated in **Chart #25**.

Chart #25
Recidivism Data Tacoma Pre Release
January 1997



Direct release from prison would account for a **50%** or slightly greater recidivism rate. The **65%** rate associated with TPR residents exceeds direct release recidivism rates by **15%**, and represents eleven additional offenders in the one month sample. TPR residents in this sample committed an average of **2.23** new felonies during this time period.

As with Progress House, individuals associated with these programs committed a number of violent crimes. In addition to the numerous rapes, robberies and assaults, one member of this class went on to commit two counts of first degree murder and two counts of attempted murder in the first degree.

Case Study #7
The Shipyard Murderer

KC had a history of assaults and auto theft arising from his activities in King County.¹¹⁵ In January 1997, DOC brought him to Pierce County where he resided in Tacoma Pre Release. He escaped from this facility, was apprehended and prosecuted by Pierce County for escape in February 1997. After his release from prison, KC apparently obtained a job at Todd Shipyards in Seattle. Following his termination from that position, KC entered the Northlake Shipyard office and shot and killed two employees and injured two others. He is currently at Clallam Bay Correctional Center with an expected release date of 2413.

The number of repeat offenders and the seriousness of their crimes suggest that Tacoma Pre Release was not a successful program.

c. 1997 RAP House

During 1997, DOC records indicate at least **38** offenders went through RAP Houses Work Release. Unlike Progress House and Tacoma Pre Release, in 1997, this facility registered a lower recidivism rate than that associated with direct release from prison. Of the **38** individuals in this program in 1997, **37% (14)** committed new felonies. In 1997, this program produced lower recidivism rates than that associated with direct prison release.

¹¹⁵ KC's story is compiled from his FORS report and the unpublished decision in the appeal of his murder convictions. See, *State v. Cruz*, 2005 Wash. App. LEXIS 1155, May 23, 2005.

Individual offenders, however, were associated with a high rate of new felonies. Offenders from RAP House during this period had an average of **3.57** new felonies, the highest registered in facilities.

d. Lincoln Park Work Release

DOC states that Lincoln Park Work Release is designed to assist mentally ill offenders. Like RAP House, it is the only facility of its kind in the state. Like RAP House, it serves primarily out-of-county offenders. In 1997, 67% of the offenders admitted to the facility had obtained their first convictions in some county other than Pierce.

DOC sent 66 offenders to this program in 1997. Of these **66** offenders **28% (15)** of these offenders were sex offenders. Only **one** of these **15** sex offenders received his first conviction from Pierce County. The remaining **14** were out-of-county sex offenders. Four of these sex offenders were from King County.

Analysis of this data base also revealed an extremely high mortality rate. Of the **58** offenders, **14% (8)** are listed as deceased on the felony offender reporting system. This high number of individuals who met their demise during this nine- year period was not seen in any other program. Only Progress House, with 4.5% (**11**) of its 244 offenders had numbers anywhere close to that of this facility.

Twenty-two offenders, or **38%** of the offenders, have committed new felonies since their release.¹¹⁶ In 1997, Lincoln Park Work Release registered a lower recidivism rate than that associated with direct prison release.

¹¹⁶ Arguably, adjustments should be made to eliminate those individuals who are deceased as they obviously could not be committing new offenses. Only one of the individuals in this group committed new offenses prior to his demise. The percentages are based on the raw numbers, without adjustments for those whose

Conclusion Finding #8

Both Progress House and Tacoma Pre Release have historically registered recidivism rates in excess of that associated with direct prison release. This fact has been documented by DOC's internal studies, the Lachman Report¹¹⁷ and the findings of this author. The two smaller Pierce County programs performed better than the norm during this period.

+ Finding #9: Based on a 1997 sample, Bishop Lewis Work Release and Reynolds Work Release programs in King County produced lower recidivism rates than did Progress House and Tacoma Pre Release located here in Pierce County.

The poor performance of these two programs suggested a need to look at results from other work release facilities. Some of this work has already been done by the DOC and its consultants and discussed above. The data from both DOC and the Lachman study established that Pierce County work release did not perform as well as Clark County, King County, the state average and/or direct release from prison. This section of the report summarizes these studies and offers the original work from this office. This author's research confirmed the premise that Progress House and Tacoma Pre Release perform below state norms. A sample of 1997 inmates from Bishop Lewis and Reynolds work releases in King County showed substantially better recidivism rates than Progress House and Tacoma Pre Release in Pierce County.

death took them out of the offender population. If the number were adjusted for the large number of deceased individuals, this facility would have a 44% recidivism rate.

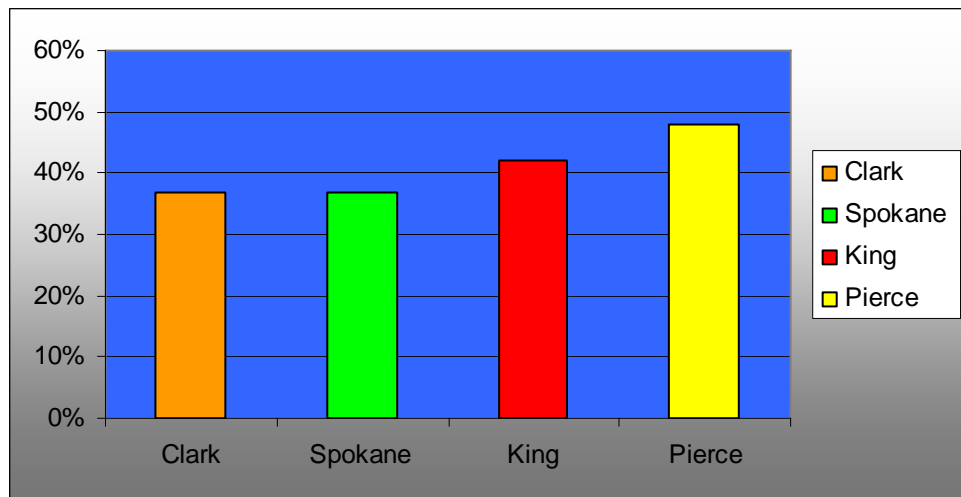
¹¹⁷ See *Lachman Report at p. 48, Table 38.*

A. DOC Studies Establish that Pierce County Work Release Facilities Consistently Register Higher Recidivism Rates Than Work Release in Other Counties.

Consultants hired by DOC gathered and analyzed recidivism data from programs in Clark, King, Pierce, and Spokane counties. The results published in the Lachman Report established that Pierce County had higher recidivism rates than other counties.

The Lachman Report looked at 15,708 offenders coming through these programs from 1993 to 1997 in order to determine 5 year felony recidivism rates. The Report concluded that King County had a **42%** recidivism rate after five years. Programs in Clark and Spokane County performed much better. These two programs registered **37%** recidivism rates.¹¹⁸ The relative performance of these programs is set out in **Chart # 26**

**Chart #26
Comparison of Recidivism Rates**



At **37%**, Spokane and Clark County were registering rates better than those to be expected from direct prison release and significantly better than those registered in Pierce County.

¹¹⁸ *Id.*

The differences between programs establish that not all work release perform in the same fashion.

The consultants looked at this results and concluded:

A “somewhat” higher percentage of inmates released from Pierce County work release and pre-release had a new felony conviction and were returned to prison than those released from other facilities.

This qualified statement is interesting. Given the size of the study and the marked difference between Clark, King and Pierce County results, these numbers certainly are statistically significant, yet the authors, professional consultants hired by DOC, do not include this information.

The results of the Lachman study were confirmed by other data maintained by DOC and by this author’s independent study of the issue.

B. 1997 King County Data

1. Bishop Lewis

To compensate for the small sample size needed to accomplish the task, the author randomly selected data from the first two months of 1997 to compare recidivism for those offenders in Bishop Lewis Work Release with offenders in Pierce County programs during the same time. During the first two months of 1997, **47** offenders were admitted to Bishop Lewis Work Release. This program is a **69** bed male offender facility run by Pioneer Industries. As noted previously offenders DOC brings to this program are mostly King County offenders.

Of the 47 offenders who were admitted during this two-month period in 1997, just **21** offenders committed new felonies. This translates into a recidivism rate of **45%**.

This data suggests that Bishop Lewis Work Release produced a recidivism rate that was better than direct prison release by **5%**. This program outperformed Progress House and Tacoma Pre Release by producing a recidivism rate **21 percentage points** lower than Progress House and **20 percentage points** lower than Tacoma Pre Release.

2. 1997 Reynolds Work Release

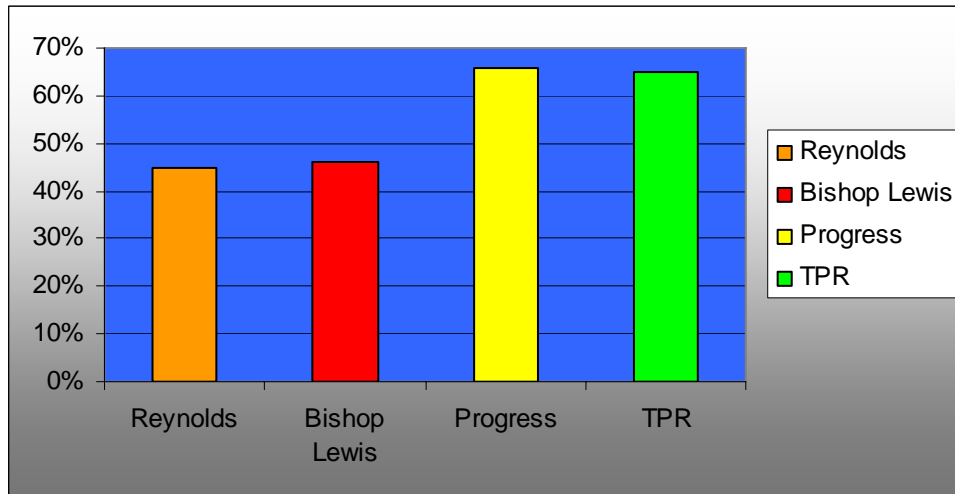
The author pulled data for Reynolds Work Release using inmates during the first month of January 1997. Fifty-two offenders were admitted to the program. As noted in §IV, *supra*, this program primarily served offenders from King County.

Of these 52 offenders, **46% (24)** have been convicted of new felonies. Only three of the offenders Reynolds admitted during this time were sex offenders.

Reynolds Work Release, like Bishop Lewis, had a felony recidivism rate below that recorded for direct prison release. Its recidivism rate was **20 percentage points** below that being recorded at Progress House.

While the sample sizes are different, the offenders being studied from the facilities should be roughly comparable. This author's review of the data established that King County facilities registered a far better long term recidivism rate than Pierce County's. This conclusion is illustrated in **Chart #27**.

Chart # 27
Comparison King County Facilities with Pierce County
1997 Admissions



Conclusion Finding #9

A sample of offenders from Bishop Lewis and Reynolds Work Release in King County produced substantially lower long term recidivism rates than did 1997 samples from Progress House and Tacoma Pre Release. This data, combined with DOC’s own studies, indicates that Pierce County’s early release facilities consistently performed below the state norm and below the comparable rates for direct prison release.

✚ Finding #10: Data from 2005 Indicates that All Three Remaining Pierce County Work Release Facilities Have Below Standard Performance.

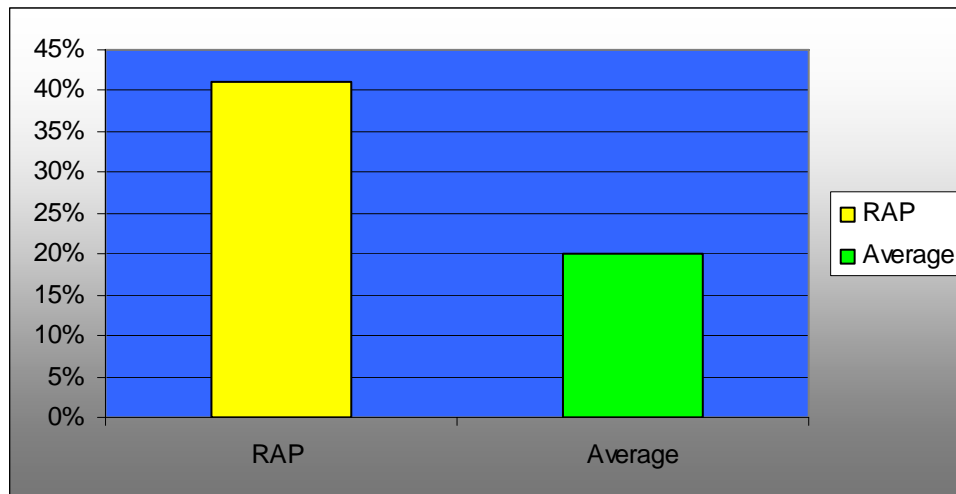
A. 2005 RAP House Work Release

In contrast to the relatively strong performance RAP House demonstrated in 1997, by 2005 something had changed at RAP House. Recidivism data from offenders housed at

the program in early 2005 shows a very high rate that indicates changes either in the program or the type of offenders DOC sent there.

This author looked at offenders in this program during the first six months of 2005. Twenty-nine offenders were admitted during the first six months of 2005. Of these 29 offenders, **12** have already been convicted of new felonies. This represents a recidivism rate of **41%** for a period of less than two years. In contrast, two year felony recidivism data collected by DOC establishes an average two year rate of **20%**. In less than two-years, the RAP House offenders have established a recidivism rate **twice** that of the average as illustrated in **Chart #28**

Chart #28
2005 Comparison Data
State Average and RAP House



These results tell a significant tale of program failure. This data from RAP House work release points out the critical need for recidivism studies that analyze the issue by types of offenders sent, length of stay, and programs at each facility. If all other things had remained the same, RAP House should have had only a small portion of the recidivism rate it had rather than a rate in excess of the eight year plus time frame registered in 1997.

What is different about the offenders or the program that explains such dramatic shifts?

As demonstrated by the next two comparisons, Lincoln Park also performed better in 1997 than it appears to be performing in 2005.

B. 2005 Lincoln Park Work Release

Data from 2005 was examined to determine where offenders were coming from and whether or not the recidivism rates are being adversely impacted by changes at the facilities or DOC policies.

Fifty-six offenders went through Lincoln Park Work Release during the first six months of 2005. Of these **56** offenders, **21% (12)** have committed new felonies eighteen months following the study period. This eighteen month rate would translate into a 2 years recidivism rate of 28%. The two year recidivism rate for direct prison release is 21%.¹¹⁹ This rate illustrates that, like RAP House, high recidivism rates are becoming a problem for this program. This program, like RAP House went from performing better than direct prison release to performing at a rate substantially below it.

C. 2005 Progress House

This office looked at more recent data to determine if this program registered any substantial changes in the number and type of crimes being by inmates. As noted previously, DOC provided 75 names of individuals who resided at Progress House on February 9, 2005. This group also registered high recidivism rates.

As of the end of 2006, at least **40** or **53%** of those offenders housed in Progress House on February, 2005 had been rearrested in Pierce County. As of the writing of this report (January 2007) **29% (22)** of the offenders have been convicted of one or more new

¹¹⁹ See DOC materials at [Appendix #13](#).

felonies. Three other offenders have had convictions for misdemeanors involving driving with revoked licenses.

This study revealed a **33% recidivism rate** less than two years from February 9, 2005. Twenty-five or a full **1/3** of the offenders have new criminal convictions. Moreover, Pierce County has filed felony charges which are pending against an additional four offenders.

Again, these numbers contrast sharply with the success rates of other programs. At the two-year mark,¹²⁰ **20%** of the offenders studied from 1996 work release /pre release facilities had committed new felonies. Progress House recidivism rate, less than two years out is almost **10%** higher than the two-year norm.

This class of offenders clearly illustrates the foolishness of repeatedly sending offenders through the work release system. Of the **75** from 2005 in the DOC sample, **36%** (**27**) had had prior visits to work release in Washington State. Of these, **29%** (**22**) had had prior visits to Progress House. By definition, these offenders have returned to their criminal habits by incurring a subsequent prison term and readmission to work release.

A more startling figure is that **10** offenders had more than one prior visit to Progress House. For these individuals, their February 2005 visit was at least their third time through the program. Even more troubling: **3** individuals, EDC, RJ, and JR, had four or more prior visits to Progress House. For each of these individuals, the February 2005 admission to Progress House represented their fifth admission. Not surprisingly, their most recent visit to Progress House had no impact on these three men. Less than two

¹²⁰ Because these offenders were released at different times during following the February 2005 residence at Progress House, the actual "at risk time" for offenders ranges from 23 months to less than 20 months. At risk time is the actual time an offenders spends outside of confinement subject to the temptation of participating in new criminal activity.

years after their release, EDC, RJ, and JR have all been convicted of additional felonies. All three of these individuals currently reside in prison.

Case Study #7 Work Release—Another Revolving Door

JAR has been through Progress House's program a total of six times: 1993; 1995; 1997; 2000 and 2003. He was also in Progress House on February 9, 2005 and released on May 16, 2005. Less than a year later, on January 24, 2006, J.A.R. pled guilty to burglary in the second degree in Pierce County Superior court.

EDC discussed previously in Case Study #4, had been through Progress House five times. He too has new convictions. Obviously, the program has had no impact upon him or his family.

RJ has been through work release six times, five of those at Progress House. According to DOC records, RJ was in work release in December 1993, July 1995, September 1997, November 2000, September 2003 and again in January 2005. He was released from Progress House Work Release on May 31, 2005. Less than six months following his release from Progress House for this sixth stay in work release, RJ was apprehended attempting to falsely return stolen items. At the time of his arrest, he had drugs and drug paraphernalia sufficient to establish the crime of possession with intent to deliver. On February 2, 2006, RJ pleaded guilty to drug charges and was returned to prison to serve 12 months plus additional time for his DOSA revocation.

Recidivism becomes a more serious issue when the crimes are not just property crimes or drug offenses. Crimes of violence exact a greater toll on the victims and the criminal justice system. Unfortunately, some 2005 Progress House offenders have gone on to commit crimes of violence. Several of the 2005 class face charges that include violence or charges that include the use of firearms. Two individuals have been charged with assault 2, three are accused of committing robbery and a sixth faces firearm charges.

Conclusion Finding #10

For inmates in Pierce County's work release facilities during early 2005, the programs are not working. Programs at RAP House and Lincoln Park Work release that seemed to have been working in 1997, are now on track to produce sub par results. Whether this is due to a change in the type of offender being sent to the programs or a change in the program themselves is not known. Further research is needed to determine this issue. However the 2005 recidivism rates from both RAP House and Lincoln Park Work Release demonstrate that either a major shift has been made in the program or DOC is now sending offenders there who are much more likely to re-offend.

Offenders at Progress House continue to perform far below the norm associated with direct prison release. A number of offenders at this program have been through it multiple times and still continue to commit new crimes upon their release.

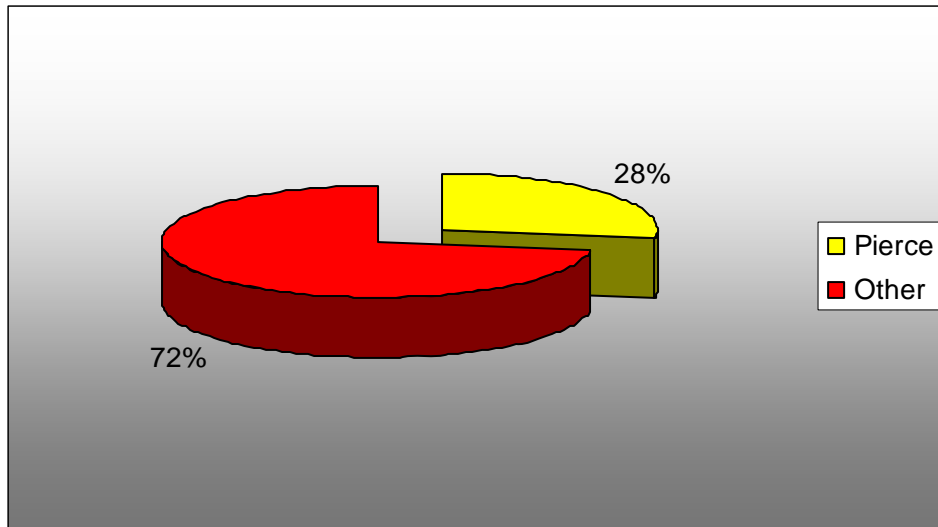
- ✚ **Finding#11: Because DOC is unwilling to restrict participation in RAP House and Lincoln Park Work Releases to Pierce County offenders, these two programs will continue to funnel dangerous out-of-county offenders to Pierce County.**

The poor performance of RAP House and Lincoln Park Work Releases in 2005 should be of particular concern to Pierce County community leaders because, to date, **DOC refuses to commit to any limitation which would restrict these programs to Pierce County offenders.** Consistently, these programs have housed dangerous offenders from other counties. Data from 1997 and from 2005 indicates that these programs are used almost exclusively for out-of-county offenders. The focus of this section is what is occurring most recently.

At RAP House, in 2005, **21** of the **29** offenders received their first conviction from some county other than Pierce. Nine of the offenders had convictions from King County.

Chart #29 illustrates the ratio of Pierce County to out-of-county offenders housed at RAP House the first six months of 2005.

Chart #29
2005 RAP House County of First Conviction



A higher percentage of offenders have committed new crimes than the percentage of Pierce County offenders. If the excess out-of-county offenders who commit their crimes do so in Pierce County, they will contribute to our crime problem.

Case Study # 9
Endangering Our Law Enforcement Officers

DF is an example of offenders endangering the lives of our law enforcement officers. Prior to coming to RAP House, DF was convicted of nine felonies. Eight of these felonies were from King County, one from Spokane County. In 1990 there was a law enforcement contact in Pierce County for failing to return to a work release facility.

DOC sent DF to RAP House on January 26, 2005. He resided at this facility until June 20, 2005. After this date he was released, apparently to

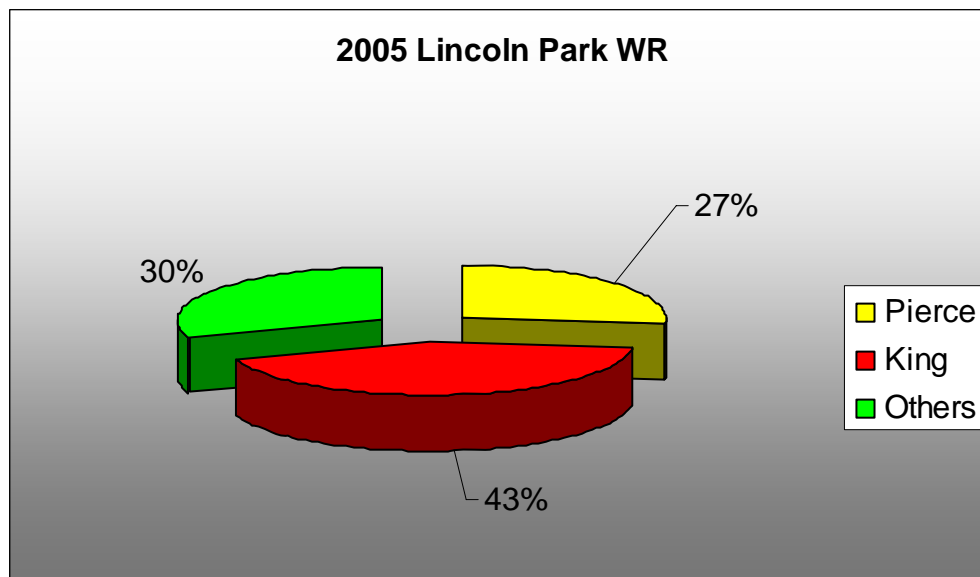
Pierce County.¹²¹ Like so many others, he became a transient on the streets. On July 3, 2006, DF was picked up after providing false information during a routine check. While being transported to jail, DF threatened to kill the officer. He refused to cooperate in the booking process and ultimately struck out at the officer, kicking him in the ankle and spitting in his face. DF spent 148 days in the Pierce County jail and ultimately pled guilty to assault in the third degree.

Law enforcement is a difficult and hazardous occupation. As this example demonstrates, their burden has been increased by dealing with the imports from other counties.

Like RAP House, Lincoln Park residents are primarily out-of-county offenders. Of those studied from 2005, Pierce County accounted for only **27% (15)** of the total offenders admitted during this time. King County, on the other hand, accounted for **43% (24)** of the total. **Chart #30** illustrates the percentage of Pierce, King and other counties at Lincoln Park during the first six months of the year.

¹²¹ Information for DF's history is taken from his FORS report and court files pertaining to his Pierce County conviction. As DOC has not provided access to their electronic database, it is not possible to confirm the county to which Doss was released following work release.

Chart #30
County of First Conviction



The fact that more King County offenders are in this facility than Pierce County offenders suggests that these facilities are a major benefit to King County offenders. Given King County's resources, there is no reason specialized programs such as those at RAP House and Lincoln Park Work Release could not be moved to the county from which the majority of the inmates originate.

The large portion of King County offenders combined with a high recidivism rate would be expected to produce offenders in Pierce County if the primary thesis of this report, out-of-county imports commit crime here, is true. A close look at the twelve offenders who have committed new crimes since their release reveals that the primary thesis is correct. **Offenders brought to Pierce County through these programs remain to commit new crimes in Pierce County.**

A review of the individual files of the 12 offenders who have committed new crimes at Lincoln Park reveals the significant impact of Pierce County hosting a program which serves more King County offenders than it does offenders from Pierce County.

Conclusion Finding #11

DOC's refusal to commit to limits regarding out-of-county offenders at RAP House and Lincoln Park will allow DOC to continue funneling dangerous offenders to Pierce County work release. Unlike their performance in 1997, these programs have recently posted very poor results. Primarily used for King County and residents from other counties, these violent offenders integrate into Pierce County following their release and commit new crimes here.

The combination of increased recidivism and out-of-county imports increases the likelihood that Pierce County may once again experience a tragedy such as that which occurred when DOC brought Johnny Eggers to our community through Lincoln Park Work Release.

V. FINDINGS REGARDING POST RELEASE PROGRAMS AND OFFENDER ACCOUNTABILITY

The community has recently been concerned about the proliferation of halfway house and other community living arrangements being touted as a solution to the issue of repeat offenders. This author wanted to test the conclusion that these facilities somehow improved outcomes. Initial research indicates that they do not. Moreover, the high recidivism rates of offenders on community custody indicates that it is time to put effective enforcement mechanism in the supervision structure.

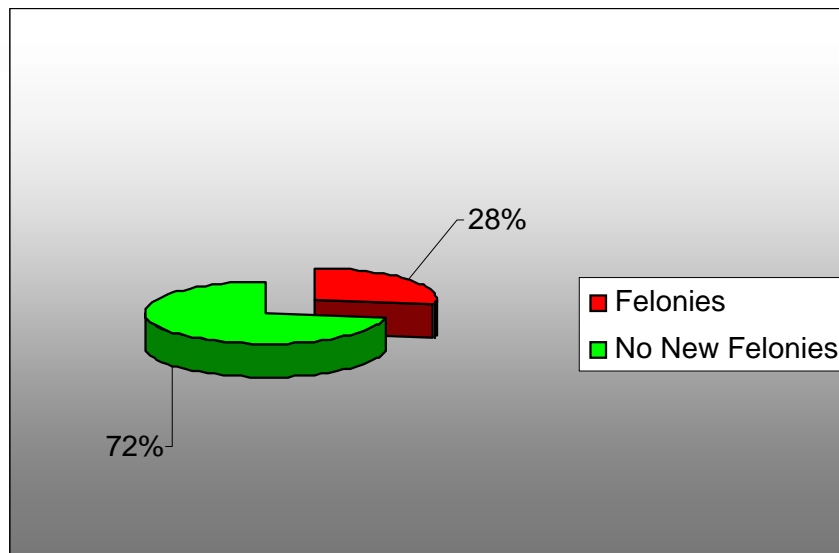
🚩 Finding #12: Sending offenders to halfway houses located in Pierce County did not reduce the rate at which offenders commit new felonies.

The most difficult offenders to track are those that are simply released to the county from DOC. In an effort to identify where offenders originated and where they

were released to, this office tracked release announcements provided to the Law Enforcement Support Agency (LESA) for an approximately three month period during the summer of 2005.¹²²

According to the teletype release data, **50** individuals were identified as releasing to halfway houses in Tacoma during the summer of 2005. These facilities included Fresh Start, McKinley House, House of Vision, New Life, and Taylor House. Of the **50** individuals released to identifiable halfway houses, **28% (14)** have already been convicted of new felonies less than 18 months from their release. **Chart #31** details this data.

Chart #31
Halfway House Releases Summer 2005



This recidivism data listed above does not take include those offenders who are currently in jail or have been returned to prison, once, twice, three or more times during the interim.

¹²² This data was collected by a volunteer intern from the University of Washington School of Law, Laura Cunningham. This office extends its sincere thanks to Ms. Cunningham for the many hours of research and data entry she performed on this and other topics related to the current report.

Conclusion Finding #12

Halfway houses, touted as a way of giving offenders needed shelter and support do not appear to change outcomes for the better. Data available from those admitted during the summer of 2005 reveals an extremely high recidivism rate incompatible with an effective program. Local opposition to halfway houses may be justified. Bringing a large number of ex-felons together in a communal living arrangement does not appear to be conducive to improving their ability to avoid new crime.

- ✚ Finding #13: Effective mechanisms are needed to deal with the issue of repeat offenders who violate the terms and conditions of their release, commit infractions in work release or commit new crimes while on community supervision/custody.**

DOC contends that there have been no problems associated with work release inmates. Requests for information regarding crimes committed while on work release resulted data regarding a handful of convictions. But the conviction data DOC provided does not tell the whole story if the offender never comes to the attention of the prosecutor's office. Because DOC has so far denied access to computer logs which would allow this office to compare the offenders' history against their returns to prison, it is difficult to evaluate how extensive a problem this issue creates. It is, however, one of the most important public safety issues. The standards that DOC uses for returns to prison, combined with DOC's proposals regarding "violation" centers, brings to the forefront the question of whether DOC has properly been holding offenders accountable for their acts of misconduct. The conclusion in this section are limited based on the limited data.

Currently, offenders who commit offenses while on work release may or may not come to the attention of the local prosecutor based on the activities of DOC and law enforcement. The case of CG illustrates how an offender who committed serious felonies while on work release slipped through the cracks and eventually caused serious harm to his victim.

Case Study #10
Work Release Offenders Who Commit Crimes
The Unknown Costs of Unsupervised Access to the Community

CG's criminal history evidenced his total disregard for the legal system. His adult felony career¹²³ began in Grant County in 1992. From that jurisdiction, he obtained a felony drug conviction. In 1994 he committed the crime of conspiracy to deliver a controlled substance while in Pierce County. Shortly thereafter, CG first went through a work release program. In 2002, King County convicted CG of unlawful possession of a firearm and assault in the third degree. On August 28, 2002, CG was released to Progress House Work Release where he underwent the standard orientation. That orientation included information that informed C.G. that if he deviated from any place or purpose for which he signed out of work release, he would be considered to be on escape.¹²⁴ On October 5, 2002, CG signed out on work release and arrived at the apartment of his ex-girlfriend. CG became upset and started yelling and threatening. He spit in his girlfriend's face and left in her car after loading personal possessions into it. He returned a short time later and apparently apologized.

*Seven days later, CG **again** signed himself out of work release and **again** went to his ex-girlfriend's apartment. This time he kicked in her door and left her a note. He returned to work release that night. The two incidents were reported and apparently an investigation was begun by law enforcement.*

DOC processed CG, through a violation hearing at McNeil Island Correction Center. DOC did not inform the prosecutor's office of the criminal conduct CG engaged in while he was technically on escape status because of his unauthorized departures from his work release point-to-point outings. The hearing officer found that the events had occurred and

¹²³ CG's first conviction was as a juvenile in Pierce County in 1987.

¹²⁴ Information concerning the events described herein were obtained from a Work Release Hearing Report dated October 28, 2002 and produced to this office pursuant to a public disclosure request.

*sanctioned CG to 40 days loss of good time and revoked his authorization to participate in work release. At the conclusion of his report, the hearing officer makes the following statement: “This disposition was imposed to hold Mr. G accountable for his violation behavior and took into consideration the risk he presented to the community as well as to his ex-girlfriend. It was determined that **the Department needed to be sensitive to the domestic violence situation with the ex-girlfriend and the posed threat.**”(Emphasis added.)*

CG eventually released to community custody in Pierce County. While on community custody, he sustained additional violations and had a warrant out for driving with a revoked license. Shortly after his release, he again made contact with her ex-girlfriend. This time, he viciously assaulted her, beating her and throttling her. Photographs of her condition after the assault document bruises on her neck (from the strangulation attempt) a black eye and numerous bruises and contusions on the rest of her body. As a result of this incident, Pierce County convicted CG of attempted assault in the second degree.

It is unknown how many incidents like the one described above slip below the radar of the criminal justice system. Had the case been referred to this office, CG would likely have faced multiple felony charges for the events that occurred while he was on work release. CG could have been convicted of assault, residential burglary, malicious mischief and escape. Instead, the **Department of Corrections simply revoked 40 days of good time credit.** As a result, this offender went on to commit a serious violent felony and endangered the life of a young female.

The author’s study of hundreds of offender files during the course of preparing this report resulted in more questions than answers regarding how and why an offender is returned to prison. The system currently in place vests authority in DOC for community custody violations. This system, part of the Offender Accountability Act, was welcomed by local authorities because it relieved counties of the responsibility to prosecute crimes of willful violation of community custody release. An unintended consequence of that change, however, may well have been that serious crimes go undetected as community

custody officers fold them into revocation hearings. While local prosecutors do not have the resources to prosecute all community custody violations, at a minimum, DOC must be obligated to report all felony conduct that is not simply the use of banned substances to the local prosecutor's office.

The second issue raised by CG's case study is the effectiveness of community custody and the ability of community custody officers to enforce terms and conditions of release. Without sufficient sanctions, repeat offenders have no incentive to comply with either treatment programs and restrictions regarding no contact orders or other conditions. The current system views crimes committed while on community custody no different than any other crime, except that the offender's "score" is increased by one point.

This situation has resulted in a revolving door for prison and work release. No case illustrates that fact better than the story of GB described below:

Case Study 11 ***102 Convictions—One Offender***

GB began his criminal career in King County in 1982. King County convicted him of 15 felonies from 1982 to 2000 and 63 misdemeanors during this same time. Before 2001, GB had no criminal convictions in Pierce County and only misdemeanors in Spokane County following his 1997 stint at Brownstone Work Release.

In 2001, things changed dramatically. This year, GB suddenly became Pierce County's problem. After committing several felonies in Pierce County, DOC placed GB at Progress House. Since his release, less than two years ago, GB has been convicted of more felonies and additional misdemeanors. Total criminal convictions: 102. This one offender has been convicted of 27 felonies and 75 misdemeanors. Included in these crimes are domestic assaults, thefts, burglary, violation of protective orders, five reckless and negligent driving charges, two hit and run accidents and 29 incidents of driving with a suspended license.

Even though GB committed the majority of his criminal conduct in King County, (78 of 102), he has never served time in King County work release. Instead DOC placed him first in Spokane and then in Pierce

County. After both work release encounters, he committed offenses in the counties where DOC placed him.

Reasonable people look at GB's story and wonder why the system continues to process, and reprocess the same offender so many times. The answer is that for some offenders, the system simply does not have an adequate deterrent effect.

Our criminal justice system needs accountability. Those on community custody need serious sanctions imposed when they commit crimes. The current system is little more than a slap on the wrist for repeat criminals. A change in the offender scoring system is needed. Currently, offenders who commit a new felony while on community custody have little punishment associated with the event. At best, an offender may incur an additional point on his offender score. For offenders whose have nine or more offender points, this threat holds little weight.

A better proposal would be to require that time served for a felony committed while on community custody be flat time, not subject to good time reductions. Multiple felonies committed while on community custody should result in the offender serving consecutive, not concurrent sentences.

This proposal would strengthen community custody officers' ability to enforce the conditions of release. Every parent knows that unless accountability is imposed for misconduct, a child will not take seriously the family's rules and regulations. Society should have no different response to offenders. While being supportive of their needs and problems, society should nonetheless draw firm lines on acceptable conduct. Violation of conditions of community custody that consist of felony offenses must be severely punished in order to rebuild respect for the system and impose accountability on offenders.

Conclusion Finding #13

The present revocation system can result in a lack of accountability for serious felony level misconduct. Serious violations that may actually involve felony level conduct may slip below the radar of local prosecutors. Community supervision lacks effective enforcement mechanisms for felony level conduct that occurs while on supervision.

VI. THE COST OF DOC'S ACTIVITIES TO PIERCE COUNTY

This section discusses the financial and other costs associated with Pierce County's status as the most violent county in the state.

✚ Finding #14: DOC's placement of a large number of imported offenders in Pierce County places a heavy burden on its taxpayers by increasing the cost of the criminal justice system that must exist to service these offenders.

Determining the total cost of out-of-county offenders to Pierce County is beyond the scope of this report. To accurately and completely determine that cost, it would be first necessary to identify every out-of-county offender brought here by work release and other DOC policies and then evaluate the specific costs incurred for each offender. With the number of offenders DOC dumped in Pierce County, this would be a monumental task.

Readers interested in data regarding the cost of each criminal offense and how to compute the actual costs of programs that fail, are referred to the Washington State Institute for Public Policy article *The Comparative Costs and Benefits of Programs to*

*Reduce Crime.*¹²⁵ The authors of that study document the incredible costs of each type of felony conviction. From murders, with costs in the millions, to misdemeanors which may be simple to prosecute but conceal deadly drivers or violent offenders, each has their cost, to the public and to their victims.

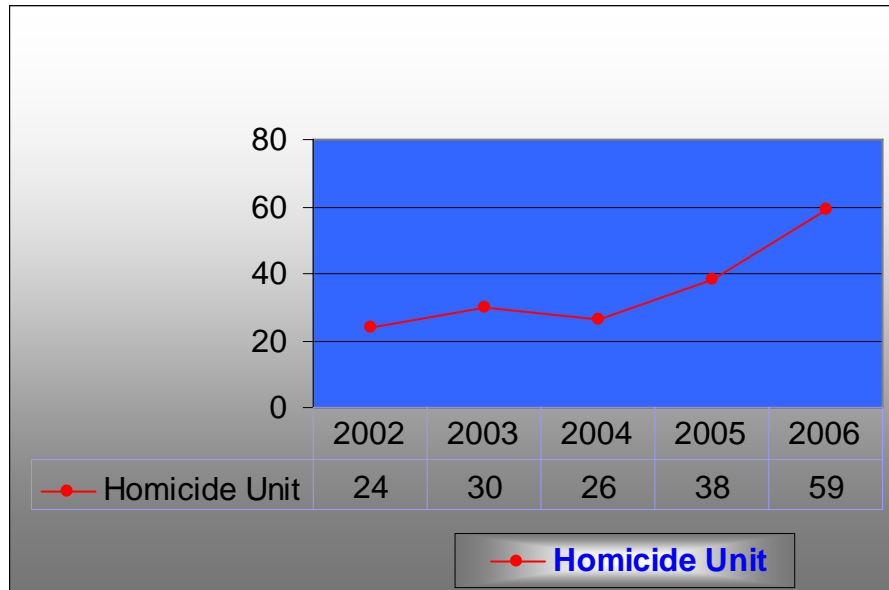
The impact of dumping offenders has many different consequences. This office has an annual budget of close to **23 million dollars**. The Department of Assigned Counsel and law enforcement agencies also have large budgets to handle the large number of offenders.

While there is evidence that some index crimes are on a downward trend, some of the most seriously violent ones in Pierce County are not. During the mid nineties, the homicide rate was at an extremely high level due to gang activity. The homicide unit in this office faces an ever increasing number of crimes.¹²⁶ **Chart #32** illustrates the sharp upward trend in homicides committed in Pierce County over the last few years.

¹²⁵ Aos, Phillips, Barnski & Lieb, *The Comparative Costs & Benefits of Programs to Reduce Crime*, Washington State Institute for Public Policy, Olympia (May 2001).

¹²⁶ Pierce County's homicide rate is returning to the level it was in the mid nineties, when Tacoma was the scene of substantial gang activity. There are some indicators that gang activity is also responsible for this increase. Several authors have written generally on the fact that gangs that start in the prisons continue on into the community. See *When Prisoners Return to the Community: Political, Economic, and Social Consequences*, **Sentencing & Corrections**, November 2000.

Chart #32
Homicide Charges Filed 2002-2006

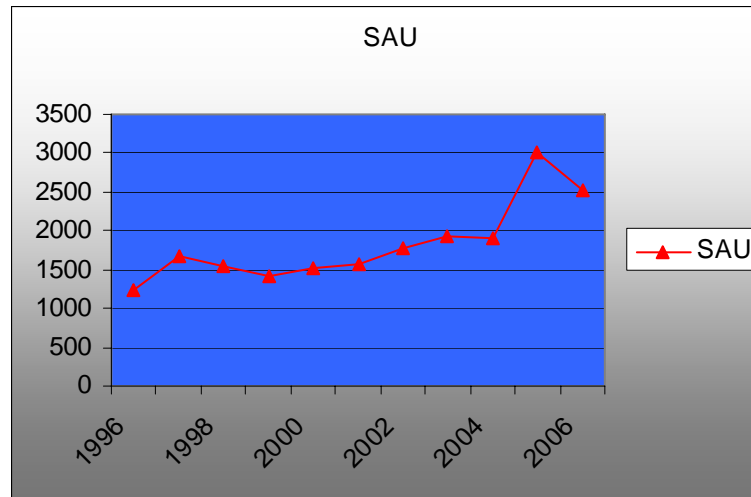


Each murder takes vast resources to prosecute. Data developed by the Washington Institute for Public Policy places the costs in excess of \$100,000 in addition to the costs to incarcerate offenders and the costs to victims.

The Special Assault Unit of the Pierce County Prosecuting Attorneys Office faces similar stresses. This unit handles the heartbreaking cases; rape (adult and child), child molestation, child assaults, elder abuse and/or domestic assaults all come to this team. Like the homicide unit, the Special Assault Unit suffers the burden of an increasing caseload. **Chart #33**¹²⁷ illustrates the increased referrals over the last decade.

¹²⁷ This is a duplicate of **Chart #20**. It is reproduced a second time because of its relevance to both topics and to make it easier for the reader to follow the discussion.

Chart #33
Referrals to Special Assault Unit
Rapes, Domestic Assaults and Child Abuse



The victims of these crimes are particularly vulnerable and frequently need rehabilitative services. The Pierce County Sexual Assault Center requires enormous resources to handle issues arising from crimes against adults. Mary Bridge Children's Hospital maintains multiple intervention programs for children who have been sexually and physically abused, or exposed to the hazards of methamphetamine labs. In 2005, the Hospital's Child Abuse Intervention Department conducted 486 sexual assault evaluations, 44 physical assault evaluations and 14 methamphetamine exposure evaluations.

Our two major hospitals have emergency rooms that over flow with those requiring medical care. It is well-established that offenders have significantly greater health needs than the general population because they often live as transients, with poor health care and drug and substance abuse problems. Our community must maintain the vast social network and fund programs at current levels, in part, because of its excess offender

problem. The resources needed to handle the offenders, their families and their victims are significant.

The high crime rate is reflected in many diverse ways. In 2005, Pierce County had 7,410 motor vehicle thefts, an increase of 1,025 over 2004. Increased car thefts raise the insurance rates for all drivers.

While other property crimes are down, sophisticated identity theft and bank scams abound in Pierce County. The Fraud and Arson unit is prosecuting fewer cases, but an increased number of complex identity theft cases, complex ATM and banking fraud cases and more complex cases with multiple counts. This unit currently has multiple cases which contain allegations that the defendants were leading three or more people in criminal conduct. Many cases await additional follow-up from banks and law enforcement. Law enforcement must adapt to new and creative methods of investigating thefts. Prosecution of these cases often involve expensive forensic experts and other resources to trace mass produced false identifications and fraudulent credit cards created with the aid of computers, scanners and color printers.

Pierce County frequently tops the list with the highest number of methamphetamine lab related cases. This is no accident. The Office of National Drug Control Policy estimates that **70 to 85%** of state prison inmates need treatment, but only 13% receive treatment while incarcerated.¹²⁸ Drug and alcohol problems in turn lead to increased crime, increased need for services and increase costs for care.

Pierce County's crime is on an upward trend in several critical areas of prosecutions. The ever-increasing loads in the homicide, special assault unit and the complexity of cases being referred to the fraud unit are particularly significant because

these cases frequently must be tried rather than settled resulting in increased costs for prosecutors, defense counsel, the courts and the correctional facility. Pierce County must and can, unite to take any and all action to stop any DOC activity that contributes to these trends.

DOC currently maintains a revolving door with offenders being dumped back on the streets. Cases studies 12, 13 and 14 illustrate that it is time for a change.

Case Study # 12 A Danger to Our Officers and to the Driving Public

PC began his criminal career in 1990 in King County. While a King County resident, he was convicted of six felonies, including attempting to elude, drug violations and, in 1996, a felony hit and run. The felony hit and run involved PC striking an occupied police car. The police officer was knocked unconscious and required hospitalization as a result of this incident.

Although PC had already been through a work release program for a previous offense, DOC chose to send him to work release at Progress House on August 5, 1997. Prior to this date, P.C. had no convictions in Pierce County. PC's first documented appearance in Pierce County was on November 29, 1998. He then apparently returned to King County where he had another conviction for eluding a police officer. Two months after his sentencing, DOC again sent PC to Progress House. He began his third stint with work release and his second stint at Progress House on July 14, 1999. While on supervision for this crime, PC had multiple infractions including failing to report, failing to abide by UA/BA monitoring, use of controlled substances, unapproved employment/residence change, failure to pay legal financial obligations and non participation in treatment and counseling. None of this was apparently enough to cause DOC to take definitive action.

On August 18, 2001, PC assaulted a local police officer by backing into his vehicle. During the course of the police chase, P.C. fled through residential neighborhoods, ran multiple stop lights and stop signs and drove directly at several police vehicles which had to take evasive action to avoid being hit. For this conduct, PC was convicted of Assault and was sentenced to 43 months in prison. Less than two years later, PC was again released to a work release facility.

¹²⁸ See sources cited in Petersilia article.

As the narrative above illustrates, only by sheer luck did Pierce County avoid being the scene of another fatality accident such as the ones which have recently caused the death of King County law enforcement officers.

Criminal offenses are not the only drain on Pierce County resources. The felony convictions are just the tip of the iceberg. Such offenders frequently drive without licenses and without insurance. They are responsible for injury accidents and property loss. They draw down the available funds for drug and alcohol treatment and social services. Ironically, a good example of this phenomenon appears in The News Tribune article on sheltering homeless people during the January 2007 cold snap.

Case Study #13 Sheltering King County's Offenders

On January 14, 2007, The News Tribune carried an article on the warm welcome that area shelters gave people on the streets. Accompanying that article were the pictures of R.B. and J. S. R.B. is a recent work release import. RB has no convictions in Pierce County prior to coming to Lincoln Park Work Release in 2002 following convictions for drug violations in King County. After his release, R.B. apparently made the streets of Tacoma his home. In and out of prison and work release, RB was convicted of unlawful delivery of a controlled substance in September 2005 and sentenced to a year in prison. He was released in April of 2006.

This author does not want to imply that offenders are less deserving of shelter and basic necessities than other people. That is not the point. Pierce County has a serious problem taking care of its own homeless. According to data released by the Public Education Committee for the Road Home, Pierce County's chronic homeless are twice those of the national average. The overwhelming majority of the chronic homeless are men, and many of these are offenders. Release of out-of-county offenders to our streets

exacerbates a problem our community already struggles to address. Other communities can and must take care of their fair share of offenders.

Finally, a last word about sex offenders. Nearly on a daily basis, one can read the latest announcement of the latest out-of-county release to Pierce County. Not all of them are murderers. Those that reoffend may commit property, drug crimes or just fail to register as a sex offender. Each offense costs Pierce County funds.

Conclusion Finding #14

Excess offenders consume scarce public resources. Pierce County currently spends significant sums processing felons through the court system. The five year trend in important areas such as sexual assault and homicide is upward. The increase in crime will result in increased need for lawyers, judges, courtrooms, law enforcement and correctional facilities to handle the offenders.

✚ Finding #15: DOC's placement of imported offenders in Pierce County jeopardizes the safety of Pierce County's citizens and reduces the ability of Pierce County to reach its full potential for economic growth while allowing counties to the north to grow without this impediment.

The City of Tacoma recently invested \$58,654.00 to study the attitude of its citizens.¹²⁹ While various individuals have commented on this survey, most comments understate the reality of how poorly Tacoma fared in public opinions regarding issues relating to their personal safety. The information contained on pages 37-39 of the survey is of particular importance because it puts the results of the survey in perspective with results from other communities.

¹²⁹ See report at <http://www.cityoftacoma.org/>

Only **1%** of Tacoma citizens feel very safe in the neighborhood parks after dark. Only **3%** of its citizens feel very safe in Tacoma’s downtown area after dark. If one includes the number of people who feel “somewhat safe” Tacoma has only **10%** of its population who feels safe after dark in its parks. It has only **17%** of its citizens who feel safe in the downtown area after dark.¹³⁰

Data from 114 jurisdictions indicated that **Tacoma came in last** for feelings of safety in its parks after dark. Tacoma fared very little better on the question concerning safety in the downtown area after dark. The 17% rating for feelings of safety downtown after dark ranked Tacoma 130/131 of cities studied.

While other safety ratings were not as dramatic, Tacoma consistently ranked below the norm on every safety indicator. The highest ranking it achieved was an 8% safety rating for safety in the neighborhood during the day. Even this “better” rating put Tacoma at 130/140 cities studied.

These numbers are not just bad, they are dismal. Tacoma, home of new and cutting edge museums, great new restaurants, the Theater on the Square, the Downtown Farmers Market, the revitalized Pantages and Rialto, a beautiful Federal Court House, a new four-year public university, and new urban dwellings on every corner cannot survive if its citizens do not feel safe walking its streets.

Why do Tacoma’s residents feel unsafe? Perhaps the stories contained in Case Study #14 can illustrate the reasons.

¹³⁰ Tacoma Citizen Satisfaction Survey, at p. 37.

Case Study #14
Three More King County Reasons for Tourists
Not to Come to Tacoma & Lakewood

DOC placed NWW at Lincoln Park Work Release on March 30, 2005. He came to Pierce County with two felonies and one misdemeanor conviction from King County. NWW resided at Lincoln Park until June 24, 2005 when he was released. On August 22, 2005, NWW was apprehended while he was shooting up heroin in the 1300 block of Fawcett in downtown Tacoma. He pled guilty to drug charges and has spent 76 days in the Pierce County jail. There is no record of Pierce County contacts prior to this conviction.

FR, Jr. came to Lincoln Park on May 4, 2005. Like NWW, he too had King County convictions, but none in Pierce. His record includes 5 King County felonies for assault, theft, and drug violations, as well as three misdemeanor drug charges. Released on June 20, 2005, FR, Jr. robbed and assaulted a man in downtown Tacoma. Like NWW, FR, Jr. committed his crime at the 1300 block of Fawcett in downtown Tacoma. When his victim disappeared, FR, Jr. ultimately pled guilty to theft. He has spent 100 days in the Pierce County jail.

GL came to Lincoln Park on February 15, 2005. Like his fellow inmates at Lincoln Park, he came to Pierce County from King County. Like his fellow inmates, he had multiple felonies from that jurisdiction. Less than three months after his release, GL assaulted a female deputy sheriff who was working off duty security for Pierce Transit. GL told the deputy “I will fucking kill you bitch” as he swung his closed fists at her. The deputy avoided the punches, tried handcuffing GL, but he ended up kicking her while he thrashed about and uttered other obscenities.

Each offender DOC imports into Pierce County creates the potential for a new crime, a new and possibly dangerous encounter with law enforcement or a new opportunity for a Pierce County resident to become another crime statistic. RAP House and Lincoln Park are devoted to some of the most difficult offenders, those with mental, or substance abuse issues. A significant number of the offenders DOC sends to these facilities are King County’s offenders. It is time to move these programs north.

Conclusion Finding #15

Pierce County will never reach its full economic potential so long as DOC's activities continue unabated. DOC imports offenders whose activities in downtown Tacoma and elsewhere contribute significantly to the negative perception of Pierce County. Pierce County leaders must unite to abate DOC's dumping of imported offenders and force appropriate remedial measures.

VII. LESSONS LEARNED & ACTIONS NEEDED

This section contains the recommendations of the author. Many of the suggestions have been adopted in other jurisdictions. To implement these changes will require the united will of our county's political and community leaders.

Recommendation #1

The State should impose a moratorium on new work release facilities until needed research can be done to identify what does and does not work. Under no circumstances should DOC be allowed to expand work release programs in Pierce County.

Proponents of work release hope to reduce the need for future prisons by investing in new work release facilities. Insufficient research exists to justify an increase in facilities that are unproven or, proven to perform poorly. The Legislature's own research group, WSIPP, as well as DOC's own documentation establish that inmates of work release have higher recidivism rates than direct prison release. Pierce County's experience confirms pre-existing studies and weighs against expansion of work release.

While proponents of the system assert that it is an effective method of reducing crime and integrating an offender back into his or her community, both the factual and logical bases of those assertions should be closely examined. Other authors have recognized the inherent dangers of work release on the rehabilitative process:

Commenting on the system in general, the authors of this Prison Journal article write:

Although graduated release of this sort carries the potential for easing an inmate's process of community reintegration, there is a negative side, especially for those whose drug involvement served as their entry key to the penitentiary gate in the first place. **This initial freedom exposes inmates to old groups and behaviors that can easily lead them back to substance abuse, criminal activities, and re-incarceration.** Even those receiving intensive TC treatment while in the institution face the prospect of their recovery breaking down. **Work release environments often do**

little to stem the process of relapse. Because work releasees mirror the institutional populations from which they came, they often continue the negative values of the prison culture. Added to the continuing inmate culture is the new(albeit limited) freedoms of being able to go out and work in the community without continual supervision. In a correctional setting where street drugs and street norms tend to abound, it is not surprising that many relapse or recidivate.¹³¹

(Emphasis added.) The findings contained in this report document that at least some work releasees have these negative effects as evidenced by their high recidivism rates.

Pierce County has suffered because of its tolerance of these programs. Violent offenders, sex offenders and offenders with chronic substance abuse issues have been integrated into our community as a result of early release programs that are frequently less successful than would be expected from direct prison release. Should the State decide to continue down a path leading to increased work release, Pierce County should make it very clear that it will not tolerate any further development of programs in our community.

Recommendation #2

As mitigation for past activities which have injured Pierce County, DOC and Pierce County should enter into a binding contract that provides for a Community Advisory Board to review the type of offender allowed to be released to any Pierce County early release facility.

Other counties have effectively controlled the type and number of work release inmates allowed to participate in programs in their county. DOC has agreed to restrict

¹³¹ Steven S. Martin, Clifford A. Butzin, Christine A. Saum, James A. Inciardi *Three-Year Outcomes Of Therapeutic Community Treatment For Drug-Involved Offenders In Delaware: From Prison To Work Release To Aftercare*, THE PRISON JOURNAL, Vol. 79 No. 3, September 1999 294-320, p. 298.

programs in Spokane, Kitsap and Clark County and published their intent to be bound by those agreements on their website.¹³²

Clark County has the most elaborate, and effective agreement. The full provisions of that agreement are set out in Appendix #15. The key elements of that agreement provide for a community advisory board comprised of representatives from the prosecutor's office, local law enforcement, DOC's regional administrators, members of the community at large, representatives from the court system and the facility manager¹³³ The community advisory board is a **“fundamental structure for screening and referral of offenders into the program, and for advice in policy development, operations and community relations.”**¹³⁴ This board's “acceptance of any Department referrals **shall be deemed to be conclusive**” with limited ability for the Department to override the Board's decision.¹³⁵

This recommendation contemplates a similar program for Pierce County. Because of the extent that Pierce County has been impacted by past DOC practices, effective mitigation requirements need to have stronger provisions than those DOC currently has in place in other counties.

¹³² See descriptions of Brownstone, Peninsula and Clark County work releases provided by DOC at their website. <http://www.doc.wa.gov/facilities/facilitydescriptions.htm#east>

¹³³ Clark County Contract, **Appendix #15, p. 4.**

¹³⁴ *Id.*

¹³⁵ *Id.*

Recommendation #3

Restrictions regarding admission to the existing work release facilities in Pierce County need to be limited. To do so, the County should enter into an agreement that makes the following restrictions:

Admission to RAP House and Lincoln Park Work Release and Progress House must be restricted to Pierce County offenders.

- a. No offender from another county shall be admitted to the program without the approval of the Community Advisory Board. The Board, rather than DOC, will determine each offender's county of origin.**
- b. The Community Advisory Board shall have authority to screen all offenders entering the program to maximize community safety and to obtain inmates most motivated to change patterns of criminal behavior.**

Pierce County is entitled to remediation for the impact of DOC's practices over the last decades. The first step in remediation is to immediately end importation of out-of-county offenders. This will not occur so long as RAP House and Lincoln Park Work Release continue to bring dangerous offenders into our community. DOC's justification for refusing to restrict RAP House and Lincoln Park Work Release is unpersuasive and inequitable to the citizens of Pierce County. No justification exists for restricting programs to benefit the mentally ill or developmentally disabled to locations in Pierce County. Pierce County has borne the burden of these programs long enough. It is time to shift that burden to those jurisdictions that have benefited by the concentration of services and facilities in Pierce County.

Recommendation #4

DOC and DSHS should be required to identify facilities and service providers located in Pierce County who provide services to offenders. DOC must reveal any formal or informal referral systems, and should initiate steps to move facilities and providers to other jurisdictions so that out-of-county offenders may receive these services in their home counties.

DOC often justifies placement of an offender in Pierce County because it is the location of needed services. A heavy saturation of this type of service industry is incompatible with Tacoma and Pierce County's economic growth. Once identified, community leaders should work to move a large portion of these facilities to other counties so that offenders who need these services can be served in their home county.

Recommendation #5

Zoning and licensing provisions need to be developed by all municipalities and the County to regulate the proliferation of halfway houses and group homes masquerading as single family homes.

These facilities have not been shown to improve offender outcomes. Housing multiple offenders in a single family unit is inconsistent with general zoning requirements and creates stressors on law enforcement and the neighborhood. These facilities should be regulated and located only at approved sites compatible with their use. The concentration of offenders in residential neighborhoods essentially creates a public nuisance that can and should be abated by effective regulation and licensing requirements.

Recommendation #6

The Pierce County Council should fund and appoint a staff position for a person to monitor DOC activities within the county and identify issues of non compliance with any mitigation measures adopted to remedy the past injuries DOC has inflicted upon Pierce County.

DOC's activities within Pierce County are complex and vast. To ensure compliance with the other recommendations contained in this report, a staff position is needed to monitor DOC's daily activities, ensure openness in discussions regarding the relocation of Progress House and compliance with restrictions on out-of-county offenders.

Recommendation #7

DOC, the Prosecutor's Office and local law enforcement officials should enter into an agreement to have mutual access to computerized data bases and to provide for sharing of other information.

Effective monitoring of offenders, criminal investigations, charging decisions and recommendations regarding disposition of cases all require current information regarding the offender. This recommendation tracks what is occurring elsewhere in the country. Computers are a part of every day life and links between law enforcement agencies must be explored fully. Pierce County has done its part by providing LINX access. DOC must return this courtesy and make its system available to this office and to other law enforcement agencies.¹³⁶

¹³⁶ Research Report: M. Griffin, J. Hepburn, V. Webb, *Combining Police and Probation Information Resources to Reduce Crime: Testing a Crime Analysis Problem-Solving Approach* (April 2004). The

Recommendation #8

Improvements in offender accountability are needed to combat the revolving door of prison, work release, and ineffective community supervision.

Many have focused on the need for services, housing and health care for offenders coming out of prison. Providing these resources is only one half of the equation. To effectively combat crime, strong measures are needed to discourage repeat offenders or offenders who violate the terms and conditions of their community custody. The current system has no teeth. An offender who commits a felony while on community custody simply gets another point. For the offender with 10, 15, 20, 25 or more points, this sanction is meaningless. Changing this aspect of the sentencing guidelines would give community custody officers the tools needed to combine services with deterrents. Flat time for the first new crime committed on community custody and consecutive sentences for those who commit more than one felony will provide motivation to offenders to comply with the terms of their release.

CONCLUDING COMMENTS

Downtown development, new museums, restaurants and activities have dramatically changed our community. But the City of Tacoma Citizen Survey of January 2007 reveals that citizens are primarily concerned about drugs, crime, vandalism, homelessness and unsupervised youth. Our citizens simply do not feel safe.

Pierce County and Tacoma need time to heal. It is time for the leaders of our community to unite to work together to ensure that change takes place.

authors of this study did not reach conclusions as to the benefits of this program, but identified the technical and political issues associated with a test program in Phoenix, Arizona.

At the state level, serious research is needed before any work release expansion is allowed. A critical need exists to document what works and what does not. Blind faith in the subjective benefits of work release is misplaced. The high rates of recidivism come at too great a cost to the safety of the public.

For Pierce County citizens the most important question now is not just how many work release offenders DOC dumps in Pierce County but also what type of offenders comes as well. Two programs are currently devoted to out-of-county offenders. These programs have historically served an unstable, potentially violent population. Pierce County must become an active participant in decisions regarding offenders in the programs located here. Pierce County's leaders should not tolerate any importation of out-of-county offenders. The costs of inaction are too high.

Any agreement to mitigate the damage done to Pierce County through the presence of these programs must be structured in such a way as to ensure that Pierce County will have enforceable agreements to restrict out-of-county offenders, especially sex offenders and that County officials will receive sufficient information to monitor whom DOC brings to Pierce County.

Finally, it is time to bring accountability to offenders on community custody. Those who commit new felonies while on community custody should face stiff penalties. The overriding purpose of the criminal justice system is protection of the public. Measures to reduce crime must include acknowledgement that prison serves an important deterrent effect and that a felon in prison is not on the street committing new crimes.

Acknowledgements

This report would not be possible without the efforts of many individual members of the Pierce County Prosecutor's Office. The members of the investigative team identified in the report each had an important role in bringing to light DOC's activities in Pierce County. Some attended important community meetings, others did public disclosure requests and still other investigated specific allegations. This report was the product of a team working effectively and passionately. All were brought together in this effort by the commitment and passion of the team's leader, Gerald A. Horne. Without his leadership, Pierce County would remain in the dark regarding these important issues.

Many others assisted in the accumulation of data and the production of the final versions of this report. Special thanks go to Laura Cunningham who did much of the background research during her internship with this office in the summer of 2005. Special thanks also go to Christina Smith who assisted in the data management and in proofreading this document. Additional editing and suggestions for improvement of the final product came from all the members of the team and from two members of my felony team. My team leader and a colleague assisted me in handling my felony caseload and provided important editorial suggestions throughout this process. While they wish to remain unnamed, their help cannot remain unacknowledged.

Finally, as previously acknowledged, the work of this office was greatly assisted by members of the community who took up Gerry Horne's challenge to unite to make Pierce County a safer place to live.

About the Author

Bertha B. Fitzer is a 1978 cum laude graduate of the University of Washington. Ms. Fitzer, a graduate of the Honors program in Philosophy & English, is a member of Phi Beta Kappa. At the University of Washington School of Law, she served as a managing editor of the Washington Law Review and received her law degree in 1981.

From 1981 to 1984, Ms. Fitzer served as a law clerk at the Washington State Supreme Court for Chief Justice Robert Brachtenbach and then Justice Hugh Rosellini. In 1985, Ms. Fitzer earned a Masters of Law from Harvard Law School.

Ms. Fitzer had an active solo practice with emphasis in appeals and personnel matters from 1985 to 2000 before accepting a position as a deputy prosecuting attorney in the Pierce County Prosecuting Attorney's Civil Division in January 2001. In January 2006, Ms. Fitzer moved to the felony division of the office where she is part of the Fraud & Arson Team.

Active in the legal profession, she is a Master of the Bench in the Hon. Robert J. Bryan American Inn of Court and a past president of that organization. She is a member of the Washington Pattern Jury Instruction Committee and serves as a Hearing Officer for disciplinary matters for the Washington State Bar Association.

Ms. Fitzer and her family are ardent supporters of the right of children to have appropriate medical care. She serves on the Board of Directors of the Mary Bridge Children's Hospital Foundation, raises funds for the Child Abuse Intervention Department through the Courage Classic annual bike ride, and designs trees for the Mary Bridge Children's Hospital annual Festival of Trees.

Appendix #1

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OFFENDER CHRONO REPORT

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NAME: KAZMIERCKAZ, JOHN EDWA

OFFICE:

OFFICER:

- 01/11/96 CM 04 CHECKED THE AREA AROUND 12TH AND ADAMS AGAIN TODAY. NO LUCK. WHEN I GOT BACK I STAFFED THE CASE WITH CCS ANDERSON. ONE IDEA I HAD WAS TO GO DOOR TO DOOR. THAT WAS VETOED BECAUSE THE AG RECENTLY SAID THAT: [REDACTED] TOMORROW I'LL CONTACT THE TPD SECTION THAT HAS THAT AREA AND SEE WHAT CLASS OF NOTIFICATION P IS AND IF TPD IS WILLING TO DO A DOOR TO DOOR. 01/11/96 A SCHALL
- 01/12/96 CM 04 APPREHENDED 01/12/96 PIERCE CO JAIL, WARRANT CLEARED 01/12/96. 01/12/96 K GARLAND
- 01/12/96 CM 08 I GOT A CALL FROM ANOTHER OFFENDER, LEON HARSHMAN DOC #289789, THAT P HAD COME BY HIS HOUSE LAST NIGHT. P WAS DRINKING AND PROBABLY USING DRUGS. HE GAVE P A CONTACT PHONE NUMBER OF 759-8682. I CALLED CCO MCDOUNGH WHO HAS DAILY CONTACT WITH TPD AND TRACED THE NUMBER TO 1239 SO. ADAMS. THIS COINCIDES WITH PREVIOUS INFORMATION ABOUT WHERE P HAS BEEN STAYING. I DROVE THROUGH THE AREA TO GET AN IDEA ABOUT LAYOUT. I THEN ARRANGED A MEET WITH TPD. AT FIRST ONLY ONE TWO MAN UNIT WAS SENT. AFTER REVIEWING THE FILE A SECOND UNIT WAS CALLED IN. THE HOUSE HAS A GOOD VIEW OF THE STREET SO WE HAD TO PARK SOME DISTANCE AWAY. (CONTINUED) 01/16/96 A SCHALL
- 01/12/96 CM 12 TWO OFFICERS AND I WENT TO THE FRONT DOOR. I WAS THIRD PERSON IN. A WOMAN RESPONDED TO THE KNOCK AND WAS ASKED IF JOHN WAS THERE SEVERAL TIMES AND SHE DID NOT RESPOND. THE OFFICERS ENTERED THE APARTMENT AND STARTED A SEARCH I STAYED WITH JANETTE (LAST NAME UNKNOWN) IN THE LIVING ROOM. P WAS FOUND IN A BEDROOM AND PLACED IN CUSTODY. TPD TRANSPORTED HIM TO THE JAIL AND BOOKED HIM ON THE WARRANT. AN IN INCIDENT REPORT WAS COMPLETED BY TPD (96 012 0559). 01/16/96 A SCHALL
- 01/25/96 CM 04 P'S HEARING WAS YESTERDAY. HE GOT AN EXCEPTIONAL SANCTION THE PARTICULARS WILL BE CHRONO'D BY THE HEARING OFFICER. THERE WERE SEVERAL PERTINENT E-MAILS WHICH I COPIED AND PUT IN THE FILE. I AM TRANSFERRING THIS TO A FIELD CASELOAD EVEN THOUGH P GOT 8 MONTHS BECAUSE HIS TIME IN PROGRESS HOUSE WILL REQUIRE THAT A FIELD OFFICER MONITOR THE CASE. ANY CCI VIOLATIONS WILL BE THE RESPONSIBILITY OF THE FIELD OFFICER. 01/25/96 A SCHALL
- 01/26/96 CM 04 CCI DISC HRG CONDUCTED ON 1/26/96 AND RECONVENED ON 1/26/96, AT WCC. FOUND P GUILTY OF ESCAPE, BEING TERMINATED FROM SEXUAL DIVIANCY TX, AND CHANGING RESIDENCE W/O PERM. I IMPOSED AN EXCEPTIONAL SANCTION WITH PRIOR APPROVAL OF DESIGNEE PAMELY MANDASS, OF 240 DAYS AS FOLLOWS: 90 DAYS IN PRE-RELEASE WITH MANDATED CLASSES AND SUCCESSFUL COMPLETION I.E. VOTE, VICTEM AWARENESS, AND CORRECTIONS CLEARING HOUSE. THE REMAINING 150 DAYS ARE TO BE IN PROGRESS HOUSEWORK RELEASE. P HAS ALREADY BEEN SCREENED AND APPROVED FOR PHWR WITH THE UNDERSTANDING THAT P WILL COMPLY WITH THE WORK RELEASE POLICES AND INSTRUCTIONS OF WORK RELEASE STAFF. IN 01/26/96 J BRECHEEN
- 01/26/96 CM 08 CONT. ADDITION I INDICATED THAT BEFORE P CAN BE RELEASED FROM DOC ON CCI STATUS HE MUST FIRST HAVE A NEW APPROVED COMMUNITY PLACEMENT PLAN. I MADE IT VERY CLEAR TO P THAT THE EXPECTATION IS THAT HE WILL PROGRAM THRU PRE-RELEASE AND WR INCLUDING PARTICIPATION IN SEXUAL DIVIANCY COUNSELING. 01/26/96 J BRECHEEN

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OFFENDER CHRONO REPORT

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NAME: KAZMIERCKAZ, JOHN EDWA

OFFICE:
OFFICER:

01/26/96 CM 12 IT SHOULD BE NOTED THAT I GAVE P A CUSTODY OF MIP. AT THE TIME
IS HAS COMPLETED PRE-RELEASE IT WILL BE NECESSARY FOR HIS
CUSTODY TO BE CHANGED TO M11 STAATUS BY STAFF. 01/26/96
J BRECHEEN

02/07/96 CM 04 SESSION W/KAZ



02/07/96 C SIMS

02/13/96 CM 04 SESSION W/KAZ



02/13/96 C SIMS

02/20/96 OP 04 INTERVIEWED P LAST WEEK. HE HAS SIGNED UP FOR ALL CLASSES AS
MANDATED BY HEARING OFFICER. I WILL DO THE NEW ESR TODAY
SUBMIT TO HEADQUARTERS. 02/20/96 K MCKIDDY
02/20/96 CM 08 CCI DISC HRG RPT DTD 1/30/96 SENT TO CARRIE FLEMING TODAY FOR
DISTRIBUTION. 02/20/96 J BRECHEEN
05/02/96 CM 04 HAS COMPLETED VICT. AWARENESS PROG. 05/02/96 K MCKIDDY
05/07/96 OP 04 P SENT TO WCC DUE TO OUTSTANDING FELONY WARRANT FOR FAILING TO
COMPLY W/COMMUNITY CUSTODY CONDITIONS. I PRESUME THIS TO BE DUE
TO ESCAPE FROM COMMUNITY CUSTODY. P IS NO LONGER ELIG. TO BE AT
WCC DUE TO THE WARRANT. 05/08/96 K MCKIDDY
05/20/96 JX 04 RECEIVED COPY OF CPI FROM RECORDS. P IS TO JEANMETTE CAMPUS
1239 S. ADAMS, TACOMA, WA. 98405, PHONE #(206)759-8682. PLAN WAS
SUBMITTED BY KURT MCKIDDY (TACOMA PRE-RELEASE). 05/20/96
E VERNELL
05/22/96 FP 04 P WAS IN COURT TODAY IN PIERCE CO. HE WAS OFFICIAL CHARGED
W/ESCAPE TODAY. BAIL SET AT 15,000, MOOT PT SINCE HE IS STILL IN
THE CUSTODY OF DOC/DOP UNTIL AT LEAST 9-8-96. 05/22/96
P SEABERG
05/24/96 JX 04 UNIT TEAM HELD ON P. RECOMMENDATIONS ARE TO MAINTAIN MEDIUM
CUSTODY, DUE TO HARD FELONY DETAINER. NOT TARGETED FOR CASE
MANAGEMENT. THE 10 DAY EARLY RELEASE IS BEING ADDRESSED. P DID
NOT ATTEND CLASSIFICATION. HE IS OUT TO COURT. 05/24/96
E VERNELL *****SUBMITTED PAPERWORK FOR A 10 DAY EARLY RELEASE
TO CPM WITH RECOMMENDATIONS FOR DENIAL. P IS A CCI OFFENDER
SERVING A SANCTION. THEREFORE HE IS NOT ELIGIBLE PER POLICY.
OFFENSES OF RAPE 1 ALSO EXCLUDES 10 DAY EARLY RELEASE. 05/24/96
E VERNELL
05/28/96 JX 04 SUBMITTED A LETTER OF INTENT FOR PART TIME SCHOOL. 05/28/96
E VERNELL

WCC
(W)

Correctional Center
(Shelton)

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OFFENDER CHRONO REPORT

NAME: KAZMIERCKAZ, JOHN EDWA OFFICE:
OFFICER:

06/24/96 JX 04 RECEIVED A CALL FROM A FEMALE STATING THAT SHE WAS P'S SEX THERAPIST AND THAT SHE WAS TALKING WITH HIM OFTEN. SHE STATED THAT SHE HAD DOCUMENTATION STATING THAT P SHOULD DO SO MANY DAYS IN PRERELEASE AND SO MANY DAYS IN WORK RELEASE AND STATED THAT P IS CURRENTLY DOING DEAD TIME AT SHELTON. I INFORMED HER THAT BEFORE I COULD DISCUSS P'S FILE WITH HER I WOULD NEED P TO COMPLETE A FORM GIVING ME PERMISSION TO DO SO DUE TO INMATE CONFIDENTIALITY. SHE STATED THAT SHE WOULD HAVE HER SUPV. CALL AND GET THE INFORMATION FROM MY SUPV. 06/24/96 E VERNELL

07/29/96 OP 04 HE'S BACK AT TPR AND WILL BE RELEASED ON HIS SANCTION RELEASE DATE OF 9/5/96. HIS RELEASE PLAN HAS BEEN APPROVED BY PAT SEABERG. HE COMPLETED ALL REQUIRED PROGRAMMING PRIOR TO HIS RECLASS BACK TO PRISON. HE DID CORRECTIONS CLEARINGHOUSE, VICT. AWARENESS, AND THE VOTE PROG. HE WILL ALSO BECOME REINVOLVED IN THE PHASE III PORTION OF SEX OFFENDER TREATMENT HERE AT TPR. THIS WILL CONTINUE ONCE HE'S RELEASED. 07/29/96 K MCKIDDY

09/05/96 OP 04 P REPORTED IN TO CCO JUST BEFORE GRP STARTED FOR TODAY. WAS RELEASED THIS AM FROM MCC. PRIOR TO HIS RELEASE AND ALL DAY LONG THERE HAS BEEN NEWS RELEASES FROM TPD ON KIRO RADIO STATION. THE RELEASED INFORMATION, SOME OF IT WAS IN ERROR. ALSO, HIS ADDRESS RELEASED DURING THESE NEWSCASTER. HIS CCO'S NAME WAS ALSO RELEASED. P AND HIS G.F. ARE ESPECIALLY ANGRY OVER THEIR ADDRESS BEING RELEASED AND WRONG INFO STATED. DISCUSSED HIS CONDITIONS. REPORTS THAT HE WANTS TO REMAIN IN COMPLIANCE. 09/06/96 P SEABERG

09/05/96 CM 08 P ATTENDED GROUP- [REDACTED]

(KS) 11/25/96 C SIMS

09/05/96 TL 12 TIME WAS TOLLED FROM 6/17/96 UNTIL 9/5/96 WHILE P WAS IN JAIL 04/25/97 K BEEM

09/05/96 TL 16 ORIG JAIL TOLLED, CAUSE C, SERVED IN PRISON, RE SCHULTZ DEC. 01/21/00 J CHRISTOFFERSON

09/10/96 OP 04 P REPORTED FOR SEPT. WAS REEALSED ON 9-5-96. TERM DATE IS 2-15-97. NO NEG FALL OUT ON HIS RELEASE OR HIS ADDRESS. GAVE P LETTER FOR DOL SO HE CAN OBTAIN SOME ID. RELATED THAT HIS ID AND SS CARD ARE STILL AT MICC. LOOKING FOR WORK TODAY. RELATIONSHIP W/G.F. IS GOING WELL. 09/10/96 P SEABERG

09/12/96 CM 04 P ATTENDED GROUP- [REDACTED]

C SIMS

(KS) 11/25/96

09/16/96 TP 04 P CALLED TO UPDATE ME REGARDING HIS NIEGHBOR, FLYERS ARE BEING HANDED OUT TO PEOPLE ON HIS BLOCK BY 2 OR 3 PEOPLE WHO ARE NIEGBORS. ALSO TALK ABOUT PICKING HIS HOUSE. NO THREATS OF VIOLANCE YET. HE DOES NOT KNOW HOW THE FLYERS WERE OBTAINED BY THE PUBLIC. 09/16/96 P SEABERG

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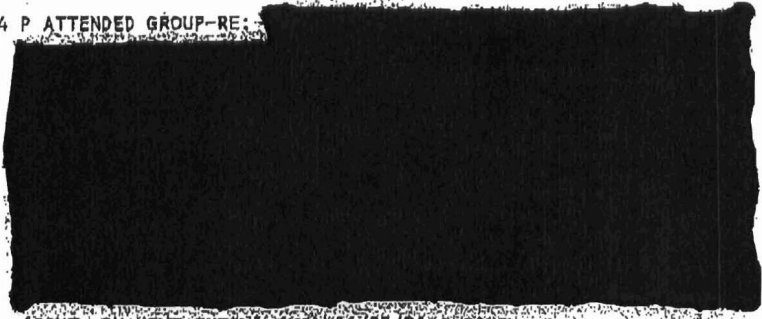
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OFFENDER CHRONO REPORT

NAME: KAZMIERCKAZ, JOHN EDWA

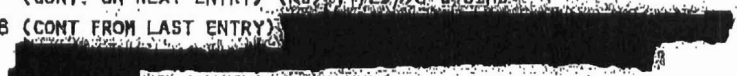
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OFFICER:

09/19/96 CM 04 P ATTENDED GROUP-RE:



(CONT. ON NEXT ENTRY) (KS) 11/25/96 C SIMS

09/19/96 CM 08 (CONT FROM LAST ENTRY)

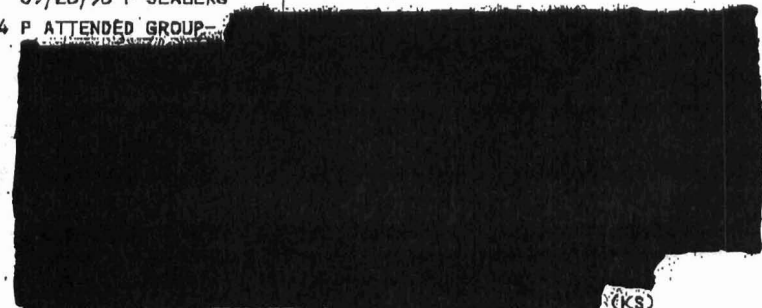


(KS) 11/25/96 C SIMS

09/25/96 HP 04 SAW P AT HOME.HIS NEIGHBORS ARE MEETING W/TPD NEXT WEEK TO TALK ABOUT HIM.HE AND G.F. ARE DEALING W/SITUATION.NO VANDALISM SO FAR.JOB HUNTING STILL GOING ON.SEEING C.SIMS AS REQUIRED.

09/26/96 P SEABERG

09/26/96 CM 04 P ATTENDED GROUP-



(KS)

11/25/96 C SIMS

10/03/96 CM 04 P ATTENDED GROUP.



(MH) 11/20/96 C SIMS

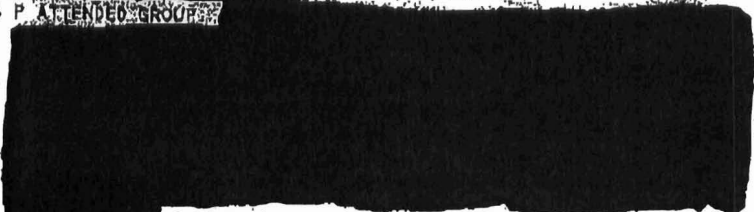
10/10/96 NC 04 DROVE BY P'S HSE.NO ONE WAS HOME. 10/11/96 P SEABERG

10/10/96 CM 08 P ATTENDED GROUP.



(MH) 11/20/96 C SIMS

10/24/96 CM 04 P ATTENDED GROUP.



(MH) 11/20/96 C SIMS

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OFFENDER CHRONO REPORT

NAME: KAZMIERCKAZ, JOHN EDWA OFFICE:
OFFICER:

10/31/96 CM 04 P ATTENDED GROUP-

[REDACTED]

(MH) 11/20/96 C SIMS

11/06/96 OP 04 P REPORTED FOR NOV. WENT BACK TO TWIN RIVERS W/C.S. STRANGE
FEELING, BUT HELPFUL. THINGS IN HIS NIEGHBORHOOD STABLIZED, NO
MORE ACTIVITY REGARDING P AND HIS HISTORY. WORKING F.T. BUT NO
ADVANCEMENT W/HIS CURRENT JOB. WILL START LOOKING FOR SOMETHING
W/A FUTURE. MAKING TMT AS REGARDED. 11/07/96 P SEABERG

11/07/96 CM 04 P ATTENDED GROUP-

[REDACTED]

11/20/96 C SIMS

12/04/96 OP 04 P REPORTED FOR DEC. RELATIONSHIP IS GOING WELL. OCCASIONAL DRINKS
BUT NOT TO EXCESS. WORK IS GOING WELL INTENDS TIO STAY THERE
THUR OUT THE WINTER. TAKING HOME 800 A MONTH. TPD IS STILL
KEEPING AN EYE ON HIM. 12/05/96 P SEABERG

12/10/96 CM 04 P ATTENDED JOINT GROUP SESSION-

(KS) 12/19/96 C SIMS

12/18/96 OP 04 P REPORTED FOR DEC. PASSED HIS POLYGRAPH LAST NIGHT. STILL SEEING
C. SIMS ON REGULAR BASIS. WORKING FULL TIME FOR TEMP SERVICE.
HOPES SOMETHING MORE STABLE W/A FUTURE WILL WORK OUT. NO
PROBLEMS. 12/19/96 P SEABERG

12/19/96 CM 04 P ATTENDED GROUP-

[REDACTED]

(KS) 01/02/97 C SIMS

12/23/96 HP 04 SAW P AT HOME. FOLOWING CONDITIONS AND REQUIREMENTS. GOING TO
GRP. TPD IS STILL STOPPING BY ONE IN AWHILE. LOOKING FORWARD TO
THE HOLIDAYS FOR THE FIRST TIME IN A WHILE. 12/23/96 P SEABERG

01/02/97 CM 04 EXCUSED FROM GROUP DUE TO RELATIONSHIP CRISIS 01/08/97 C SIMS

01/02/97 TP 04 EXCUSED FROM GROUP DUE TO RELATIONSHIP CRISIS. 01/08/97 C SIMS

01/08/97 OP 04 P REPORTED FOR JAN WHILE I WAS OUT OF THE OFFICE. 01/10/97

P SEABERG

01/09/97 CM 04 P ATTENDED GROUP-

[REDACTED]

01/15/97 C SIMS

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OFFENDER CHRONO REPORT

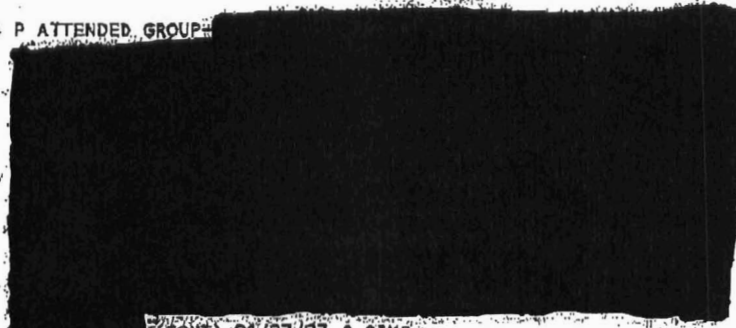
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NAME: KAZMIERCKAZ, JOHN EDWA

OFFICE:

OFFICER:

01/16/97 CM 04 P ATTENDED GROUP -



(CONT) 01/27/97 C SIMS

01/16/97 CM 08 (CONT) THE WEEKEND OF JAN 31ST. P AND KEVIN ATTEMPTED TO WORK OUT THEIR ISSUES-NOT REALLY SUCCESSFUL. PLENTY OF GROUP FEEDBACK. 01/27/97 C SIMS

01/17/97 NC 04 DROVE BY P'S HSE. NOT HOME. 01/17/97 P SEABERG

01/22/97 NC 04 DROVE BY P'S HSE. NOT AT HOME. 01/22/97 P SEABERG

01/22/97 DP 08 P REPORTED FOR LATE JAN. HIS JOB IS NOW PERMINANT. EARNING 700 A HR. TALKED ABOUT LEVEL 5 AND HIS OBLIGATIONS ONCE SUPERVISION HAS TERMINATED. WILL BE CAUGHT UP W/PAYMENTS IN APRIL. FOLLOWING CONDITIONS. SEEING SIMS. NO PROBLEMS TO REPORT. 01/23/97

P SEABERG

01/23/97 CM 04 P ATTENDED GROUP -



02/07/97 C SIMS

01/30/97 CM 04 P ATTENDED GROUP -



(KS) 02/13/97 C SIMS

01/31/97 NC 04 DROVE BY P'S HSE. NO ONE WAS HOME. 01/31/97 P SEABERG

02/06/97 CM 04 P ATTENDED GROUP -



02/13/97 C SIMS

02/13/97 CM 04 P ATTENDED GROUP -



(KS) 02/27/97 C SIMS

02/20/97 CM 04 P ATTENDED GROUP -



(KS) 02/26/97 C SIMS

02/27/97 CM 04 P ATTENDED GROUP -



(KS) 03/13/97 C SIMS

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OFFENDER CHRONO REPORT

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NAME: KAZMIERCKAZ, JOHN EDWA

OFFICE:
OFFICER:

03/01/97 CM 04 P ATTENDED GROUP-

[REDACTED]

(KS)

04/21/97 C SIMS

03/05/97 TC 04 P REPORTED FOR THE MONTH. DISCUSSED HIS LACK OF PAYMENTS ON ALL 3 CAUSE NUMBERS. THIS IS DUE TO BEING ON ESCAPE STATUS AND LACK OF JOB. THIS MOST RECENT JOB WILL BE KEEPING HIM EMPLOYED. HAS STARTED MAKING PAYMENTS. DISCUSSED THAT A VR NEEDS TO BE SUBMITTED, BUT I WILL NOT BE FOR ANY ACTION. 03/06/97 P SEABERG

03/06/97 CM 04 P ATTENDED GROUP-

[REDACTED]

(KS) 03/25/97 C SIMS

03/20/97 CM 04 P ATTENDED GROUP-

[REDACTED]

(KS) 03/27/97 C SIMS

03/27/97 CM 04 P ATTENDED GROUP-

[REDACTED]

(KS) 04/28/97 C SIMS

04/09/97 OP 04 P REPORTED FOR THE MONTH. WENT OVER HIS LEVEL 5 CONDITIONS. WILL REPORT LATER IN THE MONTH TO COMPLETE THE TRANSFER PROCESS. WILL BE ATTENDING TMT ON OCCASIONS ONCE HE IS OFF SUPERVISION. NO PROBLEMS TO REPORT. TALKED ABOUT VR TO CRT REGARDING PAYMENTS. HAS MADE ANOTHER ONE TO CRT. 04/10/97 P SEABERG

04/10/97 CM 04 P ATTENDED GROUP- TONIGHT WAS PS LAST GROUP.

(KS) 04/24/97 C SIMS

04/16/97 OP 04 P REPORTED FOR HIS LAST TIME. HE TERMINATES FROM SUPERVISION TODAY, APRIL 16, 1997. WENT OVER HIS LFO REQUIREMENTS. ATTENDED PHASE 3 GRP LAST NIGHT. HE HAS BEEN TOLD HE CAN COME BACK TO GRP IF HE WANTS TO. 04/17/97 P SEABERG

04/17/97 NC 04 DROVE TO P'S HSE. HE WAS NOT HOME. 04/17/97 P SEABERG

12/07/97 LG 04 6 MONTH LFO LETTER SENT FOR FOLLOWING CAUSES:

COUNTY	CAUSE NBR	PAYMENT SCHEDULE	CURRENTLY DUE
WHATCOM	891000868	\$50.00 PER MO	\$285.00
WHATCOM	891006572	\$10.00 PER MO	\$5.00
PIERCE	961008062	\$20.00 PER MO	\$40.00

12/07/97 SYSTEM

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OFFENDER CHRONO REPORT

NAME: KAZMIERCKAZ, JOHN EDWA OFFICE:
OFFICER:

05/10/98 LG 04 11 MONTH LFO LETTER SENT FOR FOLLOWING CAUSES:

COUNTY	CAUSE NBR	PAYMENT SCHEDULE	CURRENTLY DUE
WHATCOM	891000868	\$50.00 PER MO	\$380.11
WHATCOM	891006572	\$10.00 PER MO	\$45.00
PIERCE	961008062	\$20.00 PER MO	\$66.81

05/10/98 SYSTEM

05/28/98 TP 04 P CALLED RE: LFO LETTER. CANNOT CATCH UP ON OVERDUE IN 30 DAYS, BUT CAN IN 60 DAYS. HE'S TO PAY 1/2 OVERDUE BY END JUNE, OTHER 1/2 BY END JULY, THEN PAY MONTHLY AS SCHEDULED. 05/28/98

A. PIERCE

06/07/98 LG 04 LFO PAYMENT RESCHEDULED LETTER SENT FOR FOLLOWING CAUSES:

COUNTY	CAUSE NBR	RESCHEDULED PAYMENT	CURRENTLY DUE
WHATCOM	891006572	\$115.00 PER MO	\$55.00

06/07/98 SYSTEM

06/07/98 LG 05 LFO PAYMENT NOT RESCHEDULED FOR FOLLOWING CAUSES:

COUNTY	CAUSE NBR	PAYMENT SCHEDULE	CURRENTLY DUE
PIERCE	961008062	\$20.00 PER MO	\$67.16

06/07/98 SYSTEM

06/19/98 TP 04 P CALLED - SENDING \$20 TO PIERCE COUNTY TODAY, WILL BEGIN \$50/WEEK PAYMENTS ON WHATCOM COUNTY 6/26/98. HOPES TO PAY OFF PIERCE IN FULL W/I A MONTH ALSO. 06/19/98 A PIERCE

07/13/98 CM 04 P HAS PAID AS PROMISED - OK FOR NOW. 07/13/98 A PIERCE

07/22/98 TP 04 P CALLED-REC'D MONTHLY BILLING & "B" CAUSE IS SUDDENLY UP TO \$115/MONTH, WHICH HE CAN'T AFFORD. WE PREVIOUSLY DISCUSSED BALANCE OWING & TIME REMAINING & P IS AWARE OF SITUATION. CHANGED "B" PAYMENT SCHEDULE TO \$20/MONTH FOR NOW, HE IS WORKING ON PAYING OFF A & C CAUSES (MAKING NEARLY WEEKLY PAYMENTS), AND WHEN THOSE ARE DONE, HE'LL INCREASE PAYMENTS ON B. 07/22/98 A PIERCE

12/13/98 LG 04 6 MONTH LFO LETTER SENT FOR FOLLOWING CAUSES:

COUNTY	CAUSE NBR	PAYMENT SCHEDULE	CURRENTLY DUE
WHATCOM	891000868	\$50.00 PER MO	\$135.00
WHATCOM	891006572	\$20.00 PER MO	\$205.00
PIERCE	961008062	\$20.00 PER MO	\$48.03

12/13/98 SYSTEM

01/06/99 TP 04 P CALLED RE: LFO LETTER - JOB AT FRED MYER FINALLY WENT FULL TIME, SO HE SHOULD BE ABLE TO GET PAID UP TO DATE BY MID-FEBRUARY, OR AT LEAST CATCH UP BY A LOT. HE'S STILL HOLDING OFF ON PAYING PIERCE SO HIS FILE CAN STAY AT LKWD OMMU.

01/06/99 A PIERCE

05/03/99 TP 04 P CALLED - WAS FIRED FROM FRED MYER ON 4/30/99 - SAYS HE WAS FIRED BECAUSE "SOMEONE" PRESENTED A FLIER TO THE STORE MANAGER RE: P HAVING BEEN CONVICTED OF RAPE (ONE OF HIS '89 WHATCOM CO CAUSES). HOWEVER, THE APPLICATION HE FILLED OUT BEFORE BEING HIRED ASKED IF HE HAD BEEN CONVICTED OF A FELONY IN THE PAST 7 YEARS, AND HE DIDN'T CHECK "YES". P SAYS HE'S 1) GOING TO UNEMPLOYMENT OFFICE TODAY, 2) HAS ALREADY CONTACTED UNION & MAY HAVE CHANCE AT GETTING RE-HIRED, 3) IS TALKING TO ATTY ABOUT HIS RIGHTS IN THIS MATTER, 4) IS PREPARING JOB APPS FOR OTHER GROCERY STORES (P HAS BEEN WORKING IN PRODUCE AT MYERS).
05/03/99 A PIERCE

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OFFENDER CHRONO REPORT

NAME: KAZMIERCKAZ, JOHN EDWA OFFICE:
OFFICER:

05/09/99 LG 04 11 MONTH LFO LETTER SENT FOR FOLLOWING CAUSES:

COUNTY	CAUSE NBR	PAYMENT SCHEDULE	CURRENTLY DUE
WHATCOM	891000868	\$50.00 PER MO	\$155.11
WHATCOM	891006572	\$20.00 PER MO	\$265.00
PIERCE	961008062	\$20.00 PER MO	\$38.34

05/09/99 SYSTEM

07/07/99 CM 04 RECEIVED CALL FROM MR. KAZMIERZAK STATING THAT HE DOES NOT HAVE A JOB YET, IS STILL PUTTING APPLICATIONS IN. SAID HE WILL CALL AS SOON AS HE DOES. 07/07/99 J DUNCAN

11/15/99 CM 04 RECEIVED VOICE MESSAGE FROM MR. KAZMIERZAK STATING THAT HE IS NOW WORKING AT TACOMA RECYCLING AND IS SENDING IN A PAYMENT ON FRIDAY AND WILL SEND PAYMENTS EVERY TWO WEEKS TO CATCH UP.

11/15/99 J DUNCAN

12/12/99 LG 04 6 MONTH LFO LETTER SENT FOR FOLLOWING CAUSES:

COUNTY	CAUSE NBR	PAYMENT SCHEDULE	CURRENTLY DUE
WHATCOM	891000868	\$50.00 PER MO	\$145.11
WHATCOM	891006572	\$20.00 PER MO	\$110.00
PIERCE	961008062	\$20.00 PER MO	\$110.00

12/12/99 SYSTEM

01/24/00 CM 04 DID SAPPENFIELD REPORT TO THE COURT, RE CAUSE "A." CLOSED CAUSE OUT WITH L34 CODE THIS DATE. LETTER TO OFFENDER, ADVISING OF ABOVE ACTION. 01/24/00 T PAULSON

03/07/00 CM 04 CAUSE B CLOSED THIS DUE TO SAPPENFIELD. SPECIAL TO COURT THIS AS WELL AS LETTER TO OFFENDER. 03/07/00 R STRAYER

06/12/00 CM 04 REC'D ORDER OF DISCHARGE FOR CAUSE #96-1-00806-2, FORWARD TO 360B. 06/12/00 A GILDERSLEEVE

08/28/01 RA 04 THE LSI-R ASSESSMENT COMPLETED; TOTAL LSI-R SCORE: 25, LSI LEVEL: MODERATE, % TO REOFFEND: 48.1, RATER BOX: 20, FIELD CLASSIFICATION: MED 08/28/01 A BONET

08/28/01 RK 04 THE RISK MANAGEMENT IDENTIFICATION HAS BEEN COMPLETED: CALCULATED CLASSIFICATION IS: RMC, OVERRIDE CLASSIFICATION IS: RMA 08/28/01 A BONET

08/28/01 FP 08 DID MOST OF THE INTAKE AS I DON'T HAVE THE FILE YET; TOLD HIM TO REP NEXT WEEK. THE RMI DID NOT ALLOW ME TO MARK YES AT THE LEVEL 3 SEX OFF, WHICH P IS, SO I HAD TO OVERRIDE TO RMA. P HAS VERY VIOLENT HIST AND HIS SEX OFF WAS A VERY VIOLENT RAPE IN RETALIATION FOR THE VICTIM TESTIFYING AGAINST HIM. HE'S WORKING AT THE GIG HARBOR SAFEWAY AND HIS DISCLOSURE TO THE STORE SHOULD BE CHECKED. HE LIVES WITH HIS GIRLFRIEND AND SAYS HE HAS A GOOD RELATIONSHIP WITH HER. ADMITS TO BEING [REDACTED] BUT NOT TO USING DRUGS. HIS ATTITUDE IS HARD TO READ, AS HE GIVES THE RIGHT ANSWERS TO ALL QUESTIONS. 08/28/01 A BONET

08/28/01 RA 08 THE LSI-R REASSESSMENT COMPLETED; TOTAL LSI-R SCORE: 21, LSI LEVEL: LOW/MODERATE, % TO REOFFEND: 31.1, RATER BOX: 20, FIELD CLASSIFICATION: RMA 03/12/02 P SEABERG

08/28/01 RK 08 THE RISK MANAGEMENT IDENTIFICATION HAS BEEN COMPLETED; RECALCULATED CLASSIFICATION IS: RMD 03/12/02 P SEABERG

08/28/01 RA 12 THE LSI-R REASSESSMENT COMPLETED; TOTAL LSI-R SCORE: 21, LSI LEVEL: LOW/MODERATE, % TO REOFFEND: 31.1, RATER BOX: 20, FIELD CLASSIFICATION: RMD 03/12/02 P SEABERG

08/28/01 RK 12 THE RISK MANAGEMENT IDENTIFICATION HAS BEEN COMPLETED; RECALCULATED CLASSIFICATION IS: RMD 09/27/02 P SEABERG

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OFFENDER CHRONO REPORT

11/14/06 13.03.05

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NAME: KAZMIERCKAZ, JOHN EDWA

OFFICE:
 OFFICER:

08/28/01 OP 16 KIOSK REPORTING SESSION STATUS: SUCCESSFUL, DATE TIME:
 2001-08-28-09.44.02.164000, LOCATION: TACOMA UNIT 1 OFFICE
 KIOSK 08/28/01 SYSTEM

09/05/01 OP 04 REP TODAY AND STILL NO FILE. 09/05/01 A BONET

09/05/01 OP 08 KIOSK REPORTING SESSION STATUS: SUCCESSFUL, DATE TIME:
 2001-09-05-08.01.59.653000, LOCATION: TACOMA UNIT 1 OFFICE
 KIOSK 09/05/01 SYSTEM

09/10/01 TP 04 P CALLED TO CHANGE HIS APT TO 9-12-1 AT 8. ALSO I CALLED THE
 PACIFIC AVE OFF TO TRY AND EXPEDITE THE FILE TO ME; I STILL
 DONT HAVE IT AND WAS TOLD THEY WOULD TRACK IT DOWN AND LET ME
 KNOW. 09/10/01 A BONET

09/18/01 LP 04 0022735091 LETTER TITLE: MENTAL HEALTH NOTICE 09/18/01 R COOPER

09/19/01 OP 04 FINALLY GOT HIS FILE. P REP TODAY AND I INSTRUCTED HIM TO REP
 ON 9-24-1 AT 9 AND SEE CCO PAT SEABERG WHO WILL BE HIS CCO.
 TOOK FILE TO SUPPORT FOR XFER. 09/19/01 A BONET

09/19/01 AR 08 REPORTED BY WSP - OFFENDER ARRESTED ON 07/17/2001 FOR SOR
 VIOLATION - FAIL TO REGISTER CLASS UNKNOWN BY PIERCE COUNTY
 SHERIFF'S OFFICE 09/19/01 SYSTEM

09/20/01 CM 04 LFO/COS BILLING STATEMENT RETURNED. 09/20/01 J RICHARDSON

09/24/01 OP 04 P REPOORTED AS INSTRUCTED FROM THE INTAKE UNIT. HE IS A SOR FOR
 THE NEXT YR. THE ENTIRE INCIDENT STARTED W/AN ARGUMENT W/GF. HE
 MOVED OUT OF THEIR HOME AND DID NOT REG IMMEDIATELY UPON
 GETTING A MOTEL ROOM. GF CALLED COPS AND P WAS ARRESTED BY FIFE.
 PD BACK W/HIS GF. LIVING ON ADAMS IN TACOMA. WORKING AS A PRODUCE
 CLERK FOR SAFEWAY. CURRENTLY WORKING AT THE SOUTH HILL STORE BUT
 HOPES TO RETURN TO THE GIG HARBOR STORE. 09/25/01 P SEABERG

10/09/01 NC 04 DROVE OUT TO P'S HSE. NO ONE WAS HOME. 10/10/01 P SEABERG

10/18/01 OP 04 P REPORTED FOR THE MONTH. 10/22/01 P SEABERG

11/07/01 OP 04 P REPORTED FOR THE MONTH. I WAS OUT IN THE FIELD. 11/09/01
 P SEABERG

11/21/01 OP 04 P REPORTED. I WAS OUT OF THE OFFICE. 11/29/01 P SEABERG

11/29/01 HP 04 FOUND P AT HOME. IT WAS HIS DAY OFF. WALKED THUR HIS HOME. APPEARS
 TO BE GETTING ALONG W/GF. GOING THUR REGULAR INTERVIEWS W/THE
 SAFEWAY CORP FOR MGER POSTIONS. HE BELIEVES THAT HE DOES VERY
 WELL IN THESE INTERVIEWS AND IT IS ONLY A MATTER OF TIME BEFORE
 HE IS HIRED AS A MGER. 11/30/01 P SEABERG

12/05/01 OP 04 P REPORTED FOR THE MONTH. WORKING AT THE STORE IN PUYALLUP.
 SHOULD BE AT THIS LOCATION FOR THE NEXT SEVERAL MONTHS. STILL
 INTENDS TO MOVE UP TO MGMNT 12/07/01 P SEABERG

12/19/01 OP 04 P REPORTED FOR THE LAST PART OGF THE MONTH. I HAD HIM JUST LEAVE
 A REPORT. 12/19/01 P SEABERG

01/02/02 OP 04 P REPORTED FOR THE MONTH. I WAS OUT IN THE FIELD. 01/08/02
 P SEABERG

01/16/02 OP 04 P REPORTED FOR THE MONTH WHILE I WAS ON SICK LEAVE. 01/30/02
 P SEABERG

02/13/02 OP 04 P REPORTED. I WAS ON AL. 02/27/02 P SEABERG

03/13/02 OP 04 P REPORTED FOR THE MONTH. HIS JOB IS GOING WELL. HE BELIEVES THAT
 HE IS BEING GROOMED FOR A PROBATION TO RAN ON EOF THE
 DEPARTMENTS. REPORTS HE SUPERVISORS LIKE HIS WORK AND CAN COUNT
 ON HIM. RELATIONSHIP IS GOING WELL. 03/15/02 P SEABERG

03/21/02 OP 04 FOUND P AT HOME W/HIS GF. NOTHING NEW TO REPORT. JOB IS GOING
 WELL. 03/25/02 P SEABERG

03/27/02 CM 04 P REPORTED INTO THE TACOMA OFFICE AND FILLED OUT REPORT FORM.
 03/27/02 J RICHARDSON

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OFFENDER CHRONO REPORT

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NAME: KAZMIERCKAZ, JOHN EDWA . OFFICE:
OFFICER:

03/27/02 OP 08 P REPORTED FOR THE BI-MONTH REPORT REQUIREMENT. 03/28/02
P SEABERG
04/10/02 OP 04 P REPORTED INTO THE TACOMA OFFICE AND FILLED OUT A REPORT FORM.
04/10/02 T MOHLE
04/24/02 OP 04 P REPORTED INTO THE TACOMA OFFICE AND FILLED OUT A REPORT FORM.
04/24/02 J RICHARDSON
04/24/02 OP 08 P REPORTED FOR THE MONTH. I WAS OUT OF THE OFFICE IN THE FIELD.
05/06/02 P SEABERG
05/08/02 OP 04 P REPORTED TO TACOMA OFFICE AND TURNED IN REPORT. CCO WAS
UNAVAILABLE. 05/08/02 R RECTOR
05/08/02 OP 08 P REPORTED FOR THE MONTH. I HAD HIM JUST LEAVE HIS REPORT.
05/09/02 P SEABERG
05/22/02 CM 04 OFFENDER CAME IN AND COMPLETED MONTHLY REPORT FORM. CCO SEABERG
UNAVAILABLE. 05/22/02 C JONES
05/30/02 OP 04 P REPORTED FOR THE LAST PART OF THE MONTH. 05/31/02 P SEABERG
06/05/02 OP 04 P REPORTED TO TACOMA OFFICE (354) AND SUBMITTED REPORT.
06/05/02 R RECTOR
06/05/02 CM 08 CLOSED FILE SENT TO 354/B634 TO BE COMBINED WITH NEW OPEN CAUSE
D, FILE FOUND DURING BANK AUDIT, CLOSED ON 05/24/00. 06/05/02
H SANDERS
06/06/02 OP 04 P REPORTED FOR THE MONTH. I HAD HIM JUST LEAVE HIS REPORT.
06/08/02 P SEABERG
06/11/02 NC 04 DROVE OUT TO P'S HSE. NO ONE WAS HOME. 06/12/02 P SEABERG
06/21/02 OP 04 P REPORTED INTO THE TACOMA OFFICE AND FILLED OUT A REPORT FORM.
06/21/02 J RICHARDSON
07/18/02 OP 04 P REPORTED FOR THE MONTH. HE MAX'S OUT NEXT MONTH. STILL HAS
APPROX 500 TO PAY TOWARDS LFO'S. WILL BE PAID, IN FULL BY MAX DATE.
NEW STORE WHERE HE IS THE ASSIST MGR IS GOING WELL. 07/18/02
P SEABERG
11/30/02 FP 04 P CONTACTED BY TPD AND DDE HE APPEARS TO BE DRUNK AND HAS
FOLLOWED A POLICE DETECTIVES WIFE HOME FROM WORK AND WAS AT HER
WINDOW TAPPING. A REVIEW OF THE COMPUTER SHOWS THAT P SHOULD
HAVE ROLLED TO MON ON 08/08/02. AS HE HAS NOT REPORTED SINCE
AUGUST AND THE POLICE COMPUTER SHOWS HIM AS ACTIVE THEY ARE
REQUESTING P BE ARRESTED. I CONTACTED THE STATE OD AND THEY
GAVE ME MARK KUĆZA HOME TELEPHONE NUMBER. I CALL HIM AND HE
DIRECTED ME TO ARREST P FOR FAILURE TO PAY LEGAL FINANCIAL
OBLIGATIONS SINCE 11/14/01. P SELF REPORTED THAT HE IS
UNEMPLOYED FOR MANY MONTHS AND THAT HE HAD DRUNK "ABOUT TWO
CASES" OF BEER TONIGHT. 11/30/02 A WERTH
11/30/02 FP 08 CONT) HE ALSO REPORTED THAT HE WAS HOMELESS. THAT HE HAD LIVED
WITH THE DETECTIVES WIFE FOR SEVEN YEARS AND SHE HAD NO RIGHT
TO KICK HIM OUT. THE WIFE IS THE ONE THAT CALLED 911, BECAUSE
SOMEONE WAS AT HER WINDOW KNOCKING, SHE REPORTS SHE KNEW HIM
FROM SHOPPING AT A 7/11 STORE ONLY. P WAS TAKEN TO THE PIERCE
COUNTY JAIL AND BOOKED FOR FTP LFO'S. CCO AND HIS SUPER WILL BE
E-MAILED. 11/30/02 A WERTH
12/03/02 FP 04 P WAS SEEN ON 011038071 AND HE AGREED TO 40 DAYS IN JAIL WITH
CREDIT FOR 4 DAYS IN JAIL. HE IS TO REPORT TO PATRICK SEABURG
UPON RELEASE. I TALKED TO DECT CAROL KRANICH AND LET HER KNOW
WHAT I GAVE P. 12/03/02 A ROBINSON
12/26/02 CM 04 P WAS RELEASED FROM THE PIERCE CO JAIL THIS AM 12/26/02
P SEABERG

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0S3 DOR0037

OFFENDER CHRONO REPORT

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NAME: KAZMIERCKAZ, JOHN EDWA OFFICE:
OFFICER:

- 12/27/02 OP 04 DUTY OFFICER: P REPORTED, ASSIGNED CCO IN FIELD AND REQUESTED DO OFFIER HAVE P SIGN OMMU/OMB INAAATKE. P DID SO. FILE PLACED IN CCO DISTRIBUTIDN. 12/27/02 W GOHL
- 01/07/03 LC 04 LFO RETURNED UNDELIVERABLE 01/07/03 J HITCHCOCK
- 01/14/03 CM 04 FIELD FILE TRANSFERRED TO 360/2091 CASELOAD. 01/14/03 J LEE
- 01/21/03 CM 04 FILE SCREENED/NOT ACCEPTED. INVALID ADDRESS, LFO COMPLIANT, COS OWING. FILE HAS WRONG OMB CONDITIONS IN FILE. FILE NEEDS OMB CONDITIONS WITH A REVISION DATE OF 7/3/02. P IS ENROLLED IN KIOSK. ONCE P HAS A VALID ADDRESS AND THE CORRECT OMB CONDITIONS ARE IN THE FILE, FILE MAY BE RETURNED TO OMMU.
01/21/03 T GREAVES
- 02/04/03 TP 04 P CALLED TODAY IN RESPONSE TO MY PHONE CALLS.HE WILL STOP INTO THE OFFICE ON WEDNESDAY TO SIGN THE NEW AND IMPROVED OMMU FORMS. HE IS LIVING AT THE BUDGET IN ON SOUTH TAC WAY.HE IS REG W/THE SHERIFFS OFFICE AT THIS ADDRESS. 02/04/03 P SEABERG
- 02/05/03 OP 04 P REPORTED AND SIGNED OMMU CONDITIONS AND WAS GIVEN COPY OF J&S
02/05/03 J HITCHCOCK
- 02/05/03 OP 08 P REPORTED TO THE OFFICE AS INSTRUCTED.HE SIGNED HIS NEW CONDITIONS AND WAS GIVEN A COPY.WILL BE SHIPPING FILE BACK TO OMMU. 02/05/03 P SEABERG
- 02/05/03 CM 12 FIELD FILE TRANSFERRED TO 354/B634 CASELOAD. 02/05/03 J LEE
- 03/05/03 CM 04 FILE SCREENED/ACCEPTED. VALID ADDRESS, COS OWING. NOV DATED 1/10/03 ADDRESSING NON COMPLIANCE IN FILE. FILE TO BANK
03/05/03 C KRAUSE
- 03/27/03 CM 04 JULIE JACKSON FROM THE PA'S OFFICE CALLED, WANTED A COPY OF PSI UNDER CAUSE "B" FAXED TO HER. THERE WAS NO PSI DONE ON "B." CALLED & INFORMED HER OF THIS. SHE THEN ASKED FOR A COPY OF THE PSI DONE ON CAUSE "A" WHICH I FAXED TO HER. THE VICTIM IN BOTH CAUSES IS THE SAME. WAS A ROBBERY/THEFT ON "A" P KEPT VICTIM'S DRIVER'S LICENSE AND WHEN HE WAS RELEASED FROM CUSTODY, HARRASSED HER & EVENTUALLY ATTEMPTED TO RAPE HER. FAXED TO (253) 798-6594 03/27/03 T PAULSON
- 07/13/03 LG 04 9 MONTH LFO LETTER SENT FOR FOLLOWING CAUSES:
COUNTY-----CAUSE NBR-----PAYMENT SCHEDULE-----CURRENTLY DUE-----
PIERCE 011038071 \$25.00 PER MO \$90.00
07/13/03 SYSTEM
- 07/25/03 LG 04 9 MONTH LFO LETTER SENT FOR FOLLOWING CAUSES:
COUNTY-----CAUSE NBR-----PAYMENT SCHEDULE-----CURRENTLY DUE-----
PIERCE 011038071 \$25.00 PER MO \$90.00
07/25/03 SYSTEM
- 08/14/03 CM 04 0027746408THE FOLLOWING MESSAGE WAS SENT FOR DELIVERY AT THE OFFENDERS NEXT KIOSK SESSION ON OR AFTER 8/14/03: 5990 LETTER MAILED TO P'S ADDRESS AND SPECIAL HAS BEEN SUBMITTED TO COURT .
08/14/03 A REGIS
- 09/19/03 CM 04 REC'D STATEMENT BACK FROM USPS ON THIS DAY AS INVALID ADDRESS, FROWARDED TO APP. OFFICER 09/19/03 M HANSON
- 10/01/03 LP 04 0028048855LETTER TITLE: 5990 LETTER.10/01/03 A REGIS
- 03/25/04 AR 04 REPORTED BY WSP - OFFENDER ARRESTED ON 03/24/2004 FOR SOR VIOLATION - FAIL TO REGISTER CLASS UNKNOWN BY PIERCE COUNTY SHERIFF'S OFFICE 03/25/04 SYSTEM

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DS3 DOR0037

OFFENDER CHRONO REPORT

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NAME: KAZMIERCKAZ, JOHN EDWA

OFFICE:

OFFICER:

07/19/04 CM 04 RCVD PC031046746, ATTEMPTED FAILURE TO REGISTER AS A SEX OFFENDER, MISD, NO SUPERVISION/PROBATION UNDER THE JURISDICTION OF THE DEPARTMENT ORDERED, THEREFORE CAUSE NOT GAINED. P ORDERED TO BE UNDER THE SUPERVISION OF THE COURT (BENCH PROBATION). 07/19/04 M COWAN

02/16/06 CM 04 P WAS ARRESTED BY PULASKI PD THIS DATE FOR ROBBERY 1 CASE #06-001488. P FOLLOWED FEMALE VICTIM AND TOOK HER CAR KEYS, DEMANDED HER CELL PHONE THEN THREW HER TO THE GROUND WHEN SHE REFUSED TO TURN OVER CELL PHONE. HE WAS FOLLOWED BY WITNESSES AND DETAINED. 02/17/06 P SCHMIDT

0013

Appendix #2



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
P.O. Box 41118 • Olympia, Washington 98504-1118 • (360) 753-1573
FAX (360) 586-6582

December 23, 2002

Mr. Douglas W. Vanscoy
Deputy Prosecuting Attorney
Pierce County Prosecutor's Office
Civil Division
955 Tacoma Avenue South, Suite 301
Tacoma, Washington 98402

CIVIL DIVISION
COPY RECEIVED

DEC 26 2002

GERALD A. HORNE
PIERCE COUNTY PROSECUTING ATTORNEY

Dear Mr. Vanscoy:

I have not heard back from you in response to my letter of November 22, 2002, related to your public records request. As I stated in prior correspondence, due to the breadth and complexity of your request, it has been extremely difficult to determine the particular documents that may be responsive to your request. I have, therefore, asked that you narrow your request to specific identifiable records and that you meet with me to discuss the way our records are kept and to clarify the actual documents you are seeking.

In my letter of November 22, 2002, I provided information related to particular documents that staff deemed responsive to your request. I asked for clarification from you that these records would satisfy your request. You have not responded. In addition, in that letter I indicated that some documents were available immediately to you electronically or **upon payment of copy fees.** You have only responded by requesting the two items which were available electronically.

Once again, if your request remains broad as currently written, it will take years for staff to hand-search all the files, copy, and redact as appropriate. I have outlined those potential timeframes related to each request item below. However, in light of Washington's budget crisis and future reductions in state staffing, please consider the Governor's Directive No. 02-04 which encourages the use of "common sense, good judgment and creativity to provide the best possible service to our residents at the lowest possible cost to taxpayers."

1. **Please produce in existing digital format all "writings" in your possession or control concerning or referencing each offender placed or who resided on or after January 15, 1997 to participate in a work release, work/training release, community residential or pre-release facility sited in Pierce County.**

Staff provided an EXCEL file electronically on November 26, 2002 with a listing of the names and DOC numbers of 5,421 offenders applicable to this item.

"Working Together for SAFE Communities"

Mr. Douglas W. Vanscoy
December 23, 2002
Page 2

In my letter of November 22, 2002, I indicated a timeline to produce documents would be provided in 45 business days; i.e., January 31, 2003. Since that time staff have confirmed that these documents are *not available* in digital format. Therefore, I assume that your request related to this item now bumps down to item 2 instead. Please provide confirmation or clarification if this is not so.

In my November 22, 2002 letter I also provided information related to the Offender Based Tracking System (OBTS). I indicated these screens would not be available in digital format and would have to be provided in hard copy form if you wanted them. I am enclosing a copy of the OBTS reference booklet which indicates the types of offender data tracked in this system. I ask that you review this document to see whether, in fact, the data elements in OBTS are responsive to your request. I await your clarification before producing the entire tracking system for each offender, which would be extremely time-consuming and costly in terms of number of pages copied.

Further, there may be specific information related to offender accountability plans in the Department's new information system, OMNI. This information system, which is still under development, will eventually replace OBTS. Please provide confirmation whether you also wish the data elements in this system printed out and provided to you.

- 2. If not existing in digital format for production pursuant to the foregoing request, please produce a paper copy of the community release plan packet checklist (form DOC 20-47) [or comparable form] and all attachments thereto concerning each offender approved on or after January 15, 1997 to participate in a work release, work/training release, community residential or pre-release facility sited in Pierce County.**

Please be advised that of the 5,421 offenders staff have identified as responsive to this request, currently 1,185 are active in the prison system, 3,323 are active in the field (community supervision), and 913 are inactive. Researching these file is extremely difficult given the transitional nature of offender's movement within the system; i.e., an offender could move from prison to the field; from the field back to prison; from inactive to active; etc. Staff effort to locate and produce offender records that could move at any time will add an unknown amount of time to respond (depending on how many offenders move during the time we are researching these files).

Also, the inactive files are stored at the State Records Center in the Office of Secretary of State. DOC staff will be dependent upon the availability of State Records Center staff to pull the archived files and send them to us which involves another amount of time impossible for us to estimate.

A DOC staff person will begin working on this request immediately. Please note that documents related to this request consist of between 30-50 pages per offender; and after they are located, it takes one hour of staff time to copy applicable documents. Therefore, given 5,421 files, a rough estimate of time just to *copy* these documents is 5,421 hours or 678 days of work (31.5 months or 2.6 years). The document copies must then be redacted as appropriate and copied again before they are released.

I have asked records staff to assign one person responsibility to work 25 percent of his/her time on your request. **Therefore, an estimated timeline to produce these documents is July 1, 2013.** Please be advised that, given all the variables which could add unknown time to research these records, this timeline is only an estimate and could be completed earlier or later. I again extend an invitation to sit down and discuss your request with the intent to provide documents in the most efficient and timely manner possible.

- 3. As for all “writings” not produced pursuant to the foregoing request Nos. 1 and 2, please produce for inspection all remaining “writings” in your possession or control concerning or referencing each offender approved on or after January 15, 1997 to participate in a work release, work/training release, community residential or pre-release facility sited in Pierce County.**

In my letter of November 22, 2002, I again requested you meet with DOC staff to discuss specific documents that would be responsive to this request item. An average offender file is 2-1/2 to 3 inches thick, containing approximately 200 pages per inch. In order to produce these “writings” for inspection, staff would have to locate the file (with the same difficulties of offender movement as in item 2); copy the file, redact as appropriate, and copy again to make available the file for inspection. This would be a huge workload for staff as well as extremely costly.

However, given your request as currently written, Department records staff have estimated that it will take 15.25 hours *per file* (multiplied by 5,421 files) to prepare the documents for inspection. This computes to 82,670 hours or 10,334 days of work (481 months or 40 years) for one staff person dedicated wholly to this workload. **Again, by assigning one person responsibility to work 25 percent of his/her time on your request I have *estimated* that it will take 160 years to produce these documents.**

- 4. Please provide a copy of all “writings” in your possession or control concerning any person or entity currently employing participants in any work release, work/training release, community residential or pre-release facility sited in Pierce County.**

Mr. Douglas W. Vanscoy
December 23, 2002
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Staff have identified 196 pages responsive to this request item. Upon payment of \$39.20 in copy fees, and postage if mailed, the documents will be provided to you.

5. Please provide a copy of any agreement or understanding in effect on or after January 15, 1997 between the State of Washington and the operator of any work release, work/training release, community residential or pre-release facility in the State of Washington.

As I indicated in my November 22, 2002 letter, the documents (1,363 pages) have been copied and are available to you upon payment of copy fees (\$272.60) and postage if mailed.

6. Please provide a copy of any agreement or understanding in effect on or after January 15, 1997 between the State of Washington and any persons or entities employing participants in work release, work/training release, community residential or pre-release facility sited in Pierce County.

You did not respond to my November 22, 2002 letter to confirm whether the provision of one copy of an agreement (when the agreement utilized is simply a form letter wherein the only change is the recipient) would meet your request. However, based on that assumption, staff have identified 36 pages responsive to this request item. Upon payment of \$7.20 in copy fees, and postage if mailed, the documents will be provided to you.

7. Please provide in existing digital format all "writings" in your possession or control which were generated by each Siting Manager, Search Committee and Site Advisory Committee concerning work/training and pre-release siting processes in the State of Washington on or after January 15, 1997 (reference: Division Directive DIR 117-W).
8. If not existing in digital format for production pursuant to the foregoing request No. 7, please produce for inspection all remaining "writings" in your possession or control which were generated by each Siting Manager, Search Committee and Site Advisory Committee concerning work/training and pre-release siting processes in the State of Washington on or after January 15, 1997 (reference: Division Directive DIR 117-W).

Related to Items 7 and 8, staff have located one disk containing documents responsive to this request. The disk is available to you upon payment of \$1.00 to cover the cost of the disk, plus postage if mailed.

Staff have also identified numerous paper documents responsive to this request item. The paper copies will be available for your inspection after January 31, 2003, when staff will have completed copying the pages and reviewing the documents for possible exemptions. Please contact Terry Blanset, Public Disclosure Coordinator, at (360) 753-2769 so that appropriate arrangements can be made to inspect these documents after that date.

9. **Pierce County requests a copy of all the described writings in effect on or after January 15, 1997. Further, Pierce County requests only writings such as policies, agreements, or protocols which set out the standards or bases for deciding to which particular work release or work/training release facility an offender will be assigned; Pierce County is not by this request seeking writings which merely reference such standards or bases, nor policies, directives and checklists concerning classification.**

In my November 22, 2002 letter I indicated staff had identified DOC policies and classification training materials responsive to this item. I indicated those documents were available upon payment of copy fees. I also indicated other materials were being collected and would be located by December 24, 2002. Staff have identified 41 additional pages responsive to this request item. These documents consist of selection criteria and other procedures developed at the specific work release or pre-release facilities. Upon payment of \$8.20 in copy fees, and postage if mailed, the additional documents will be provided to you.

10. **Please provide in existing digital format all "writings" in your possession or control which reference the date each work release, work/training release, community residential or pre-release facility in the State of Washington opened. In lieu of this, Pierce County would accept a list indicating the requested date for each such facility.**

As noted in my letter of November 22, 2002, this document (paper copy) is available to you upon payment of copy fees (\$0.20), plus postage if mailed. As you indicated in your letter of November 14, 2002 that you would accept a list identifying the date each facility opened, I assume that this request item is complete. I again ask you to please clarify if this is not so.

11. **Please provide in existing digital format all "writings" in your possession or control which reference the design occupancy of each work release, work/training release, community residential or pre-release facility in the State of Washington. In lieu of this, Pierce County would accept a list indicating the design occupancy of each such facility. If the design occupancy has changed for a facility, please provide the date(s) and design change(s).**

Staff provided an EXCEL worksheet electronically on November 26, 2002 that listed the capacity of each work release/pre-release. Again, I ask for confirmation that the list provided satisfies the response for this item.

In addition, as requested, staff have identified an EXCEL worksheet that lists the changes in capacity for Peninsula Work Release, Longview Work Release, Tri-Cities Work Release and Eleanor Chase Work Release. This document is available electronically. Please contact DOC Public Disclosure Coordinator Terry Blanset at (360) 753-2769 to make appropriate arrangements to receive this worksheet electronically.

12. Please provide in existing digital format all "writings" in your possession or control which reference the actual occupancy (by month and/or other recorded period) of each work release, work/training release, community residential or pre-release facility in the State of Washington after January 15, 1997. In lieu of this, Pierce County would accept a list indicating the actual occupancy of each such facility monthly since January 15, 1997.

As indicated in my November 22, 2002 letter, the documents responsive to this item are not available electronically. They have been copied (216 pages) and are available to you upon payment of copy fees (\$43.20), plus postage if mailed.

13. Please produce in existing digital format all "writings" in your possession or control pertaining to each offender concerning whom the Washington Department of Corrections received information about alleged violation of any condition of community corrections supervision (other than legal financial obligations) occurring in Pierce County on or after January 15, 1997.
14. If not existing in digital format for production pursuant to the foregoing request No. 13, please produce for inspection all "writings" in your possession or control pertaining to each offender concerning whom the Washington Department of Corrections received information about alleged violation of any condition of community corrections supervision (other than legal financial obligations) occurring in Pierce County on or after January 15, 1997.

In my November 22, 2002 letter I indicated that the Department cannot provide documents to respond to this request as currently written. I provided information on how we manage violations and indicated they are not tracked by location of violation occurrence.

Mr. Douglas W. Vanscoy
December 23, 2002
Page 7

I indicated staff could produce copies of approximately 2,300 hearings for the time period July 2000 to the present by December 24, 2002. However, staff were not directed to begin producing these documents because I did not heard back from you as to whether these copies would meet your request.

Since I still have not received confirmation or clarification from you, I am now directing Department staff to begin pulling files to copy records of work release, pre-release and community custody hearings heard by Department Hearing Officers for the period July 2000 to the present. Staff have estimated that the process will be completed by January 31, 2003. Please contact Terry Blanset, Public Disclosure Coordinator, at (360) 753-2769 so that appropriate arrangements can be made to inspect these documents after that date. ..

Beyond what is available for the time period July 2000 to the present, staff would have to hand-search all offender files maintained by DOC (over 16,000 files statewide plus applicable archived files). I again reiterate the need to meet with you to define what further violation records would meet your request.

- 15. Please produce for inspection all writings which included a public record request to the Washington Department of Corrections (or to the State on Washington concerning Department of Correction records) or Department official(s) which were made on or after January 15, 1997 by any attorney, law firm or employee or agent thereof.**

In my November 22, 2002 letter I indicated that documents responsive to this request are located statewide and are not logged by status as an attorney or law firm. Further, records responsive to this request have not been maintained as far back as the January 1997 date you request. Therefore, staff can only provide records that have been kept by the Department. Headquarters staff have identified numerous public disclosure requests responsive to this request item. The paper copies will be available for your inspection after January 31, 2003, when staff will have completed copying the pages and reviewing the documents for possible exemptions. Please contact Terry Blanset, Public Disclosure Coordinator, at (360) 753-2769 so that appropriate arrangements can be made to inspect these documents after that date.

Related to public disclosure requests concerning offenders, I further explained that no centralized system has been utilized by the Department. Public disclosure requests related to offenders are filed in each offender's central file, which necessitates a hand-search of over 16,000 central files statewide, plus an unknown number of archived files for offenders with closed cases in the applicable time period. Since the Department has no way to locate these requests, I have asked staff

Mr. Douglas W. Vanscoy
December 23, 2002
Page 8

statewide to provide copies of any public disclosure logs available for the applicable time period. Staff have indicated these logs will be available for your inspection after January 31, 2003. You may review the logs to determine whether any of the entries would be responsive to your request.

I again encourage you to discuss your request with me in order to determine the scope of the records you are interested in receiving. I invite you to contact me at (360) 753-1502 to set up an appointment to meet with me and my staff.

Sincerely,



Eldon Vail, Deputy Secretary
Office of Correctional Operations

EV:tab.PD87

Enclosure

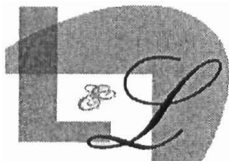
cc: Governor Gary Locke
Secretary Joseph D. Lehman
Assistant Attorney General Carol Murphy
Public Disclosure Administrator Kay Wilson-Kirby

VIA FAX (253) 798-6713

P.S. Just prior to mailing this response to your office, I received a copy of your recent letter dated December 20, 2002, and containing a check in the amount of \$442.00 for payment of public disclosure fees. The documents that have been paid for will be forwarded to you by January 13, 2003.

I acknowledge that you have modified request items 1, 2, and 3 to exclude all female offenders. Again, I ask you to review this letter and respond with clarification as requested. Further response to your December 20, 2002 letter will be provided within five business days.

Appendix #3



Lachman&Laing, LLC

Releases by county and by facility are summarized in the appendix in Table A-14 and Table A-15.

First Releases, First Prison Sentences

The following tables show the number and percent of prisoners released from work release and pre-release facilities in Pierce and King counties that satisfy the conditions of first release and first prison sentence. That is, because the release date was preceded by only one prison sentence (sentence of 366 or more days), it was reasonable to assume that this was the first ever stay in prison in Washington. These data were analyzed and displayed separately because they are the most unequivocal look at county of first cause and county of release.



Considering all work and pre-release facilities combined in Pierce County, 16% of prisoners released to Pierce County in 1993 through 1995 were first sentenced to prison for a crime committed in another county ("other"). In the later period (2000 through 2002), 19% of inmates released to Pierce County were convicted in another county. Offsetting this was the 2% of inmates in each period who were convicted in Pierce County and released to another county.

These figures vary substantially by type of facility. It is not surprising that Rap and Lincoln released into Pierce County a greater percentage of prisoners first convicted in other counties. From 1993 through 1995, 42% of those released to Pierce County from Rap House were convicted in another county. This increased to 44% in the period from 2000 through 2002, although this was offset by the 6% whose first prison sentence was in Pierce County and who were released to another county.

Table 39
First Release and First Prison Sentence
Pierce County Facilities

Facility	Offense County	Release County	1993-1995		2000-2002	
			Count	Percent	Count	Percent
Tacoma Pre-Release	Pierce	Pierce	30	11%	36	15%
	Other	Pierce	17	6%	18	7%
	Pierce	Other	10	4%	4	2%
	Other	Other	225	80%	186	76%
	Total		282		244	
Progress House	Pierce	Pierce	169	59%	243	77%
	Other	Pierce	58	20%	64	20%
	Pierce	Other	3	1%	4	1%
	Other	Other	58	20%	6	2%
	Total		288		317	
Rap House	Pierce	Pierce	4	15%	14	29%

Appendix #4

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS  POLICY DIRECTIVE Offender Manual <input type="checkbox"/> Spanish	PRISON/PRE-RELEASE/ WORK RELEASE	NUMBER DOC 300.500
	SIGNATURE  DATE	EFFECTIVE DATE 6/28/05
	HAROLD W. CLARKE, SECRETARY TITLE	PAGE NUMBER 1 of 3
WORK RELEASE SCREENING		

SUPERSESSSION:

DOC 300.500 effective 10/15/04

REFERENCES:

DOC 100.100 is hereby incorporated into this Policy Directive; RCW 9.94A; RCW 72.65; WAC 137-56; ACA 6A-11; ACA 6B-02; DOC 300.380 Classification; DOC 320.165 Community Custody Violator Sanction to Work Release; DOC 350.300 Mutual Agreement Program; DOC 630.510 Mental Health Services

POLICY:

- I. The Department has an established process for all potential candidates for Work Release to be screened to determine suitability for placement in a Work Release facility.

DIRECTIVE:

- I. Prohibitions [6A-11]
 - A. Offenders/violators are prohibited from Work Release placement if they:
 1. Have had new felony detainers lodged against them.
 2. Have Immigration and Customs Enforcement (ICE) detainers lodged against them.
 3. Have an out-of-state release plan.
 4. Have had or currently have an End of Sentence Review recommending civil commitment.
 5. Do not meet the medical criteria for placement as determined by facility health care staff.
 6. **Have been convicted of First Degree Murder, unless approved as part of their Mutual Agreement Program (MAP) per DOC 350.300 Mutual Agreement Program.**
 7. **Have recent, local, high media profile and the facility Community Corrections Supervisor (CCS) has documentation to verify this.**

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 300.500	WORK RELEASE SCREENING	6/28/05	2 of 3

8. Have been assessed as Risk Management (RM) A due to imminent threat and there is a local victim/witness concern that cannot be mitigated by the Risk Management Intensive Transition (RMIT) Team.
 9. Have been convicted of First Degree Rape and are within their first 3 years of confinement.
 10. Do not meet Department recognized local agreement criteria.
- B. Offenders who have high mental health needs or are developmentally disabled should be assessed for placement at Rap House/Lincoln Park Work Release per DOC 630.510 Mental Health Services.
- II. Screening [6A-11]
- A. The sending facility will build a Work Release entry on OBTS DI73. Following this, the electronic referral will be sent to the intended Work Release.
 - B. If the referral is built for the wrong Work Release, the Facility CCS/designee will redirect the referral to the correct Work Release and email the facility Counselor who initiated the referral.
 - C. Screening and acceptance will be completed within 30 calendar days from the date of the referral and documented on OBTS DI66. Denials only apply to unique exceptions. [6B-02]
 1. The Facility CCS will forward DOC 02-249 Request for Denial of Work Release Placement to the Headquarters Classification Work Release Correctional Program Manager (CPM).
 2. Headquarters will schedule a Headquarters Community Screening Committee (HCSC) review.
 3. HCSC will make a final decision and inform the Work Release, and document the decision on OBTS DT08 and DI66.
 4. HCSC will provide data on trends by facility to the Field Administrators.
 - D. Pre-hearing or post-hearing confinement in a Work Release facility for offenders who have violated conditions of supervision, probation, or parole will be handled per DOC 320.165 Community Custody Violator Sanction to Work Release.
- III. Call Outs
- A. The Headquarters Classification Work Release CPM will review the case 8 months or less to earned release date (ERD) to see if the offender is still eligible for Work Release placement. If the offender is still eligible, the Headquarters CPM will:
 1. Initiate notification procedures,

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 300.500	WORK RELEASE SCREENING	6/28/05	3 of 3

2. Advise the Work Release facility and the sending facility records staff of the offender's arrival date, and
3. Schedule the transportation.

DEFINITIONS:



Words/terms appearing in this policy directive may be defined in the glossary section of the policy directive manual.

ATTACHMENTS:

None

DOC FORMS (See Appendix):

DOC 02-249 Request for Denial of Work Release Placement

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY DIRECTIVE</p> <p><input type="checkbox"/> Offender Manual <input type="checkbox"/> Spanish</p>	<p>WORK RELEASE</p>	<p>NUMBER DOC 300.550</p>
	<p>SIGNATURE</p>  <p>DATE</p>	<p>EFFECTIVE DATE 7/26/04</p>
	<p>TITLE JOSEPH D. LEHMAN, SECRETARY</p>	<p>PAGE NUMBER 1 of 3</p>
<p>TITLE GRADUATED COMMUNITY ACCESS</p>		

SUPERSESSON:

None

REFERENCES:

DOC 100.100 is hereby incorporated into this Policy Directive; ACA 5A-14; DOC 320.165 Community Custody Violator Sanction to Work Release; DOC 320.460 Monitoring Offender Community Activities; DOC 450.310 Visits and Social Outings for Work Release Offenders

POLICY:

- I. Offenders in Work Release facilities shall be allowed community access based on time in the facility, progress in meeting plan objectives, personal behavior, and risk to the public. [5A-14]

DIRECTIVE:

- I. General Requirements
 - A. Until an offender completes orientation, his/her access to the community is only under supervision.
 - B. An offender's advancement to a higher step can occur automatically when the expectations are met.
 - C. Staff at the facility shall provide input on the offender's compliance to expectations and accomplishments and the demonstration of positive behavior. Point-to-point passes shall be used per DOC 320.460 Monitoring Offender Community Access.
 - D. Increased access to the community will be based on a 3 step program. This program does not affect an offender's access for religious services, medical treatment, law library, court, or attorney access.
- II. Step I
 - A. Upon arrival at a Work Release facility, an offender is placed in Step I upon completion of orientation.

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 300.550	GRADUATED COMMUNITY ACCESS	7/26/04	2 of 3

B. Privileges for Step I are:

1. Point-to-point passes, as needed to conduct essential business.
2. Approved visitors in compliance with DOC 450.310 Visits and Social Outings for Work Release Offenders.

III. Step II

A. To qualify for Step II the offender must, at a minimum:

1. Be employed for a minimum of 24 hours per week.
2. Have a Legal Financial Obligations (LFO) schedule established, if applicable.
3. Be successfully participating in all facility program requirements, and in compliance with the Offender Accountability Plan (OAP).
4. Be major infraction free for the past 30 days, to include violations that resulted in a stipulated agreement.

B. Privileges for Step II are:

1. Point-to-point passes.
2. Social outing time up to 20 hours a week with a curfew no later than 10:00 P.M.
3. Other privileges established by the Facility Supervisor.

IV. Step III

A. To qualify for Step III the offender must, at a minimum:

1. Maintain employment a minimum of 32 hours per week
2. Current in making payments to Cost of Supervision (COS), LFO, and Room and Board.
3. Be major infraction free for the past 60 days, to include violations that resulted in a stipulated agreement.
4. Be meeting facility program requirements and compliance with the OAP.

B. Privileges for Step III are:

1. Point-to-point pass.
2. Approved social outing time up to 30 hours per week with a curfew no later than midnight.
3. Other privileges established by the Facility Supervisor.

V. Community Custody and Parole Violators

NUMBER DOC 300.550	TITLE GRADUATED COMMUNITY ACCESS	EFFECTIVE DATE 7/26/04	PAGE NUMBER 3 of 3
------------------------------	--	----------------------------------	------------------------------

- A. Work Release offenders who are on violation status will be managed per DOC 320.165 Community Custody Violator Sanction to Work Release.

VI. Major Violation Step Reduction

- A. When an offender is found guilty, or admits guilt, of a major infraction through the Hearing process or Stipulated Agreement Process, s/he shall be reduced in phase at least one step as part of the sanction.
- B. When eligible, the offender may move through the step system.

DEFINITIONS:

Words/terms appearing in the Policy Directive may be defined in the Glossary section of the Policy Directive Manual.

ATTACHMENTS:

None

DOC FORMS (See Appendix):

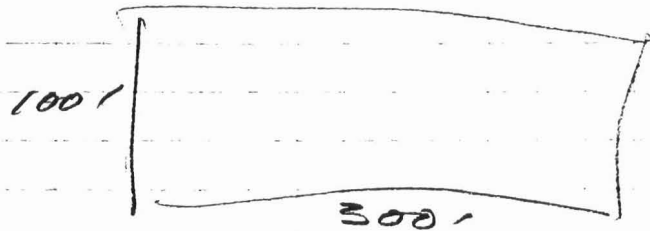
None

Appendix #5

"decide - announce - defend"

2

300,000 x 4 floors
300' x 100'



5 acres = 217,800 sf.

466

726 x 300

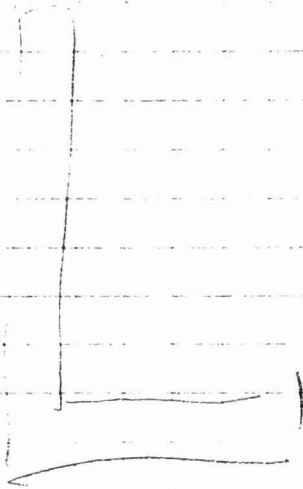
676 x 250 = 169,000 sf property

5.38 ac \rightarrow 234,353 sf \times \$8/sf = \$1,874,822

360k \sim 5-8 yrs pd.

Issues - higher enviro. mitigation costs
to fill the ditch

- higher housing unit cost to go to 3 stories + operational issues
- no water use \rightarrow transport cost
- add 2 mos to design schedule to redesign housing



Appendix #6

TO: DEAKINS NANCY DOC-MB-CP-NDA 19-Mar-99 12:35:00
TEAM PROGRAM PO BOX 41112
417 W 4TH AVE
OLYMPIA WA 98504-1112

FROM: SNYDER LANNY DOC-MB-CP-LSB 19-Mar-99 10:02:08
HQ - CAP PROGRAMS
417 WEST 4TH
OLYMPIA WA 98504-1118

SUBJECT: WORLD TRADE CENTER DOC-MB-CP-NDA/MA#3868382

To: SAVAGE DAVID DOC-CC-HQ-DS1
From: SNYDER LANNY DOC-MB-CP-LSB
Date: Friday 19-Mar-99 at 10:26am
Subject: WORLD TRADE CENTER

Yesterday Doreen and I and Jim Hoghaug from DGA met with Mr. Riley, one of the World Trade Center building owners. We were meeting with him to discuss previously expressed concerns about tenant flight once the siting process was advertised. He was concerned that for some reason the Department started the public process and didn't purchase the building, the owners might be stuck with an empty building. A majority of the leasees have short term leases. We offered up two mitigating strategies. 1. Sell us the option now and the advertisements for the public process would not occur until the legislature passed the budget bill that gave us the formal purchasing authority for the project to purchase the building. 2. The Department would backfill up to 12,000 square feet of vacant space that may be empty due to tenant flight with the regional administrator's office (Carol Porter agreed to this). Mr. Riley indicated that siting offices can be a time consuming effort and maybe his partners would consider some type of cash penalty if the state sis not purchase the building. We indicated that we would consider that option. He is meeting with his partners today and will call Jim Hoghaug today.

cc: PHILLIPS BILL DOC-MB-CP-BPQ
VONHEEDER MARGARET DOC-MB-DO-MV2
GEIGER DOREEN DOC-CC-HQ-DG7
DEAKINS NANCY DOC-MB-CP-NDA

* * End of Message * * Printed on 19-Mar-99 at 12:35:05 MA# 3868382

Appendix #7

TO: DEAKINS NANCY
TEAM PROGRAM PO BOX 41112
417 W 4TH AVE
OLYMPIA WA 98504-1112

DOC-MB-CP-NDA 15-Mar-99 09:57:17

FROM: SNYDER LANNY
HQ - CAP PROGRAMS
417 WEST 4TH
OLYMPIA WA 98504-1118

DOC-MB-CP-LSB 11-Mar-99 16:59:37

SUBJECT: TPR

DOC-MB-CP-NDA/MA#3790027

To: DEAKINS NANCY
From: SNYDER LANNY
Date: Thursday 11-Mar-99 at 5:08pm
Subject: TPR

DOC-MB-CP-NDA
DOC-MB-CP-LSB

Doreen, Bill Phillips and I called Mr. Riley today. His partners were concerned about DOC starting the public process before a determination that the deal would be closed and how that might affect the nerves of the building tenants. We decided to meet with him next Thursday. We told him that between now and next Thursday that DOC would put together a schedule showing all the mandatory steps ie siting and EIS hearings etc. including the stuff that could be done without public notice ie building inspections etc. and the key dates that are landmark mile stones for being more sure that we will get the authority from the legislature ie House budget out on 3/22, senate version out, Session ends and governor signs. The more that the different steps of commitment of DOC that can pass before any public announcement is made, the more Riley et al will be comfortable. Beava will or has set up a meeting for you, me, Bill and Doreen to discuss what we will take to the Thursday meeting. It would be very helpful if you talked to Bergi and EIS timing and looked at the statute and set up a draft schedule with the key dates to review. thanks Lanny

cc: PHILLIPS BILL
GEIGER DOREEN

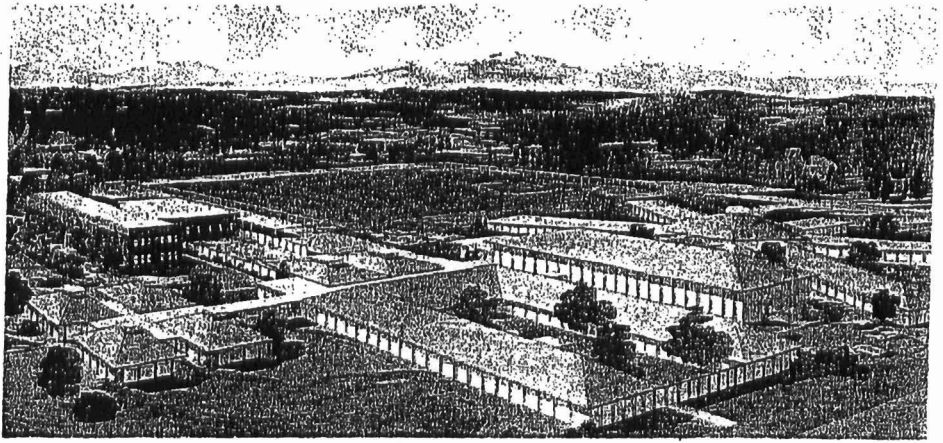
DOC-MB-CP-BPQ
DOC-CC-HQ-DG7

* * End of Message * * Printed on 15-Mar-99 at 09:57:23 MA# 3790027

Appendix #8

**PIERCE COUNTY JUVENILE COURT
EXECUTIVE COMMITTEE**

Judge Marywae Van Deren, Chair
Judge Frank E. Cuthbertson
Judge Thomas J. Felnagle
Judge Thomas P. Larkin
Judge John A. McCarthy
Judge Brian Tollefson
Commissioner James Marshall



Daniel J. Erker
Administrator, Juvenile Court Services

5501 Sixth Avenue • Tacoma, WA 98406 • (253) 798-7900 Fax (253) 798-7649

December 19, 2003

Mr. John Ladenburg
Pierce County Executive
Room 737, County City Building
930 Tacoma Avenue South
Tacoma, WA 98402

Dear Mr. Ladenburg:

The Superior Court requests that the Executive and the Pierce County Council, using any and all means possible, ensure that the Progress House facility be made available to, and for use by, the Juvenile Court.

Specifically, the Superior Court is requesting that actions be commenced against the remaining leasehold interest so that the facility can be returned to Pierce County for public use as part of an expanded, integrated campus for juvenile services.

The Judges believe that Pierce County needs to reintegrate its juvenile facilities so that all services may be conducted at the same site. As you know, Diversion was moved to the 950 building due to space limitations at Remann Hall. An integrated and expanded campus would allow all services pertaining to the Juvenile Court operations to occur at a centralized facility, reducing inefficiencies, improving client services and productivity. By converting Progress House to much needed office space and a court room operation, we will be able to appropriately accommodate attorney client meeting space, provide space for case consultation amongst the parties and better control public access. In addition, and consistent with our reform initiative, the building could be used as an assessment center to triage children and families in crisis.

Finally, requisition of this property is necessary to protect the physical and emotional health of the Pierce County children who come to the juvenile facility on a daily basis. Our mission has shifted since the time the old Remann Hall facility was leased to DOC for use as a work release facility. At that time, children were referred to our facility by law enforcement and had little, if any, time outside the buildings. They were referred to Remann Hall and, if not released directly to their parents, remained inside the facility pending disposition of their case. We did not have Day Reporting programs in place at that time.

COPY

Mr. John Ladenburg
December 19, 2003
Page Two

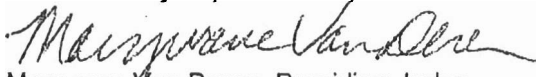
With the Juvenile Detention Alternative Initiative (JDAI), our services have increased. A significant number of youth report only for the day. They arrive between 7:00 to 8:00 a.m. and depart between 1:00 and 3:00 p.m., depending on the program in which they are involved. In addition, we also plan on implementing a night reporting component late 2004 or early 2005 which would provide for our youth reporting in from 1:00 p.m. on and staying as late as 8:00 p.m. This is a much more flexible schedule which increases the probability of contact with Progress House clientele returning in the early evening. Our youth, many as young as 12, share the same bus stop, a common driveway and sidewalk as the convicted felons who are Progress House's clientele. They should not have any contact with this adult population.

We, as Judges, have to advocate for these children who are at increased risk simply because of their backgrounds and current situations. Placing them in a situation which can further exacerbate this is unacceptable. We know that you and the Council support us in providing a safe environment for these kids. With the change in use of the Remann Hall campus, it is our belief that a work release facility in close proximity is both undesirable and unacceptable. Consequently, we are requesting that the Council, with Executive support, pass the necessary legislation to terminate the remaining leasehold interest in Progress House so that the facility may be returned to a use compatible with the needs of the children of Pierce County.

Sincerely,



James Orlando, Presiding Judge
Pierce County Superior Court



Marywave Van Deren, Presiding Judge
Pierce County Juvenile Court

Appendix #9

Pierce County Sex Offender Housing

Fresh Start House (males only)
Address is about 40th and McKinley
Lesta Rodgers (253-380-5618)
Up to Level II

Jefferson Square
Men or women and scattered locations in Pierce County – Clean and sober housing
Clients must be case managed through DOC of MH agency.
Price is 30% of income 253-272-6828
Single room only, may have to share bathrooms and kitchens.
Up to Level II

3501 South Monroe
Tacoma, WA 98409
253-222-5707 (Bill Brengman) Up to Level III
First & Last 400 per month

Redwood Apts
15107 Boat Rd SW
Lakewood, WA 98498
Lloyd Mede 360-458-5218 (HM) 253-291-0531 (Pager)
(level I, no child sex crimes)

Shasta Apts
1545 Tacoma Ave.
Tacoma 98402
Carol Holder 253-961-6878
Up to level II

Paul Post (has housing all over hilltop)
1203 6th. Ave
Tacoma
Paul Post 253-383-2177

Porter Apts
3502 ½ East McKinley Ave.
Tacoma
253-627-6370

Sandy Schweger Enterprises
12510 98th Ct. SW
Lakewood, WA 98498
253-535-0800

Hope House
1915 S. Sheridan
Tacoma, WA 98405
(up to Level II)
Arnie Craig 253 572 3358

Westwood Apts.
5910 88th. St. SW
Lakewood, WA
Don Swaggart

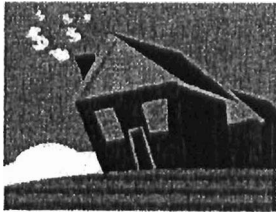
Travel Inn Motel
2512 Pacific Ave.
Tacoma 98402
Manager LaTanya 253-572-4582
Up to Level III - \$225 per month
Kingsturf3@aol.com
Owner Linda Evans -- Home 7520586

Budget Inn
9915 SOUTH TACOMA WAY
LAKEWOOD STATE: WA ZIP: 98499
Sandy 253 588 6615 Level III

Merkle Apts -
24th and Pacific 275 per month + utilities
Pamela 253 627-1095
Level I

McGee Guest Home
21520 82 Ave. E
Spannaway, WA 98387
Toni 253-847-4312 Up to Level II

402 St. Helens
Tacoma, WA
Laurie Randolph
Brenda McDaniel
253-572-3005



Landlord List



This is a compiled list of Landlords who are willing to work with clients who have some or all of the following barriers; evictions, felonies, low-income housing or need real affordable housing.

Lee	253 640-1260
Hennessey Apartments	253 474-7571
Demetrius Pye (evenings only)	253 279-0546
Joan Baker	253 847-4706
Sage Terrace	253 584-5008
Sandco Property	253 474-4557

Appendix #10

Pearson, Robert A. (DOC)

From: Pearson, Robert A.
Sent: Monday, May 22, 2006 8:37 AM
To: Miller, Kelly L.; Skipworth, Kristine M.
Subject: FW: CRR - Plan Development, RMIT and RMTO cases

Follow Up Flag: Follow up
Due By: Tuesday, May 30, 2006 12:00 AM
Flag Status: Flagged

fyi

-----Original Message-----

From: Pearson, Robert A.
Sent: Monday, May 22, 2006 8:37 AM
To: Mendoza, Armando (DOC)
Subject: FW: CRR - Plan Development, RMIT and RMTO cases

Are you in support of the RES and CCO tendency to deny CRR plans from other counties when there appears to be no local ties, history or victim issues?

This continues to be a problem as Jeff Bailey and CCOs in this office are faced with CRRs from prison where there are no supportive elements in Pierce County beyond the clean and sober house and the cause that the persons were convicted of are from other counties. These are not cases in which the offender resided here and went somewhere else to commit the crime. They are not cases in which the victim is in imminent threat. This is probably effecting all of the county units in one way or another but in the case of Tacoma 1 and 2, Sex Offender - North and the DOSA Units the frequency is probably greater. There is an abundance of clean and sober housing in Tacoma's East South and Hilltop neighborhoods.

There is also a tendency to spend little effort to develop plans for cases that are not RMITs, not wanting to spend transition funds for housing on other high risk cases. That relegates them to confinement until they MAX out which could be costly for the Department. So far you have been supportive when we have requested transition funds for these RMA and RMB offenders. I have seen some MAX X releases where the person was homeless, prior plans were denied and nothing developed. It isn't clear from the chronos that the person was disinterested in a clean and sober placement although that may have been the case but some get out and are asking for that sort of assistance which goes along well with their treatment for CD issues. **Is this being considered at a higher level?**

-----Original Message-----

From: Pearson, Robert A.
Sent: Tuesday, May 16, 2006 6:17 PM
To: Mendoza, Armando (DOC)
Subject: CRR - Plan Development, RMIT and RMTO cases

I have asserted to the CCOs and RES in my unit that the best plan is what we want for the offender, not some sort of arbitrary territorial limit base on the county of conviction. Counselors, Specialists and offenders in the prisons have become aware of several of the housing providers in Tacoma like the House of Vision, Taylor House, McKinley House and Fresh Start, etc. The owners or facilitators of those programs have on occasion participated in RMIT meetings and interacted with offenders about their program expectations, costs, and location. They are good collaborators and work with us to house and care for some difficult cases. That too has been clear to prison staff and when faced with difficult to place offenders who offer little viable help in the development of their release plans they offer information to those individuals. Sometimes they have even arrange for DOC to pay the room and board before the CRR is even sent. Some referrals to Tacoma/Pierce County have been derived from a victim issue in another county and it is not clear how Pierce was selected over the other 38 options in that circumstance.

I have also asserted that IF it costs \$75.00 per day to house the average offender in prison then the average monthly cost to do so is \$2281.25. That cost is a far cry more than the cost of room and board at a clean and sober house which ranges from about \$380 to 610.00 per month. SO we should be trying to develop plans to move offenders into such programs if it fits their needs, will to abide by the rules and they agree work on a sustainability plan. Leaving them in the prison to MAX OUT because they are homeless is a huge cost to the agency.

We have been assaulted by the prosecutor, community members at neighborhood mitigation meetings and in the media with the "Fair Share" war cry. Our CCOs and RES are a bit gun shy when faced with a CRR on a case with criminal history from other counties and little or no support in Pierce County. I compel them to investigate those plans to learn if there are

any supportive reasons outside of the housing program resources. If such resources are discovered I theorize the plan may be better than if the offender was released homeless into another county (the county of commitment) and I recommend approval. Such resources have been:

- 1.) Immediate family living close by. They may not be able to afford support or trust the offender in their home because of past acts but there is hope that could develop with compliance and success by the offender.
- 2.) Job offer, verifiable.
- 3.) Sponsor/Prison Volunteer - Church program.
- 4.) Former Mental Health Treatment Provider who expressed intent to resume involvement.

What is your position on this plan development issue?

Bailey, Jeff R. (DOC)

From: Pearson, Robert A. (DOC)
Sent: Wednesday, August 23, 2006 2:05 PM
To: Rigney, Carole I. (DOC); Hendricks, Richard B. (DOC)
Cc: Bailey, Jeff R. (DOC)
Subject: FW: Management of Regional Funds

Rick and Carole: It appears you have not been invited to help answer the questions of our CRES team. Do you have any ideas?

Jeff:

1. There may be some uniformity in the transition process but because each county has different resources, the way the work gets done will probably always be a bit different.
2. CRES in Armando's section are limited to one month. I understand that creates some problems with transition but the prison or other facility staff should be starting on the SSI, GAU, GAX, etc. before release so that support will be more readily available after release. For the person who would qualify for such support who has not previously received benefits, I assume the process will take longer. Facility RMSs will need to start working on those issues earlier. Where you stand is, you have to make the request in the manner provided by the business office. This restriction in funds has been in place since 7-6-06. What sort of problems have occurred since then that may be attributed to this sort of limitation (name, DOC#, type)?
3. The current plan of assignments to the CRESs is not perfect. I don't have a CRES working with you in Tacoma Unit 1 so when you are absent or on leave Kelly and Adrian will have to pick up where you leave off in the assignment world. In terms of cases you are working right now, the CCO who will be supervising the case when the person is released will have to follow through in your absence. If you have transition funds for them it is incumbent upon you to transfer the check to the CCO for delivery to the provider.
4. I have always said that release or transition planning starts at prison intake unless we do a PSI and then it would start there. All the information we gather draws a picture of the person and from that information we develop intervention strategies either as an agency or individual case management. How and when do you get involved with a case for transition planning is still a bit fuzzy. The policy says it is done when the CRR (now ORP) is initiated but there is practice from the days when we had a Community Protection Unit that suggest the CRES should be involved earlier than 6 months prior to the ERD on DMIO cases and 4 months prior to the ERD on the other High 5 cases (41+ w/ Violent offenses), Level III Sex Offenders, Imminent Threat cases and the High Needs RMB cases). There is no clear way for that to happen unless policy changes and puts some sort of responsibility on the facility staff to make the connection. Time will tell as the transition initiatives unfold from the Secretary and Deputy Secretaries.
5. I don't know of any protocol that would restrict you from contacting our business consultants and setting up a meeting. At times it does seem a bit cumbersome requesting the funds, duplicating some of the information we have had to get from the provider in that past. Do you really need the meeting? You propose it is more efficient if the business office sends the check directly to the vendor or transitional housing provider. What assurance do we have that the offender will actually show up and reside at the location or attend a treatment assessment. You have seen cases where the person was not released as we expected because there was a county or city matter that needed to be addressed. The CRES or CCO know when the offender is available for our plan. The CCO will need get these special needs folks settled in and may be involved in part of the transport from the facility so the check may be delivered at the same time.

-----Original Message-----

From: Bailey, Jeff R. (DOC)
Sent: Wednesday, August 23, 2006 11:15 AM
To: Johnson, Adrian W. (DOC); Pearson, Robert A. (DOC)
Cc: Hubbard, Kelly R. (DOC)
Subject: RE: Management of Regional Funds

According to the current memos regarding 41+, it doesn't appear we are to transition them. I know we recently has a South West FRES/CRES/CVL meeting on 08/14/06, and It was learned within the South West Region, not all CRES transition 41+. Maybe I heard this part wrong, but at the meeting I thought I heard people say Candy Curl was appointed in HQs to workout these issues regarding Re-Entry. Anyone know what has been done?

0426

Appendix #11



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY

P. O. Box 41101 • Olympia, Washington 98504-1101 • Tel (360) 725-8200
FAX (360) 664-4056

June 27, 2006

Don Pierce, Executive Director
WASPC
3060 Willamette Drive NE
Lacey, Washington 98516

Dear Mr. Pierce:

At the suggestion of Jim LaMunyon, I am writing this letter to share with you the Department of Corrections' position on providing funds for housing for offenders in the community. I requested an Attorney General Opinion and have been advised that statutes do not authorize the Department to expend funding for housing of offenders in the community; nor does the Washington State Department of Corrections receive a line item appropriation from the Legislature to provide housing for offenders.

In the Attorney General Opinion, dated October 28, 2005, Assistant Attorney General John J. Samson, on behalf of the Attorney General of Washington, responded to questions having to do with the Department's authority to provide financial assistance to offenders to obtain housing upon release; would such assistance be an unconstitutional gift of public funds; and could the Department face liability by providing financial assistance? The Attorney General's advice was that we not provide such funding.

In an effort to not have this funding abruptly end, the decision was made to reduce rather than immediately eliminate the transitional housing funds. These limited fiscal resources will be reinvested in other support services for offenders being released from our institutions.

I understand the Department's obligation to ensure offenders are released with the best plan. Enhancing approaches to increased public safety has been, and will continue to be, the priority for this office and the Department. Should you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Clarke".

Harold W. Clarke
Secretary

cc: John Lane, Executive Policy Advisor, Office of the Governor
Mary Leftridge Byrd, Community Corrections Deputy Secretary
Melanie Roberts, Administrative Services Deputy Secretary

Appendix #12

Grisham, Susah M. (DOC)

From: Leftridge Byrd, Mary V. (DOC)
Sent: Monday, October 02, 2006 3:45 PM
To: Wright, Earl X. (DOC); Cayer, Donna Y. (DOC); Mendoza, Armando (DOC)
Cc: Clarke, Harold W. (DOC); Leftridge Byrd, Mary V. (DOC); Fiala, Anne L. (DOC); Christensen, Mary E (DOC); Aylward, Anmarie (DOC); Ashlock, Dianne K. (DOC); Hull, Jeanne L. (DOC); Carlton, Sherri K. (DOC); Robertson, Sandra K. 'Sandy' (DOC)
Subject: FW: Media contact: offenders in nursing homes

Please discuss w/ FA's and ascertain our practice...to the extent we can; the other thing is Armando , please let us know if there are controlling or relevant policies in place. We'll discuss at the weekly RA mtg tomorrow. Thanks.

-----Original Message-----

From: Larson, Gary C. (DOC)
Sent: Monday, October 02, 2006 1:51 PM
To:
Cc: Williams, Steve A.; Armstrong, Holly (GOV)
Subject: Media contact: offenders in nursing homes

Today I spoke with Kellie Cheadle, investigative projects producer at KING TV. She was asking about DOC's involvement when offenders or former offenders turn up in state-licensed nursing homes, adult family homes and boarding homes. She is interested in all offenders who fit this category but may focus more on sex offenders because she has harder data on where they live. About a month ago, she asked if DOC could provide her with a comprehensive list of offenders residing in such facilities, and I told her we could not because our database does not keep track of offender addresses based on housing type.

Cheadle said KING has spoken to a number of nursing home and adult family home operators who have had a variety of reactions to the news that sex offenders (and in once case, a murderer/arsonist who apparently is no longer under DOC supervision) were living on their property. She said some already knew, some didn't, some cared and some didn't care.

Cheadle wanted to know what DOC's policy is for "placing" convicted felons in such facilities. I explained that DOC does not place offenders in specific living accommodations while under community supervision. Rather, we review the offender's proposed release plan to determine if the residence they plan to move in to meets Department requirements. If the plan is not satisfactory, they remain incarcerated until they can come up with a satisfactory plan, or they reach their maximum release date. But we would not automatically accept or reject a residence for an offender based solely on the fact that it is a nursing home or adult family home.

As part of its review of proposed release plans, Cheadle asked whether DOC staff specifically inform potential landlords, nursing home operators, etc., that a convicted felon has proposed to move onto their property. I told her I was not sure of the answer and would look into it further and let her know. She also asked whether DOC would contact the nursing home, etc., when a supervised offender who has been released to a different type of housing later needs care in a nursing home or adult family home.

You can probably guess where this is heading. KING is no doubt working on a future story that will suggest that the elderly and infirm are being put at risk by the state, which may be allowing or encouraging dangerous offenders to be placed in nursing home rooms next to grandma.

Steve, I don't know whether they've contacted you yet on this one, but if not they probably will. We should coordinate on appropriate responses.

Gary Larson

Director of Communications
Washington State Department of Corrections
360-725-8803
gclarson@doc1.wa.gov

Appendix #13

- DRAFT -

PERCENT WITH A NEW FELONY CONVICTION BY FACILITY TYPE 1996 to 2000 RELEASES							
NUMBER AND PERCENT RETURNED							
RELEASED FROM	# Released	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
Prison	18655	1909 10%	1987 11%	1154 6%	552 3%	294 2%	5896 32%
Work/Pre Release	8134	743 9%	934 11%	547 7%	294 4%	159 2%	2677 33%
TOTAL	26789	2652 10%	2921 11%	1701 6%	846 3%	453 2%	8573 32%

PERCENT RETURNED TO PRISON BY FACILITY TYPE 1996 to 2000 RELEASES							
NUMBER AND PERCENT RETURNED							
RELEASED FROM	# Released	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
Prison	18655	1893 10%	1930 10%	1085 6%	545 3%	255 1%	5708 31%
Work/Pre Release	8134	760 9%	939 12%	517 6%	270 3%	132 2%	2618 32%
TOTAL	26789	2653 10%	2869 11%	1602 6%	815 3%	387 1%	8326 31%

**PERCENT WITH A NEW FELONY CONVICTION BY WORK/PRE RELEASE COUNTY
1996 to 2000 RELEASES**

RELEASED FROM	# Released	PERCENT RETURNED					TOTAL
		Year 1	Year 2	Year 3	Year 4	Year 5	
Pierce	1989	213 11%	263 13%	129 6%	78 4%	39 2%	722 36%
Spokane	1617	126 8%	159 10%	99 6%	48 3%	28 2%	460 28%
Other	4528	406 9%	512 11%	319 7%	168 4%	92 2%	1497 33%
TOTAL	8134	745 9%	934 11%	547 7%	294 4%	159 2%	2679 33%

**PERCENT RETURNED TO PRISON BY WORK/PRE RELEASE COUNTY
1996 to 2000 RELEASES**

RELEASED FROM	# Released	NUMBER AND PERCENT RETURNED					TOTAL
		Year 1	Year 2	Year 3	Year 4	Year 5	
Pierce	1989	213 11%	248 12%	138 7%	69 3%	34 2%	702 35%
Spokane	1617	113 7%	171 11%	93 6%	39 2%	24 1%	440 27%
Other	4528	434 10%	520 11%	286 6%	162 4%	74 2%	1476 33%
TOTAL	8134	760 9%	939 12%	517 6%	270 3%	132 2%	2618 32%

Appendix #14



X. RECIDIVISM

National data on recidivism of prisoners released in 1994 from prisons in 15 states found that within 3 years of their release:³

- 25% were back in prison for a new crime.
- 52% were back in prison serving time for a new crime, exclusively a parole violation, or arrest for a new crime.
- 67.5% had been rearrested for a new crime.

The State of Washington found that 32% of prisoners released in the years 1985 through 1996 returned to prison for a new offense or parole violation within 5 years of release.⁴

The following table shows recidivism for inmates released from facilities in Washington State in the 5-year period from 1993 through 1997. Two measures of recidivism are shown. Convictions for new felonies is a measure consistent with recommendations by the Washington State Institute for Public Policy, although the recommendations do not require a 5-year review.⁵ The second measure is return to prison.

Table 38
Recidivism at 5 Years from Date of Release
Work Release, Pre-Release and Prison
1993 through 1997

Released from:	Number Released	Recidivism Measure:	
		Felony Conviction	Return to Prison
Clark WR	201	37%	24%
King WR	1,984	42%	32%
Pierce WR	1,045	48%	33%
Pierce PR	722	43%	37%
Spokane WR	770	37%	25%
Spokane PR	726	41%	33%
Other WR	1,976	44%	30%
Prison	15,708	43%	33%

Source: Washington State Department of Corrections.

³ Langan, P. A., and Leven, D.J. (June 2002). *Recidivism of Prisoners Released in 1994* (NCJ 193427). Washington DC: U.S. Department of Justice, Bureau of Justice Statistics.

⁴ Washington State Department of Corrections (April 2002). *Recidivism: Historical Review of Returns to Prison* (Briefing Paper No. 20). Olympia, WA.

⁵ Barnoski, R. (December 1997). *Standards for Improving Research Effectiveness in Adult and Juvenile Justice*. Olympia, WA.

Appendix #15

CONTRACT AGREEMENT NO. CDCC4006

THIS CONTRACT AGREEMENT is entered into as of this 1st day of July 1997, by the state of Washington, Department of Corrections, hereinafter referred to as "Department" or "DOC", and Clark County, a political subdivision of the state of Washington, whose address is P.O. Box 410, Vancouver, Washington 98666, hereinafter referred to as "Contractor".

IT IS MUTUALLY AGREED:

PART I DEFINITIONS

1. "Facility" means the building and grounds designated in PART III, paragraph A1 of this Contract Agreement in which offenders are housed, pursuant to this Contract Agreement.
2. "Facility Supervisor" means the person appointed by the Director as the Department's representative for the Facility.
3. "Director" means the Director of the Department's Division of Community Corrections or his/her designee.
4. "Offender" means a person committed to or transferred to the Department's custody pursuant to a valid criminal conviction.
5. "Partial Confinement" means confinement of the offender where the offender is permitted to be absent from the facility for a limited number of hours each day without direct Department supervision to engage in work, training, education, job hunting, etc.
6. "Ex-Offender" means a person discharged from the custody of the Department or who is no longer under active supervision of the Department.

PART II

A. TERM

The initial term of this Contract Agreement shall commence on July 1, 1997, and extend through June 30, 1999, unless sooner terminated by either party by the provisions set forth herein.

B. TERMINATION

1. This Contract Agreement may be terminated by either party on sixty (60) calendar days' written notice to the Secretary. Such notice shall be delivered or mailed to the Secretary, addressed as follows:

Joseph Lehman, Secretary
Department of Corrections
P.O. Box 41101
Olympia, Washington 98504-1101

2. This Contract Agreement may be terminated by the Department in accordance with Exhibit "A", General Terms and Conditions.

PART III

A. FACILITY

1. The Contractor shall, during the term of this Contract Agreement, provide housing and the services described herein for up to 37 offenders in the facility located at Clark County Law Enforcement Center, 707 West 13th Street, Vancouver, Washington 98666. It is contemplated by the parties that the general population mix will be 50 percent felony offenders committed to the facility by the Superior Court and 50 percent Department referrals. The foregoing is intended as a policy statement to guide the intake decision and not as an absolute standard.
2. The Contractor warrants that it is the owner/lessee of the facility described above, and that said facility does now, and at all times during the term of this Contract Agreement will, conform with all existing state laws and regulations applicable to the operation of the facility including, but not limited to, Chapter 72.65 RCW and Chapter 137-56 WAC, and with all applicable zoning ordinances, building codes, and fire, health and safety regulations. In the event there is a discrepancy in requirements between a local code and a national code, the most stringent requirement will apply. For the purpose of this Contract Agreement, the National Fire Protection Agency's codes and regulations, the Rules and Regulations of the Washington State Board of Health for Food Service Sanitation (Chapter 248-84 WAC) and the Labor and Industries General Safety and Health Standards (Chapter 296-24 WAC) shall be considered as state codes and will apply to this Contract Agreement.

(The Contractor shall comply with all applicable requirements contained within the Americans with Disabilities Act, as may be amended, as they relate to the facility.)

3. If the facility fails for any reason, at any time during the term of this Contract Agreement, to conform to any applicable laws and regulations, including those mentioned above, the Contractor will, at its sole cost and expense, make the necessary changes to bring the facility back into compliance including compliance with all hearing and inspection requirements.
4. The Contractor shall maintain documentation confirming adherence to applicable laws, ordinances, codes and regulations, or shall document such non-applicability.

B. SERVICES

1. The Contractor shall furnish such supplies, personnel, equipment, and services as are necessary to provide the care and supervision of offenders placed in the Facility as required by this Contract Agreement and the Contract Work/Training Release "Program Standards", hereinafter referred to as the "Standards", and incorporated herein by reference. The County is exempt from the staffing requirements contained within the Standards.
2. The Contractor shall provide all services and perform all duties called for by this Contract Agreement as set forth in this Contract Agreement, the Contractor's Facility Manual, and the Department's Division of Community Corrections Work/Training Release Manual, hereinafter collectively referred to as the "Manual". The Contractor's performance of such duties and provision of such services shall be in compliance with the Standards. A waiver of the Standards is granted to allow one staff person per graveyard shift and to allow only one sink per ten offenders. A waiver is also granted eliminating the requirement for independent audits.

PART IV

A. SPECIAL CONDITIONS

1. The Contractor shall maintain the Manual up to date, and shall cause it to be available to, and reviewed by staff, which describes the purpose, philosophy, programs, services and policy of the Facility for all elements of the Department's Standards. The Contractor's Work Training Release and Partial Confinement Manual shall be approved by the Director. The Contractor shall, due to changes to the Standards, amend its manual to be consistent with the Standards. The Department shall use its best efforts to provide the Contractor the proposed changes to the Standards prior to final approval by the Department. A copy of the final amendment to the Standards shall be provided the Contractor, and the Contractor shall be responsible for compliance therewith. Amendments to the Contractor's Facility Manual by the Contractor must be approved by the Director prior to implementation. If such amendment to the Standards would increase or decrease the Contractor's cost of performing its obligations and duties hereunder, the parties will negotiate a new payment amount and amend this Contract Agreement accordingly.
2. The Department is responsible for screening, referral, transfer, and termination of the offenders housed by the Contractor pursuant to this Contract Agreement. The Contractor will provide any input necessary for the Department to screen, refer, transfer, or terminate such offenders.

Both the Department and the Contractor referrals shall be reviewed, unless specifically waived by a Community Advisory Board, with composition described below, prior to placement. The Board's acceptance or rejection of any Department referrals shall be deemed conclusive, except that the Secretary, after advice of the Headquarters Community Screening Committee (HCSC), reserves the right to order placement of any rejected candidate in the program.

If placement by the Secretary is ordered after rejection by the Community Advisory Board, the Board shall be notified in writing of such order and the reasons therefor, with opportunity for the Board to submit written information to the Secretary in support of its rejection, and to seek reconsideration prior to final placement.

A Community Advisory Board as described herein and jointly appointed by the Department and the Clark County Board of Commissioners following consultation is recognized by the parties as a fundamental structure for screening and referral of offenders into the program, and for advice in policy development, operations, and community relations.

The Community Advisory Board shall be comprised of the following membership:

- (1) Clark County Prosecuting Attorney or designee
- (1) Clark County Sheriff or designee
- (1) Vancouver Police Chief or designee
- (1) DOC Southwest Region Administrator or designee
- (3) Community members at large
- (1) Department Work/Release Supervisor
- (1) Facility Manager, County

Board membership shall be expanded to include a representative of the Superior Court for Clark County and a representative of the Clark County District Court whenever the Board is meeting on policy, operation, or community relations matters not involving individual referral decisions.

3. The Contractor agrees to cooperate with any and all programs designed by the Department as an integral part of its philosophy or program with respect to community-based corrections.
4. The Department may make available to the Contractor Criminal History Record Information (CHRI) as defined in Chapter 10.97 RCW and Chapter 446-20 WAC, including non-conviction data, regarding offenders housed in the Facility. In accepting this information, the Contractor shall:
 - a) Use and maintain the information provided in strict compliance with all present and future federal and state laws and regulations, and require any of the Contractor's authorized personnel having access to CHRI to strictly adhere to the same.

- b) Obtain the assistance of the Department to familiarize its personnel with and fully adhere to Section 524(b) of the Crime Control Act of 1978 (42 USC 3771 (b)), 38 CFR Part 20, RCW 10.97, and WAC 137-08 and WAC 446-20, with respect to all of which as may be amended or replaced.
 - c) Not disseminate non-conviction data CHRI except as authorized in writing by a Department Records Manager.
 - d) Fully comply with all rules and regulations promulgated by the Washington State Patrol, pursuant to RCW 10.97.090(2) or WAC 365-50, regarding standards for the physical security, protection against unauthorized access, and personnel procedures and safeguards.
5. The Facility Supervisor is designated as the Department's on-site representative in the performance of this Contract Agreement. In this capacity, the Facility Supervisor shall:
- a) Make regular inspections and reviews of documents to assess contract compliance by the Contractor. The Contractor shall cooperate in providing the Facility Supervisor access to records, personnel, and locations, as necessary, for monitoring.
 - b) Note deficiencies in contract compliance and promptly bring them to the Contractor's attention. Significant deficiencies will be documented in writing, with copies to the Contractor and the Director. The Contractor shall respond in writing and shall specify the appropriate action taken to achieve compliance. Failure by the Contractor to correct deficiencies in an appropriate and timely manner may result in withholding or forfeiture of payment.
6. In procuring goods, services and equipment necessary for the performance of this Contract Agreement, the Contractor shall:
- a) Use its best efforts to award subcontracts to and/or purchase supplies and materials from minority and women owned businesses to the fullest extent consistent with the efficient performance of this Contract Agreement and subparagraph (b) of this paragraph.
 - b) Purchase products or articles exclusively from the Department's Class II Correctional Industries program where a product or article required by the Contractor is produced by such program. The Contractor shall use this source unless the Director, acting upon written justification from the Contractor, determines that the Correctional Industries products or articles do not meet the reasonable requirements of the Contractor.

- c) No mixing of fund sources is permitted with equipment; i.e., partial federal funding - partial state. Equipment purchased by the Contractor under this Contract is considered state property and title vests with the state upon delivery to the Facility and acceptance by the Supervisor and Contractor as conforming to the order.
 - d) Facility Supervisor will be the receiving agent for all property/ equipment procured under this Contract. Equipment shall be tagged with a state property tag and entered into the Department's Property Management System by the Facility Supervisor prior to physically relinquishing control of the equipment to the Contractor. Purchases, i.e., general supplies, from the Central Stores of the County, and/or excluded under WAC 326-3-060 shall not be subject to the provisions of paragraph b. above.
7. The Department will defend, indemnify and hold Contractor harmless from any claim, demand, or action against Contractor based solely on the theory of (a) negligent placement of an offender in Contractor's Facility, and/or (b) negligent supervision by Contractor of a resident of Contractor's facility, if Contractor's supervision complied with all Department requirements with respect to Contractor supervision as set forth or referenced in this Agreement.

The Department will have no obligation to defend, indemnify or hold Contractor harmless under the provisions of this paragraph, A7, if:

- a) Contractor fails or refuses to:
 - (1) Notify the Region Administrator and the Department's Litigation and Risk Management Administrator within five (5) days of any such claim, demand or action; or
 - (2) Allow Department to take full control of the defense or settlement of any such claim, demand or action; or
 - (3) Fully cooperate with the Department in the investigation, defense or settlement of any such claim, demand, or action.
- b) After an initial investigation of the claim, demand, or action against the Contractor, the Department determines that Contractor's action or inaction:
 - (1) Is outside the scope of services to be performed pursuant to this Contract Agreement; or
 - (2) Constitutes gross negligence; or
 - (3) Constitutes recklessness.

Should the Contractor dispute the determination made by the Department, the Contractor and the Department shall submit the request for defense and indemnification to an arbitrator appointed as set forth in the General Terms and Conditions attached hereto.

Nothing in this paragraph, A7, shall be deemed to preclude Contractor from retaining counsel to represent Contractor in connection with any claim, demand, or action against the Contractor; provided, however, Department shall have no obligation to indemnify or hold harmless from any cost or expense Contractor may incur in connection with the retaining of such counsel.

8. In order to promote and encourage offender financial responsibility, offenders are expected to pay a portion of the costs of their lodging and subsistence. Offenders shall surrender all monies received to the Contractor. The Contractor shall submit a daily transmittal of inmate funds received in the previous 24-hour period per DOC policy.
9. The resident offender is responsible for all medical costs unless the offender is financially unable to pay, in which case the Department is responsible for such costs. The Contractor assumes financial liability for medical expenses if incurred as a result of the negligence of the Contractor, its agents or employees. If the offender is removed from the work release program and placed in the general jail population, medical expenses will be covered as provided in WAC 137-75.

PART V

A. PAYMENT

1. The Department shall pay to the Contractor each month during the term of this Contract Agreement during the period commencing on July 1, 1997, and continuing through June 30, 1998, 1/12th of the total amount set forth in paragraph A5 herein for goods and services provided pursuant to this Contract Agreement. The Department shall pay to the Contractor each month during the period commencing on July 1, 1998, and continuing through June 30, 1999, 1/12th of the total amount set forth in paragraph A6 herein for goods and services provided pursuant to this Contract Agreement.
2. Contractor may use such funds received pursuant to paragraph A1 above to reimburse actual costs incurred. Payments received in excess of such costs shall be placed in a non-interest bearing account and may be used by the Contractor, with the prior written approval of the Director, to provide additional enhancements to the work release program during the term of this Agreement. Excess funds received that have not been expended by the Contractor pursuant to this paragraph shall be remitted to the Department no later than ten (10) days after written request by the Director, or contract completion or termination. Determination of excess funds shall be made as mutually agreed and at the end of each contract term.

3. The Contractor shall submit its monthly billing on a state invoice voucher form (A19-A). DOC Form No.16-36, Monthly Expenditure Report shall be submitted by the Contractor no later than fifteen (15) days following the end of the month. DOC Form No.16-36 shall be signed by an authorized representative of the Contractor.
4. Costs or liabilities incurred by the Contractor in excess of the actual costs may not be reimbursed without the prior written approval of the Region Administrator; provided, however, that approval of such payment shall not cause the total amount to be paid the Contractor by the Department for all costs to exceed the amounts set forth in paragraphs A5 and A6 below. Reimbursement of sub-object costs in excess of the amount set forth in Exhibit "B" shall require a corresponding decrease in other sub-object costs.
5. The maximum payment to the Contractor for all costs incurred in providing goods and services under this Contract Agreement shall not exceed \$524,284 for the period commencing July 1, 1997, and continuing through June 30, 1998.
6. The maximum payment to the Contractor for all costs incurred in providing goods and services under this Contract Agreement shall not exceed \$527,181 for the period commencing July 1, 1998, and continuing through June 30, 1999.

B. OFFENDER FUNDS/REVENUE

1. Monies received by the Contractor on behalf of an offender will be transmitted to the Department and mailed to:

Department of Corrections
SWA Business Office
10109 South Tacoma Way C-4
Tacoma, Washington 98499
2. All revenue received by the Contractor from any sources such as vending machines, coin operated washers and dryers, and telephones shall be turned over to the Department for the direct welfare and benefit of the offenders.
3. Revenue collected from the sale of meals to guests, Contractor employees and Department staff will be reported on the Monthly Expenditure Report and shall be treated by the Contractor as a recovery of expenditures. Such revenue will be shown as an offset against monthly reimbursements.

C. PROHIBITION AGAINST SUPPLANTING FUNDING

1. Except as provided in paragraph A2 of Part V, the Contractor warrants that the funds received under this Contract Agreement shall be used exclusively to provide the goods and services required under this Contract Agreement. Funds, goods, or services received from federal, state, local, or other sources shall not be used to supply goods and services provided under this Contract Agreement without appropriate reduction in Contractor's billing to the Department. Any funds, goods, or services received by the Contractor outside this contract which relate to this program and/or offenders must be used to provide additional offender program services approved by the Director. For the purpose of this paragraph, revenue received from the sale of meals to guests and Department staff will not be considered as other funds.
2. In the event the Contractor breaches this warranty, the Contractor shall, at the option of Department, immediately refund to Department any such supplanted funds or permit Department to deduct an amount equal to the supplanted funds from any monies due, or to become due the Contractor hereunder. In addition, any breach of this warranty by the Contractor shall render this contract agreement subject to termination under the provisions set forth herein.

D. ACCOUNTING/RECORDKEEPING

1. The Contractor will provide the Department with a facsimile of those authorizing signatures for official contract business, such as signature certifying billings and formal contract amendments. The Contractor shall retain and have available to provide, at the Department's request, at a minimum, the following documentation:
 - a) Original invoices or vendor certified copies if the original invoices have been lost or destroyed.
 - b) Supporting documentation for all invoices.
 - c) All credit memoranda, vouchers, or evidence of a reduction in an obligation of the Contractor to a vendor.
 - d) A list of the names of vendor's principals and principal partners, who are also principals or partners of Contractor, and all other names under which the Contractor or its officers or principals are doing business and the relationship to the work/training release program contracted herein. Such list must be provided, in writing, to the Supervisor at the time this contract is signed by the Department and the Contractor. The list shall be updated as changes occur.
2. The Contractor's actual costs incurred pursuant to this Contract Agreement shall be recorded by object and sub-object cost categories in accordance with Exhibit "B", Budget Proposal Summary,

3. Original invoices shall contain the following data:
 - a) Signature of receiver;
 - b) Date of receipt of goods and/or services;
 - c) Date of payment by Contractor and the check number;
 - d) Party benefiting from payment; and
 - e) Cost reimbursement object code.
4. All accounting records and other supporting documentation must be retained for a period of five years after the end of the contract period during which the expenditures occurred. All original invoices must be available at all reasonable times for inspection. The accounting documentation must be kept in a rational, organized manner which can be readily inspected. Supporting documentation, at a minimum, shall be kept by object/sub-object and by month in support of each monthly billing.
5. All amounts received from inmates will be receipted on pre-numbered, bound receipt forms. The original will be given to the inmate, the copy retained in a bound receipt book. All cash received must be reconciled monthly to the increases to Trust Funds. If amounts received are held only overnight and returned to an inmate departing the Facility, the original numbered receipt must be returned by the inmate to receive his check. If the original is lost, the inmate can sign the copy that the return has been made. This must have a statement by the inmate that the original was lost and that he/she certifies by signature and date that he/she has received his/her check. These amounts must be deleted from the cash journal with reference to the cash receipt number.
6. Per the Department's procedures on trust funds, cash receipts should be accepted in non-cash form only; i.e., check, money order, cashiers check, etc. These instruments are negotiable and must be safeguarded under locked, secure facilities at all times.
7. Contractor will be responsible to ensure that internal controls are established. Contractor will be responsible to ensure good business practices through the establishment of internal controls, which shall include separation of duties. The Contractor shall assign different employees to open the mail and receive the cash, post cash to accounts, deposit cash, and reconcile bank statements. Internal controls shall ensure checks and balances are in place to prevent abuse or misuse of funds.

E. CONTRACT COMPLIANCE REPORT

1. The Contractor will submit to the Region Administrator at the end of each quarter a Contract Compliance Report. The Report will include the following:
 - a) A statement of programmatic compliance with the contract requirements.

- b) A copy of certified payroll. If the Contractor has more than one program in operation, the payroll hours chargeable to the work/training release program must be separate.
 - c) Purchases in compliance with Office of Minority and Women's Business Enterprises' goals from certified vendors will be reported at the end of each quarter.
2. All accounting and time requirements are on a working day basis except where specified otherwise.

PART VI

A. GENERAL CONDITIONS

1. The General Terms and Conditions, marked Exhibit "A" and attached hereto, are made a part of this Contract Agreement.
2. The Contractor's Budget Proposal Summary, marked Exhibit "B" and attached hereto, is made a part of this Contract Agreement.
3. The Standards are included and incorporated herein by reference.
4. Letter dated October 4, 1983, marked Exhibit "C", attached hereto and made a part of this Agreement.

B. ORDER OF PRECEDENCE

In the event of an inconsistency in the Contract, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable federal and state laws and regulations;
2. The provisions of this Contract;
3. Letter dated October 4, 1983, marked Exhibit "C", attached hereto and made a part of this Agreement.
3. The Standards which are incorporated by reference herein;
4. The General Terms and Conditions, marked Exhibit "A", attached hereto;
5. The Department's Division of Community Services Work/Training Release Manual which is incorporated by reference herein;
6. The Contractor's Facility Manual which is incorporated by reference herein; and
7. Budget Proposal Summary, marked Exhibit "B", attached hereto.

C. ENTIRE AGREEMENT

This Contract Agreement represents the entire understanding and agreement of the parties hereto with respect to the subject matter hereof, and no other understandings or agreements, oral or otherwise, regarding the subject matter of the Contract shall be deemed to exist or to bind either of the parties hereto.

IN WITNESS WHEREOF, the parties have affixed their signatures in execution thereof.

CONTRACTOR

 09/12/97
Date

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

 8/25/97
Gary Banning, Administrator Date
Office of Contracts & Regulations

THIS CONTRACT AGREEMENT HAS BEEN APPROVED AS TO FORM
ONLY BY THE OFFICE OF THE ATTORNEY GENERAL.