

# Friends Committee on Washington State Public Policy

## REINTEGRATION OR RECIDIVISM OF RELEASED PERSONS IN WASHINGTON STATE

**Focus:** Currently, approximately 9000 people are sentenced to prison terms in Washington State each year, while over 8000 people are released from state prisons annually.<sup>i</sup> How well are we reintegrating released persons into our communities as successful citizens in order to avoid repeat offenses as well as spiraling prison growth? What public policy changes are needed in Washington State to achieve better results and therefore greater public safety from our correctional resources?

### Historical Approaches to Recidivism

In 1870, leaders in American corrections formed the National Prison Association, later the American Correctional Association, after adopting the following statement of principles regarding their profession:

**The treatment of criminals by society is for the protection of society. But since such treatment is directed to the criminal rather than the crime, its great object should be his moral regeneration. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has a further duty to aid in holding him up. In vain shall we have given the convict an improved mind and heart, in vain shall we have imparted to him the capacity for industrial labor and the desire to advance himself by worthy means, if, on his discharge, he finds the world in arms against him, with none to trust him, none to meet him kindly, none to give him the opportunity of earning honest bread.**

While the language may be archaic, this statement from the current Declaration of Principles of the nation's largest organization of corrections professionals<sup>ii</sup> points out real issues to be grappled with if we expect to minimize repeat offenses by the increasing numbers of our citizens who are being removed from their communities, placed in remote prisons, and ultimately returned to those communities. The successful transition of incarcerated persons to good citizenship will depend on what happens to them during and after their incarceration.

Recidivism has always been a serious problem, and continues to be so. A recent study by the Washington Institute for Public Policy concludes that in Washington State approximately 50% of all adults leaving prison are reconvicted of another felony within eight years from release.<sup>iii</sup> If conviction records from other jurisdictions are included, the actual rate may be higher. How to avoid recidivism is a perennial problem.

*In-Prison Programs to Reduce Recidivism.* From the turn of the 19th century until the late 1970's there was a widespread recognition of the importance of rehabilitation programs within prisons to provide education, vocational training, treatment, and other life skills to prepare incarcerated people for a successful return to the community. This began to change in 1974 when, among other things, an academic researching a wide range of rehabilitation programs concluded that "nothing works," and suggested that the goal of rehabilitation be replaced by simple deterrence and incapacitation.<sup>iv</sup> This suggestion was taken up widely by the criminal

justice community, and by 1980 incapacitation and deterrence had become the predominant and almost exclusive goals of the penal system throughout the country.<sup>v</sup>

The results of the abandonment or downgrading of rehabilitative programs as a goal of corrections have been dramatic in Washington state, and they are continuing. At the Washington State Penitentiary, for example, because of HB 2010<sup>vi</sup> and other actions, we have lost the Associate of Arts Degree programs, as well as the ability to award Associate of Applied Arts and Science Degrees in the institution's vocational programs, and also the High School Completion program. The vocational programs eliminated most recently include welding, upholstery, auto mechanics, media technology, accounting, culinary arts, horticulture, and part of the custodial services program.

The loss of programs of higher education, the reduction in programs of basic education and transition planning, and cuts in vocational programs in Washington prisons have all made incarcerated persons less likely to succeed upon release.

*Post-Release Problems and Programs.* Incarcerated people have always faced an unfriendly and often unfamiliar world on their release. Provided only \$40 and a bus ticket, it is not uncommon for released prisoners to have no identification, nothing but prison-made clothes, and no means to obtain housing, work, health care, transportation, and other needs. Family relationships have often been severed, and support networks from the past are no longer in place. Along with their unfamiliarity with the employment and housing market, prospective employers and landlords are reluctant to accept them, and the released person faces an array of legal and practical problems. These include substantial debt due to legal financial obligations for court costs, fines, victim fund assessments, restitution, attorney fees, and other assessments, all of which currently bear interest at the rate of 12% per annum, and will prevent the restoration of the releasee's voting and other civil rights until paid. Other handicaps include the public posting of criminal records, along with unfamiliarity with social services and other community resources. Programs in the community to assist released persons with re-entry have traditionally been few and far between.

### **Current Approaches to Recidivism and Reintegration**

The highest incarceration rate in the world, 6 to 10 times higher than most European countries, has resulted in a remarkable number of incarcerated persons and released prisoners in the United States. These numbers have led to a growing, bipartisan understanding among public officials and corrections professionals that the public has a strong interest in the successful re-entry of released persons, and that both in-prison and post-release transition programs are critical to their success and to public safety. President Bush, for example, included a Prisoner Re-Entry Initiative in his 2004 State of the Union address, saying, "If they can't find work, or a home, or help, they are much more likely to commit crime and return to prison."<sup>vii</sup>

In Washington State, this renewed recognition of the merits of rehabilitation was reflected in the 1999 legislature's adoption of the Offender Accountability Act. The OAA adds to the purposes of Washington sentencing laws "the reduction of the risk of reoffending by offenders in the community,"<sup>viii</sup> and provides for a period of community custody for released persons, giving the court power to impose mandatory rehabilitative programs on the basis of an individual risk assessment. The OAA also formally authorized drug courts, and expanded the Drug Offender

Sentencing Alternative.<sup>ix</sup> This renewed respect for rehabilitation reflects in part the availability of much better risk assessment tools, as well as new cost effectiveness studies able to identify which programs yield positive results in terms of both system and victim costs.<sup>x</sup>

Further recognizing the need to enhance the released person's ability to function successfully, in cases where the court finds chemical dependency contributed to an offense, the 1999 legislature also gave the judge power to "order the offender to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime...and reasonably necessary or beneficial to the offender and the community in rehabilitating the offender."

Though later legislative sessions have produced some further progress toward drug treatment,<sup>xi</sup> both chemical dependency and effective rehabilitative resources continue to be extremely limited and not available to most incarcerated persons.

According to the National Institute of Corrections of the U.S. Justice Department, in its "Transition from Prison to Community Initiative,"

The transition process—which includes how convicted offenders spend their time during confinement, how they are released from prison, and how they are supervised during their adjustment to life in free communities—is deeply flawed in most states, and must be strengthened in order to protect the public more effectively....

As prison populations exploded...policy makers in many states decided to run austere, no-frills prisons, and cut back funding for programs and services...In recent years inmates released from prison have served longer periods of confinement...Intensive supervision programs frequently drove up both the number of detected technical violations and the number of parolees revoked, thereby increasing re-imprisonment costs without improving public safety. As revocations rates rose, the number of "churners"—offenders caught in a repeating cycle of imprisonment and release—also increased....

When offenders are released to community supervision, too often there is little continuity between their prison programs and activities, their reentry plans, and the type of supervision and services they receive once released.<sup>xii</sup>

Transition Planning and Services. There is a growing consensus on the need for a seamless transition process to assist incarcerated persons to become community assets rather than public liabilities. According to the National Institute of Corrections and others, the transition process should begin with a comprehensive assessment and plan developed at the time the person first arrives at a correctional facility.

The purpose of the transition plans, developed with input from prison and community corrections staff as well as interested victims, prisoner's families, human service agencies, and volunteer organizations, is to "define programs or interventions to modify an individual offender's dynamic risk factors that were identified in a systematic assessment process...delineate the responsibilities of offenders, correctional agencies and system partners...(and) provide a long-term road map to achieve continuity in the delivery of treatments and services..."<sup>xiii</sup>

The effectiveness of the plan of course depends in large part on the availability of programs and interventions inside the prison and in the community the prisoner will be returning to. At present, in addition to the reduction or elimination of in-prison programs, the few community-based programs that exist are not available to most released persons.

In Washington, for example, a grant under the federal Serious and Violent Offender Reentry Initiative has funded the Going Home Project to provide seamless transition services only to the highest risk prisoners in the age range 14-35 who will be releasing to the three most populous of Washington's 39 counties (King, Pierce, and Spokane)—well under 10% of the total prisoners eligible for release. The challenge is to apply the appropriate design elements of this program in a less intensive manner to the remaining more than 90% of incarcerated persons who will be releasing throughout the state with little or no transition planning and reentry support.

### **Public Policy Changes Needed for Successful Reentry & Reintegration**

According to the U.S. Dept. of Justice, “The overarching goals... are for released offenders to remain arrest-free over the long haul, and to become competent and self-sufficient members of their communities.”<sup>xiv</sup>

In its “Policy Statement on Re-Entry of Offenders,” the American Correctional Association sets out some of the critical tasks for policy makers interested in achieving these goals.

The ACA fully supports re-entry programs and encourages the elimination of any local, state and federal laws and policies that place barriers on the offender's successful re-entry.

Therefore, public and private agencies at the federal, state and local levels should:

- *A. Advocate for the review of existing laws and regulations that inhibit the successful re-entry of offenders.*
- *B. Initiate transitional planning, consistent with the individual needs of the offender, during intake to the facility.*
- *C. Provide an expedited process to obtain appropriate legal identification prior to or upon release.*
- *D. Assist the offender in accessing appropriate housing upon release.*
- *E. Provide sufficient staff to supervise offenders released to the community.*
- *F. Develop community partnerships and support networks for providing a seamless and timely connection between pre- and post-release programs and services.*
- *G. Provide information and assistance to address health care needs, such as obtaining medicaid, medical and substance abuse treatment, and other health and psychological services, to offenders in the community upon release. Provide a sufficient supply of prescription medication upon release.*
- *H. Provide information and assistance to offenders to gain employment upon release, such as pre-employment readiness training, job identification and retention skills training, and job placement services.*
- *I. Provide prerelease counseling to help reunite offenders with their families and communities.*<sup>xv</sup>

In Washington State, a number of specific public policy changes are needed to achieve greater public safety through successful offender reentry and reintegration, including the following:

1. **Transition planning and coordination** needs to be improved, including the provision of staffing sufficient to develop a reasonable, effective plan for each incarcerated person, beginning with their arrival and continuing through release and referral to a community re-entry program. One or more transition coordinators need to be appointed at each institution with responsibility for working with incarcerated persons on implementation of their plans, development of transition resources, and coordination with re-entry programs in the communities where prisoners will be returning.
2. **Community re-entry programs** need to be established in each county, including the appointment of a community re-entry coordinator to facilitate the reception and reintegration of released persons, with assistance from housing, employment, health care, education, transportation, family reunification, religious, and other providers, as well as volunteers.
3. **Education programs** need to be expanded in each institution, including access to basic education, high school completion, higher education, and life skills training, as a proven, cost-effective means to successful reintegration. To assure their delivery, consideration should be given to providing mechanisms for assuring funding for educational programs in prisons is not diverted to other purposes.
4. **Vocational programs** need to be reinstated and expanded to provide incarcerated persons with a trade or practical work skills and discipline critical to their success in the community, while contributing productively to society during their incarceration.
5. **Chemical dependency and mental health treatment** needs to be provided all incarcerated persons whose dependency or illness contributed to their offenses and will otherwise defeat their successful reintegration. Treatment should begin during incarceration, with continuity in the community on release.
6. **Practical preparation** of incarcerated persons for release needs to be improved, including facilitation by DOC of documentation such as photo ID and social security cards, family reunification activity, and interviewing skills.
7. **Legal financial obligations** (LFO's) must be reasonable and consistent with successful reintegration. LFO debt should not accumulate interest during incarceration, and should bear interest at a market rate, rather than the current rate of 12%. Consideration should also be given to granting judicial discretion to judges to waive all or part of LFO's in appropriate cases, or to allow them to be satisfied through community service. Released persons discharged from supervision and who have satisfied all obligations other than LFO's should be restored the right to vote and other rights of citizens, on execution of a reasonable payment plan enforceable on the same basis as a civil judgment.
8. **Other barriers** to reintegration, including employment discrimination, should be reviewed and removed if not reasonably related to public safety.

## **Conclusion**

There is a growing recognition among public officials and corrections professionals that successful re-entry and reintegration of the unprecedented numbers of incarcerated persons in our society will require more effective transition and re-entry programs in our institutions and in our communities.

These include (1) improved transition planning and coordination in prisons, (2) establishment of community re-entry programs, (3) restoration and expansion of education programs in prisons, (4) reestablishment and expansion of prison vocational programs, (5) provision of drug and mental health treatment as needed with continuity after release, (6) provision to incarcerated persons of necessary documentation and other practical preparation for successful release, including family reunification assistance, (7) easing the unreasonable burdens from LFO's, including lower interest rates, authorization of judicial waivers, community service in lieu of payments other than restitution, and restoration of voting and civil rights when non-financial obligations are satisfied, and (8) removing other legal barriers to reintegration, including employment discrimination unrelated to public safety.

Public policy changes needed to achieve the successful reintegration of incarcerated persons will provide Washington State long term cost savings in criminal justice and corrections expenditures, as well as providing released persons the ability to be productive family members and contributing citizens--a wise investment for all of us.

**Daniel N. Clark, 8-09-04**  
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<sup>i</sup> "Five More Years of Corrections," Washington State Dept. of Corrections, August 2002, [www.doc.wa.gov](http://www.doc.wa.gov).  
*For an analysis of the causes and solutions for Washington State's runaway prison growth, see "An Overview of Criminal Punishment and Costs in Washington State," FCWPP, 1999, [www.quaker.org/fcwpp/OVERVIEW.htm](http://www.quaker.org/fcwpp/OVERVIEW.htm).*

<sup>ii</sup> "Declaration of Principles," American Correctional Association, January 16, 2002, [www.aca.org](http://www.aca.org)

<sup>iii</sup> "The Comparative Costs and Benefits of Programs to Reduce Crime," WSIPP, May 2001, pp.6, 44, [www.wsipp.wa.gov](http://www.wsipp.wa.gov).

<sup>iv</sup> Martinson, R. (1974). "What Works? Questions and answers about prison reform." *Public Interest*, 35(2), 22-54)

<sup>v</sup> Cullen, F.T. and Gendreau, P. "From nothing works to what works: Changing professional ideology in the 21st Century." *The Prison Journal*, 81 (September 2001) pp.313-338

<sup>vi</sup> 1995 1st Special Session, Ch. 19

<sup>vii</sup> Chicago Tribune, April 11, 2004.

<sup>viii</sup> RCW 9.94A.010(7), 1999 Ch. 196 §1

<sup>ix</sup> 1999 Ch 196 §5, RCW 9.94A.120

<sup>x</sup> Cf note 3 above.

<sup>xi</sup> 2002Ch 290

<sup>xii</sup> NIC, "Transition from Prison to Community Initiative," 2002, p.2-3, [www.nicic.org](http://www.nicic.org)

<sup>xiii</sup> NIC supra, p.17

<sup>xiv</sup> NIC supra, p.5

<sup>xv</sup> ACA Public Correctional Policy on Reentry of Offenders, adopted August 15, 2001, [www.aca.org](http://www.aca.org)